



Finance Committee Report

City of Newton In City Council

Monday, April 8, 2019

Present: Councilors Gentile (Chair), Ciccone, Norton, Cote, Rice, Noel, Grossman, and Lappin

Also present: Jason Sobel (Director of Transportation; Department of Public Works), Lou Taverna (City Engineer), Jim McGonagle (Commissioner of Public Works), Barney Health (Director of Planning & Developing), Sue Dzikowski (Comptroller), and Maureen Lemieux (Chief Financial Officer)

Referred to Public Safety & Trans., Public Facilities, and Finance Committees

#103-19 Request to bond \$5.6 million for the West Newton Square Project

HER HONOR THE MAYOR requesting authorization to appropriate five million six hundred thousand dollars (\$5,600,000) from bonded indebtedness for the purpose of funding the construction of the West Newton Square, which includes street and pedestrian improvements, traffic flow upgrades, signal upgrades, parking upgrades, and the addition of bike lanes.

Public Safety & Transportation Approved 6-0 on 03/06/19

Public Facilities Approved 6-0-1 (Gentile abstaining) on 03/06/19

Action: Finance Approved 8-0

Note: Commissioner of Public Works Jim McGonagle joined the Committee to discuss the request for \$5.6 million from bonded indebtedness to fund the construction of the redesign of West Newton Square. The redesign is a “complete streets” project that includes pedestrian improvements, the addition of bike lanes, traffic flow upgrades, signal upgrades and parking upgrades. The redesign creates a safer environment for all modes of transportation through the square. In addition, the project results in a more aesthetically pleasing square with expanded plazas, additional sidewalk space, and landscaping.

During the discussion of the item in the joint Public Facilities and Public Safety & Transportation Committees meeting, several questions were asked related to the project. The Administration agreed to provide responses to the questions for the Finance Committee’s discussion. Commissioner McGonagle provided a memo (attached) to the City Council that provided answers to each of the questions asked at the previous meeting and additional questions submitted after the meeting.

The Finance Committee reviewed each of the responses with the Commissioner. The memo included the details of the funding request. The base bid for the project is \$4,838,511, the bid includes Alternates 1-4 at a cost of \$123,143, construction services are set at \$150,000, and there is a contingency of \$488,346 for a total cost of \$5,600,000. Alternate 5 for banner arms for the streetlight poles are not included within the project but the streetlight poles include all the necessary hardware to install the

banner arms. The Department of Public Works will install the banner arms in-house after completion of the project at a lower cost than doing it as part of the project.

The memo speaks to how storm water mitigation is addressed as part of the project. The City is using permeable pavers for the first time on this project. The permeable pavers are designed to allow the street and plaza trees access to passive storm water collection. The pavers will be part of the ongoing maintenance plan for the Department of Public Works. The storm water mitigation also includes upgraded catch basins that capture debris before it enters the City's drainage system. The City will be doing calculations on the phosphorus reduction due to the project and will provide the information to the Council.

The Committee reviewed the Commissioner's response on how the project addresses travel times through West Newton Square. The project will not necessarily improve travel times for vehicles. The project goal is not to reduce travel time for vehicles going through West Newton Square but to balance the needs of all the different types of users while improving safety. It is anticipated that it will take between 20 to 40 seconds longer to traverse the square in a vehicle compared to vehicular travel through the square as it exists today. The City will be doing traffic counts in the square and the surrounding side streets for a span of six days prior to the start of construction and for a span of six days once the project is complete to understand all the impacts to travel time as a result of the project.

Commissioner McGonagle addressed the question related to what the metrics are for monitoring the success of the one-lane traffic operation from the bridge over the Massachusetts Turnpike entering West Newton Square. If the single lane results in traffic backup, the Public Works Department can restripe the roadway to revert to two lanes of through traffic. The Traffic Division will observe the area for seven days prior to construction to provide a baseline for a week of observation after construction. The final striping of the roadway in that area will not be done until the City is comfortable with the single lane traffic flow. The city is working with the Massachusetts Department of Transportation on changes to traffic flow on the bridge over the Mass Pike. It was pointed out that if there are significant backups over the bridge due to the one lane of through traffic drivers could use small neighborhood streets as a cut through creating safety issues on those streets. The Commissioner assured the Committee that the traffic counts will include those neighborhood streets and that the side streets will be monitored.

Transportation Director Jason Sobel reviewed the location of the planned Washington Street eastbound bus stop in front of Tody's east of the intersection of Cherry Street. Councilors raised concerns regarding the safety of a bus stop right after the turn coming from the Mass Pike bridge and right at a driveway opening of a towing company. The City consulted with the MBTA and reached agreement that an appropriate location for the bus stop is on the southbound side of Elm Street at the corner of Elm Street and Washington Street. Although, the new location will result in the loss of one parking space, there is a reciprocal bus stop opposite this location on the side of Village Bank and there is no conflict with bike lanes or parking.

