

CITY OF NEWTON  
IN BOARD OF ALDERMEN  
POST AUDIT & OVERSIGHT COMMITTEE REPORT

TUESDAY, SEPTEMBER 25, 2007

Present: Ald. Merrill (Chairman), Albright, Burg, Harney and Fischman

Absent: Coletti, Mansfield and Schnipper

Also present: Ald. Baker, Johnson and Lappin

City staff present: A. Nicholas Parnell (Commissioner of Public Buildings), David Turocy (Acting Commissioner of Public Works), Fran Towle (Commissioner of Parks and Recreation), Robert DeRubeis (Deputy Commissioner of Parks and Recreation), Thomas Cahill (Parks and Recreation Department Manager) and Shawna Sullivan (Committee Clerk)

#178-04(3) ALD. LAPPIN requesting a report from the Commissioner of Public Buildings regarding why no progress has been made on the implementation of the construction project database approved by the Board of Aldermen on April 20, 2004.

**ACTION:** **HELD 4-0 (Fischman not voting)**

**NOTE:** Commissioner Parnell and Ald. Lappin were present for the discussion of the item. Ald. Lappin explained that she had docketed the original item requesting the creation of a construction database in