There was a request to consider a way to make bicycles more visible at the westbound approach on Washington Street to Elm Street. The Administration is considering eliminating the first parking space east of Elm Street to create more visibility between bicyclists and drivers taking a right turn from Washington Street to Elm Street.

Commissioner McGonagle informed the Committee that the accessible spot by the courthouse is being moved closer to the court house and police station. The Administration consulted with the City's ADA Coordinator regarding the proposed new location of the accessible space and it is within the required maximum distance of 100' to the accessible ramp to the courthouse. There is still distance from the courthouse ramp to the accessible space, but the City does not own courthouse property and cannot extend their ramp. In addition, the courthouse has accessible spaces in their parking lot for staff and people doing business in the courthouse.

The original proposed space was situated on the north side of Washington Street between the shops (Corner Cleaners and Lumiere) and the courthouse and that location has been the subject of discussion between the abutting properties because the businesses want short-term parking including accessible parking in proximity of their locations. There is also one accessible parking space in the City's public parking lot behind the shops, which is easily accessible to Corner Cleaners, Hair by Hanna and Lumiere; therefore, it addresses the need for accessible parking in that location. It was suggested that the City consider signage informing people that there is an accessible public parking space available in the lot behind the building.

Councilors raised concern that the current design prohibits a right turn from Washington Street westbound to Watertown Street because there may be a hardship for the gas station and/or residents of Cross Street, Parsons Street and Eddy Street. It was explained that that there is no way to engineer the proposed plaza design to allow a right turn. If there is an issue, the plaza would need to be demolished and reconstructed to allow a turn lane. The public was very supportive of the proposed plaza and the public considered the loss of the turn a minor impact when considering the benefit of the plaza. Traffic counts were done to determine the number of vehicles that took turn during peak traffic hours and it was less than 65 cars during the a.m. and p.m. peak hours.

The West Newton Square Project started as a traffic signalization upgrade with a cost of about \$1 million. It then turned into a project to pave the square, install new sidewalks and accessible curb cuts, and replace and coordinate traffic signals at a cost of \$3,515,000. The project then became a complete streets project, which now includes new street trees, streetlights, drainage structures, parking meters, park benches for the square, new bicycle lanes, new bicycle racks, traffic preemption system vehicle devices for emergency vehicles, the addition of bollards in front of the police station across from Highland Avenue, and groundcover plants. The total cost of the project is now approximately \$6.5 million. The Chair pointed out that it is important to understand the additional costs and that other planned projects are being delayed in order to fund this project. In addition, it is helpful the City Council to understand the full cost of projects at the outset. Chief Financial Officer Maureen Lemieux explained that the Administration cannot identify which projects have been delayed, as the City's priority projects

are always shifting. She believes it is the Administration's responsibility to find a way to fund priority projects. There are many large projects currently going on and City staff can only handle so many projects at one time. She does not believe that any priority project will be substantially delayed as a result of West Newton Square.

There was question regarding how the West Newton Square Project will dovetail with the Washington Street Vision Plan. Commissioner McGonagle explained that this project will inform the Administration on how to move forward on the Washington Street Corridor vision. The City will be able to provide this project to future transportation designers as an example. There are many options for the design of the Washington Street Corridor, but the chosen option will meld with West Newton Square. The Commissioner added that the City has learned several lessons from this project that will benefit future projects.

This project was presented and approved by the Council at 75% design in February 2018. During the discussion of the 75% design the Councilors requested that the project team inform the Committee of any significant changes to the design between 75% and 100%. The team did not feel that any significant changes were made; therefore, there was no need to come back to the Council before bidding the project.

There were no further comments or questions and Councilor Cote moved approval of the request for funding, which carried by a vote of eight in favor and none opposed.

Referred to Public Facilities and Finance Committees

#119-19 Appropriation to fund a sewer connection at Rumford Avenue transfer station
HER HONOR THE MAYOR requesting authorization to appropriate and expend one hundred twenty-nine thousand dollars (\$129,000) from the Sewer Reserve Fund to install a sewer connection to the Rumford Avenue transfer station for an office trailer at the site.
Public Facilities Approved 5-0 on 03/20/19
Action: Finance Approved 8-0

Note: Commissioner of Public Works Jim McGonagle and City Engineer Lou Taverna presented the request for funding to install a sewer connection to the Rumford Avenue transfer station. There are currently no restroom facilities at the transfer station and people working all day at that location. The plan is to install a trailer with facilities and the first step in the process is to install a force main and grinder pump outside of the office trailer. The City has received the bids for this project and the funds will cover the costs of installing the connection and pump. A breakdown of the project costs was attached to the agenda for this meeting. The Committee understood the need for the funds and urged the Commissioner to complete this project as soon as possible for the employees at the transfer station.

Councilor Lappin moved approval of the item, which carried unanimously.

Referred to Public Facilities and Finance Committees

#118-19 Funding for a sewer main extension in Staniford Road

HER HONOR THE MAYOR requesting authorization to appropriate and expend two hundred fifty-six thousand dollars (\$256,000) from the Sewer Fund Reserve for the purpose of funding the Staniford Street Sewer Extension.

Public Facilities Approved 4-0 (Danberg not voting) on 04/03/19

Action: Finance Approved 8-0

Note: City Engineer Lou Taverna reviewed the request for \$256,000 for a sewer main extension to service the east/west portion of Staniford Road. The residents on the north/south portion of Staniford Road are not interested in extending the sewer main in that portion of Staniford Street. The new main would serve eight residences that are currently on septic systems. The City pays 50% of the cost of the installation and all property owners that the sewer main passes by are assessed betterments that total 50% (estimated at \$128,000) of the cost of the extension. Property owners are also responsible for paying the full sewer connection costs. The preliminary sewer betterments assessments were attached to the agenda for the meeting.

The City requests the full cost of the project to pay all costs up front as the residents have the option to pay their portion of the betterment over twenty years. The Public Works Department received a quote that is less than the estimated \$256,000 for the project; however, Mr. Taverna would like the Council to approve the total amount to provide a contingency in case there are unforeseen issues in the field during installation. The Committee had no questions related to the request and Councilor Ciccone moved approval, which carried unanimously.

Referred to Public Facilities and Finance Committees

#120-19 Approve appropriation of \$500,000 for snow and ice removal

HER HONOR THE MAYOR requesting authorization to appropriate five hundred thousand dollars (\$500,000) from Free Cash to the following accounts:

Rental - Vehicles
(0140110-5273)..... \$250,000
Regular Overtime
(0140110-513001)..... \$250,000

Public Facilities Approved as Amended 5-0 @ \$750,000 on 03/20/19

Action: Finance Approved as Amended 8-0 @ \$750,000

Note: The Mayor submitted the attached letter requesting that the docket item request be amended to \$750,000 to cover additional snow operation costs realized since the item was docketed. Commissioner of Public Works Jim McGonagle was present to discuss the request to appropriate \$750,000 from Free Cash to, hopefully, fund the remaining snow operation costs for this snow season. to the Department of Public Works' snow removal accounts. The Committee understood the need for

these funds and Councilor Ciccone moved approval of the item as amended at \$750,000, which carried by a vote of eight in favor and none opposed.

Referred to Public Facilities and Finance Committees

#121-19 Funding for the South Meadow Brook Culvert at 170 Needham Street

HER HONOR THE MAYOR requesting authorization to appropriate and expend two hundred fifty thousand dollars (\$250,000) from the Stormwater Management Fund Surplus Account for the cleaning, inspection, and assessment for 230 linear feet of 5' x 16' concrete box culvert located adjacent to 170 Needham Street that conveys stormwater from the South Meadow Brook drainage basin.

Public Facilities Approved 5-0 on 03/20/19

Action: Finance Approved 8-0

Note: City Engineer Lou Taverna stated that this is a request to fund the cleaning, inspection and assessment for a portion of the South Meadow Brook Culvert that runs under Needham Street. It is important that the City address any infrastructure needs in the area of Needham Street before the State begins working on Needham Street. This portion of the culvert is full of debris and the City cannot do an assessment of the culvert. The project includes removal of all debris and sedimentation, a camera inspection, and assessment to determine if any structural repair is needed. There were no questions related to the request and a motion to approve the docket item was made and carried unanimously.

Referred to Programs & Services and Finance Committees

#127-18 Prohibition on polystyrene-based disposable food or beverage containers

COUNCILORS DANBERG, ALBRIGHT, NORTON, CROSSLEY, LEARY AND KALIS requesting a prohibition on polystyrene-based disposable food or beverage containers in the City of Newton if that packaging takes place on the premises of food establishments with in the City.

Programs & Services Approved 5-0 (Krintzman not voting)

Action: Finance Approved 8-0

Note: The ordinance amendment is before the Committee because it includes fines for violation of the ban on polystyrene (foam-based containers) and plastic stirrers by food establishments. The ban only applies to food establishments. The proposed fine include a warning, a fine of \$100 for the first offense, \$200 for the second offense, and \$300 for the third and subsequent offenses. The Health and Human Services Commissioner has agreed that the Health and Human Services will be the enforcement agent. Tickets will be issued by Health Inspectors during inspection or as a result of a complaint.

There was a question related to why the definitions include additional materials that are not included in this ordinance amendment. Sunwoo Kahng of the Solid Waste Commission explained that the polystyrene and coffee stirrer ban is the first step and that one day the hope is to ban all the defined materials.

A Committee member asked if there are unintended consequences as a result of the ban, is there a mechanism to rectify the problem. Councilors can always docket an item to amend any ordinance. With that, Councilor Norton moved approval, which carried unanimously.

#95-19 **Mayor's reappointment of Emma Watkins to the Taxation Aid Committee**
HER HONOR THE MAYOR reappointing EMMA WATKINS, 17 Otis Street, Newtonville, as a member of the Newton Taxation Aid Committee for a term of office to expire March 1, 2022. (60 days: 05/03/19)

Action: **Finance Approved 8-0**

Note: Emma Watkins is being reappointed to the Newton Taxation Aid Committee for a three-year term. The Committee members had an opportunity to review Ms. Watkins's resume, which was attached to the agenda. The Committee was pleased to reappoint Ms. Watkins and Councilor Norton moved approval, which carried unanimously.

The Committee adjourned at 8:14 PM and all other items before the Committee were held without discussion. Draft Council Orders for the above items that are recommended for City Council action are attached.

Respectfully submitted,

Leonard J. Gentile, Chair

City of Newton



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449Ruthanne Fuller
Mayor

April 2, 2019

To: Public Facilities Committee
Public Safety and Transportation Committee
Finance Committee

From: James McGonagle, Commissioner

Subject: Docket Item 103-19, West Newton Square Rehabilitation Project
Answers to Questions from the meeting of March 6, 2019

Councilors,

I respectfully offer answers to the questions addressed at the joint committee meeting of March 6, 2019, regarding the West Newton Square Rehabilitation Project.

What are the details of this funding request?

Base bid = \$4,838,511

Alternatives 1 through 4 = \$123,143

Construction Services = \$150,000

Contingency = \$488,346 (approximately 10% of the base bid award)

Total = \$5,600,000

Will the City pursue Alternative 5 Banner Arms at another time?

The street light poles specified in the project have pre-prepared locations for banners to be connected. The arms for hanging banners will be furnished and installed by DPW.

How does this project address storm water mitigation?

This project advances the City's storm water mitigation goals and will be the first location that the City installs permeable pavers to allow passive tree watering via storm water absorption.

As part of the project, all of the decades old brick-in-place catch basins will be updated with deep sump catch basins, which collect debris before it reaches the drainage system.

Additionally, the project includes 47 new street trees. There are two details to the street tree plantings, each of which are designed to allow the trees access to passive storm water collection. Some trees are planted in raised tree wells – curbed around the edges with mulch and ground cover plants at the base. In locations where sidewalk space is at a premium, trees are planted in structural soils with permeable pavers around the base of the tree. The plaza at the intersection of Washington Street, Watertown Street, and Waltham Street includes a grove of trees with permeable pavers across a broad area.

How does the project address travel times through West Newton Square?

Balance the needs of all users.

Improve safety and operations.

5:00 pm to 6:00 pm is peak travel time.

Anticipating 20 to 40 seconds longer (as compared to travel through the square if all existing traffic signals worked properly, which is not the case).

40 seconds shorter for southbound (Cherry St to Highland St)

40 seconds longer for northbound (Highland St to Cherry St)

10 seconds shorter for eastbound

20 seconds longer for westbound

What are the metrics for monitoring one-lane traffic operations from bridge over Massachusetts Turnpike entering West Newton Square?

The West Newton Square project has been designed with a single right-turn lane for vehicles traveling on Washington Street eastbound entering West Newton Square from the bridge over the Massachusetts Turnpike. If the single right-turn lane results in unacceptably long vehicle delays and queues, the buffer area between the vehicle lane and the bike lane can be removed to change this approach to a double right-turn lane. The metrics used to evaluate the operating conditions will be peak period vehicle delay and queue observations. The time periods that will be evaluated include the weekday morning peak period (7-9 am), the weekday afternoon peak period (4-6 pm), and the Saturday mid-day peak period (11 am-2 pm). Observations will be conducted each day for an entire week, with actual vehicle delays and queues monitored throughout the peak periods. The data will provide support for any decisions beyond anecdotal experience about the traffic operations. Thresholds for "unacceptably long vehicle delays and queues" will be determined through discussions with City Council. A week of vehicle delay and queue observations will be conducted prior to construction to serve as a baseline condition. After the project is constructed and the new traffic signal system has been in operation for several months, an additional week of vehicle delay and queue observations will be conducted to determine if the second right-turn lane is critical for traffic operations.

What is the background on locating the Washington Street eastbound bus stop at Tody's?

Staff from Public Works and Planning walked the project area with the MBTA bus planner covering the routes through West Newton Square. There are two bus stops in the square -- one at Chestnut Street and one at Cherry St.

The MBTA looks for several issues in the placement of bus stops, chief among them:

- Spacing between bus stops along the route
- Pairing of the stops in each direction on the route (westbound/eastbound should be as close to, across from each other as possible)
- Bus Operations
 - Bus stops should allow for safe access to the curb
 - Bus stops should be on the far side of an intersection for efficient dwell times
- MBTA Bus Stop Design Guidelines
 - Bus stops should be near crosswalks
 - The MBTA has guidance on how bus stops and bike lanes can most safely interact

In working with the MBTA on this project, it was clear that the two eastbound stops in West Newton Square are too close together. In the ideal situation, the bus stops should move further away from each other, ideally with the Chestnut Street stop moving further east toward Trader Joes. The MBTA would not like to see the stop moved away from the square until a safe crossing across Washington Street is created.

The current eastbound bus stop just east of Cherry Street is within the intersection of Washington Street. This is not the ideal location, since the bus operator cannot see the signal to know if and where traffic is approaching as the bus pulls away from the curb. The better coordination of North to South traffic flow from Cherry St to Highland St (left turn allowed from both lanes) makes this an even less tenable situation in the new configuration. The bus stop should not be moved to the far eastern side of Highland Street because it would be even closer to the Chestnut Street stop.

This leaves the option of moving the bus stop west toward Tody's. At that location (currently shown in the plans), the bus stop is at the far side of the Elm St intersection. At the time, staff did discuss the idea of the location just west of the Cherry Street intersection, but there was concern about the effect on bus operations.

Understanding that the Council would prefer the bus stop in that location, on the far side of Tody's eastern driveway, in front of the Unitarian Church, staff reached out to the MBTA and asked them to consider allowing that location for the eastbound bus stop.

MBTA representatives were hesitant to approve either proposed location. They prefer the bus stop continue at the current location located just east of Cherry St and west of Highland St. We still consider this to be an undesirable location, due to the proposed left turns allowed from both lanes on Cherry St.

We then considered moving the proposed bus stop from Tody's to Elm Street, at the corner of Elm St and Washington St southbound. This location is between M. T. Nail Salon and the side of Judith's Kitchen. This location is a short walk from the Tody's location (with the proposed crosswalks), and there is no conflict with bike lanes or parking at this location. There is a reciprocal bus stop opposite this location, on the side of Village bank. One parking space would be removed. We asked MBTA to consider this location as an option. They do concur.

Placing the bus stop around the corner on Washington St in front of Judith's Kitchen and Blue Ribbon Bar-Be-Q would not be desirable, due to the location of street furniture for restaurant customers.

Is there a way to make bikes more visible at the westbound approach on Washington Street to Elm Street?

After hearing the concern, staff is considering elimination of the first parking space east of Elm Street in order to create more visibility between bicyclists going straight on Washington St and right-turning drivers turning to Elm Street.

What is the background on the location of the proposed accessible parking space near the court house? With three accessible parking spaces next to the court house and commercial building, is it necessary to have a fourth accessible parking space as proposed so close to the other three?

The parking area on the north side of Washington Street between the stretch of shops with the cleaners and Lumiere Restaurant and the courthouse has been the subject of lengthy discussion with the abutting properties. Planning Department staff has discussed these spaces with the businesses and the court house staff. The businesses are particularly anxious to see short term parking, especially for their older clients. A key issue is that the cleaner has numerous clients that need to be within a short distance of the front door so that they can carry in laundry or flag a staff person to come out to assist. This includes their clientele who require one accessible public parking space. The courthouse has accessible spaces within their lot, not only for staff but also for jurors and others doing business in the court house building. These spaces are located in the parking lot alongside the eastern (right hand) side of the building, and are meant to be used for court house business.

While balancing the accessible parking needs of the courthouse and the businesses is the primary reason for the selected location, there are additional traffic operation concerns about locating the spaces closer to the Highland Street intersection, where a parker backing into a parking space could slow down operations within the intersection. This location was also considered the best possible option because in the cross-section requires a reduced sidewalk width. Cutting in here adjacent to the existing small plaza for the war

memorial does not affect the pedestrian experience, whereas a cut in for the parking directly in front of the courthouse would create a pinch point in the sidewalk.

Upon consultation with the City's ADA Coordinator, the proposed location of the accessible parking space is within the required maximum distance to the accessible ramp to the court house. The required maximum distance is 100 feet. The parking space is about 80 feet from the ramp. This proposed location does fall within the PROWAG guidelines, and the design does follow all provisions in Section 309 of PROWAG.

However, upon further review, there is one existing accessible parking space in the court house/city parking lot, against the building of Corner Cleaners, Hair by Hanna, and Lumiere. This is actually part of the city's public parking lot, and not the Court House parking lot. So this accessible parking space is actually a public space, and not dedicated to Court House business. This space is easily accessible to Corner Cleaners, Hair by Hanna, and Lumiere.

We will therefore move the proposed accessible parking space to Waltham Street at the Post Office entrance. Also, a West Newton Square parking management plan is forthcoming.

The current plan calls for a no right turn from Washington Street westbound to Watertown Street. In case a hardship is documented for the gas station or the residents of Cross Street, Parsons Street or Eddy Street, can the intersection be engineered to allow for a right hand turn in the future?

The new plaza design was proposed at the numerous public meetings, and was received with overwhelming public support. The loss of the allowable right turn from Washington Street to Watertown Street was deemed a minor impact as compared to the value of the proposed plaza. Traffic turning counts were measured by the consulting engineer, and were determined to be 15 vehicles peak hour am, and 47 vehicles peak hour pm. This is compared to the traffic counts for vehicles turning from Washington Street westbound to Waltham Street northbound, at 333 vehicles peak hour am, and 375 vehicles peak hour pm.

The new plaza was engineered and will be constructed without the ability of vehicles making the right turn from Washington Street to Watertown Street. A vehicle attempting this turn will be encroaching on the west bound lane of Watertown Street. The new plaza would need to be demolished and reconstructed with a right turn slip lane, should this turn be desired in the future.

When first planned, this project was going to pave the square, build new sidewalks, and replace and coordinate the new traffic lights. Please provide a list of additional work being done to make this a complete streets project, and estimates as to the cost of doing this work.

The basic construction items, including milling and paving, new sidewalks and accessible curb cuts, replacing and coordinating new traffic signals, and all ancillary items required for these tasks, such as casting adjustments, conduit, and police details, cost about \$3,515,000.

Additional construction items, proposed as part of the complete streets initiative, include the following:
New street trees, including sand based structural soil and permeable pavers.

New street lights, decorative.

New drainage structures, including deep sump catch basins and new drainage pipes for storm water management.

New parking meters.

New park benches for the plaza and other locations.

New bicycle lanes, painted green.

New bicycle racks.

New traffic preemption system vehicle devices, 50 total.

Alternate 1, smart parking meter heads.

Alternate 2, additional park benches and bicycle racks.

Alternate 3, more additional park benches and bicycle racks.

Alternate 4, groundcover plants.

Alternate 5, banner arms for streetlight posts (not awarded).

Alternate 6, solar charging station (not awarded).

The value of these additional construction items is about \$1,325,000 in the base bid, plus an additional \$123,000 in accepted alternates.

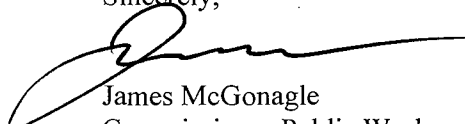
Why did the project team not return to the Committees with updated design information prior to bid?

The Public Facilities Committee approved the 75% design plans on January 17, 2018, and the Public Safety and Transportation Committee approved the 75% design plans on February 7, 2018. At that time, it was requested that the project team keep the committees informed of the project. It was the understanding of the project team that we were to proceed with final design plans and specifications, bid the project, receive bids, and return to the Public Facilities Committee, the Public Safety and Transportation Committee, and the Finance Committee to request construction funds prior to award of the contract.

It was the opinion of the project team that no significant changes in the design were made between 75% design and 100% design to warrant any further discussion prior to bid. The level of effort by the project team to bring the design to 100% plans and specifications consisted of finalizing the bid items and quantities, finalizing the drawings and specifications so that they are comprehensible to bidders, quality assurance and quality control to ensure that the drawings are coordinated with the specifications, constructability review, and coordination with the City's Purchasing Department to ensure that the bid plans and specifications meet the requirements of the public bidding laws, Chapter 30, Section 39M. This was finally completed in January 2019, and the bid was released for a bid opening date of February 21, 2019. We then presented to the committees on March 6, 2019.

The Department of Public Works, along with the Department of Planning and Development, wish to thank the honorable City Council in advance, in consideration of the answers to the questions posed at the March 6 meeting.

Sincerely,



James McGonagle
Commissioner Public Works

cc: Jonathan Yeo, Chief Operating Officer
Louis M. Taverna, P.E., City Engineer
Jason Sobel, P.E., Director of Transportation Engineering
Jack Cowell, DPW Business Manager
Barney Heath, Director of Planning and Development
Nicole Freedman, Director of Transportation Planning
Rachel Nadkarni, Long Range Planner
Shawna Sullivan, Assistant City Clerk
Nadia Khan, City Clerk's Office
Danielle Delaney, City Clerk's Office

CITY OF NEWTON

IN CITY COUNCIL

2019

ORDERED:

That for the purpose of paying costs of funding the construction of the West Newton Square Improvement Project including street and pedestrian improvements, traffic flow upgrades, signal upgrades, parking upgrades, the addition of bike lands and any and all other costs associated therewith, there be and hereby is appropriated and authorized to be borrowed under and pursuant to Chapter 44, Section 7(1) of the Massachusetts General Laws, as amended and supplemented or pursuant to any other enabling authority, the sum of five million six hundred thousand dollars (\$5,600,000), said amount to be expended under the direction of the Commissioner of Public Works.

Any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of the bonds or notes shall be: (i) applied, if so provided in the loan authorization, to the costs of the project being financed by the bonds or notes and to reduce the amount authorized to be borrowed for the project by like amount; or (ii) appropriated for a project for which the city has authorized a borrowing, or may authorize a borrowing, for an equal or longer period of time than the original loan, including any temporary debt.

Under Suspension of Rules
Readings Waived and Adopted

CITY OF NEWTON

IN CITY COUNCIL

2019

ORDERED:

That, in accordance with the recommendation of the Public Facilities Committee and Finance Committee through their respective Chairs Deborah J. Crossley and Leonard J. Gentile, the sum of one hundred twenty-nine thousand dollars (\$129,000) for a sewer connection at the Rumford Avenue Transfer Station to be appropriated from the Sewer Reserve Fund, be and is hereby appropriated, granted, and expenditure authorized under the direction of the Department of Public Works.

FROM:	Sewer Surplus	
	(27-3497).....	\$129,000
TO:	Rumford Ave Transfer Station	
	(37A401G7-5795).....	\$129,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date _____

CITY OF NEWTON

IN CITY COUNCIL

2019

ORDERED:

That, in accordance with the recommendation of the Public Facilities Committee and Finance Committee through their respective Chairs Deborah J. Crossley and Leonard J. Gentile, the sum of two hundred fifty-six thousand dollars (\$256,000) for the purpose of funding the Staniford Street Sewer Extension to be appropriated from the Sewer Reserve Fund, be and is hereby appropriated, granted, and expenditure authorized under the direction of the Department of Public Works.

FROM:	Sewer Surplus	
	(27-3497).....	\$256,000
TO:	Staniford St Sewer Extension	
	(37A401G8-5795).....	\$256,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date _____



RUTHANNE FULLER
MAY

**City of Newton, Massachusetts
Office of the Mayor**

#120-19

Telephone
(617) 796-1100

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(617) 796-1113

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rfuller@newtonma.gov

RECEIVED
MAYOR'S OFFICE/CITY CLERK
2019 MAR 20 PM 1:38
March 20, 2019
OFFICE OF THE MAYOR
CITY OF NEWTON, MA 02459

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Councilors:

I write to request that your Honorable Council amend Docket Item #120-19 by replacing it with the following:

Transfer \$750,000 from June 30, 2018 Certified Free Cash to the following accounts to cover additional costs for removal of snow and ice.

<u>To Account #</u>	<u>Account</u>	<u>Amount</u>
0140110-5273	Rental Vehicles/Contractors	\$400,000
0140110-513001	Regular Overtime	\$350,000

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller
Mayor

CITY OF NEWTON

IN CITY COUNCIL

2019

ORDERED:

That, in accordance with the recommendation of the Public Facilities and the Finance Committees through their respective Chairs Deborah J. Crossley and Leonard J. Gentile, the sum of seven hundred fifty thousand dollars (\$750,000) to be appropriated from Free Cash, be and is hereby appropriated, granted, and expenditure authorized under the direction of the Commissioner of Public Works.

FROM:	Free Cash	
	(01-3497).....	\$750,000
TO:	Personnel Costs – Overtime	
	(0140110-513001).....	\$350,000
	Rental Vehicles	
	(0140110-5273-5273)	\$400,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

CITY OF NEWTON

IN CITY COUNCIL

2019

ORDERED:

That, in accordance with the recommendation of the Public Facilities Committee and Finance Committee through their respective Chairs Deborah J. Crossley and Leonard J. Gentile, the sum of two hundred fifty thousand dollars (\$250,000) for cleaning, inspection, and assessment of 250 linear feet of culvert adjacent to 170 Needham Street to be appropriated from the Stormwater Management Fund Surplus, be and is hereby appropriated, granted, and expenditure authorized under the direction of the Department of Public Works.

FROM:	Stormwater Mgmt Fund Surplus (26-3498).....	\$250,000
TO:	S. Meadow Brook Drain Basin (37SW401A9-5795).....	\$250,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date _____

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO. ____

____, 2019

BE IT ORDAINED BY THE BOARD OF ALDERMEN
OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton Massachusetts, 2017, as amended, be and hereby
are further amended as follows:

Add a new section 12-72 to **ARTICLE IX.** of Chapter 12 as follows:

Section 12-72 Sustainable Food Containers and Packaging

(a) Short title. This section may be cited as the “Sustainable Food Containers and
Packaging Ordinance” of the City of Newton.

(b) Declaration of findings and policy – Scope

The city council hereby finds that the prohibition on the use of foam polystyrene
food and packaging containers and plastic stirrers by food service establishments and the
sale or use of these products by any business in the City of Newton is a public purpose
that protects the public health, welfare and environment, advances solid waste reduction
and protects waterways.

(c) Definitions

The following words shall, unless the context clearly requires otherwise, have the
following meanings:

“Biodegradable” means that which is entirely made of organic materials such as
wood, paper, bagasse or cellulose; or bioplastics that meet the American Society
for Testing and Materials (ASTM) D7081 standard for Biodegradable Plastics in
the Marine Environment or any other standard that may be developed
specifically for an aquatic environment and are clearly labeled with the
applicable standard.

“Commissioner” means the commissioner of health and human services of the City of
Newton.

“Compostable” means bioplastic materials certified to meet the American Society for
Testing and Materials International Standards D6400 or D6868, as those

standards may be amended. ASTM D6400 is the specification for plastics designed for compostability in municipal or industrial aerobic composting facilities. D6868 is the specification for aerobic compostability of plastics used as coatings on a compostable substrate. Compostable materials shall also include products that conform to ASTM or other third-party standards (such as Vincotte) for home composting. Any compostable product must be clearly labeled with the applicable standard on the product.

“Department” means the Department of Health and Human Services of the City of Newton.

“Disposable Food Container” means all food and beverage containers, bowls, plates, trays, cartons, cups, stirrers, and other items except straws, designed for one-time or non-durable uses on or in which any food vendor directly places or packages prepared foods or which are used to consume foods. This includes, but is not limited to, food service ware for takeout foods and leftover food from partially consumed meals prepared at food establishments.

“Foam polystyrene” means a non-biodegradable petrochemical thermoplastic made from aerated forms of polystyrene and includes several methods of manufacture. Expanded polystyrene (EPS) or extruded polystyrene (XPS) are forms of polystyrene. “Styrofoam” is a Dow Chemical Co. trademarked form of extruded polystyrene and is commonly used to refer to foam polystyrene. These are generally used to make insulated cups, bowls, trays, clamshell containers, meat trays, foam packing materials and egg cartons. The products are sometimes recognized by a #6 resin code on the bottom.

“Food Establishment” means a business establishment that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including but not limited to any establishment requiring a permit to operate in accordance with the state food code.

“Packing material” means polystyrene foam used to hold, cushion, or protect items packed in a container for shipping, transport, or storage. This includes, without limitation, packing “peanuts”, and shipping boxes, coolers, ice chests, or similar containers made, in whole or in part, from polystyrene foam that is not wholly encapsulated or encased within a more durable material.

“Prepared food” means any food or beverage, whether packaged or prepared for consumption on or off the food provider’s premises, using any cooking or food preparation technique or provided for further food preparation.

“Recycle” refers to material that can be sorted, cleansed, and reconstituted using Newton’s curbside municipal collection programs for the purpose of using the altered form in the manufacture of a new product. “Recycling” does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

“Retail establishment” means a business establishment engaged in the retail sale of goods directly to consumers.

“Reusable” refers to products that will be used more than once in its same form by a food establishment. Reusable food service ware includes tableware, flatware, food or beverage containers, packages or trays, such as, but not limited to, soft drink bottles and milk containers that are designed to be returned to the distributor.

“Rigid polystyrene” means a non-biodegradable petrochemical thermoplastic made from a non-aerated form of polystyrene. Also known as “oriented polystyrene,” the material is generally clear or solid in appearance and is used to make clear clamshell containers, cups, plates, straws, lids and utensils. The products are sometimes recognized by a #6 resin code on the bottom.

(d) Prohibited use and distribution of food ware and packaging.

- (1) Food establishments are prohibited from dispensing prepared food or beverages to any person in disposable food containers made from foam polystyrene.
- (2) Food establishments are prohibited from dispensing plastic stirrers.
- (3) All food establishments are strongly encouraged to use reusable food service ware in place of using disposable food service ware for all food served on the premises. Food establishments using any disposable food service ware and stirrers are strongly encouraged to use biodegradable, compostable, reusable or recyclable food service ware and stirrers.

- (4) Retail establishments are prohibited from selling or distributing disposable food containers made from foam polystyrene to customers.
- (5) Retail establishments are prohibited from selling or distributing polystyrene foam packing material to customers.

(e) **Effective date.** This section shall take effect on January 1, 2020.

(f) Enforcement

- (1) **Fine.** Any food or retail establishments which violates any provision of this section or any regulation established by the Commissioner shall be liable for a fine as follows: First offense, warning; second offense, \$100.00; third offense, \$200.00; fourth and subsequent offenses, \$300.00. Each day a violation continues shall constitute a separate offense.
- (2) Whoever violates any provision of this section or any regulation established by the commissioner may be penalized by a noncriminal disposition as provided in G.L. c. 40, Sec. 21D.
- (3) This section shall be enforced by the commissioner of health and human services, or his or her designee.

(g) Severability.

Each separate provision of this section shall be deemed independent of all other provisions herein, and if any provision of this section be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this section shall remain valid and enforceable.

AND (see next page)

In **Sec.17-23. Enforcing persons and revised ordinances subject to civil fine.**
Amend paragraph (b), HEALTH AND HUMAN SERVICES DEPARTMENT, by
adding after CITY ORDINANCES, Any offense, the following:

.....PENALTY

Section 12-72. Polystyrene Prohibition Ordinance

- () First offense.....Warning
- () Second offense.....\$100.00
- () Third offense.....\$200.00
- () Fourth or subsequent offenses.....\$300.00

CITY OF NEWTON

IN CITY COUNCIL

2019

ORDERED:

That in accordance with the recommendation of Her Honor the Mayor and with the confirmation of the Honorable City Council, be it known that EMMA WATKINS is hereby re-appointed as a member of the NEWTON TAXATION AID COMMITTEE for a term to expire on March 1, 2022.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk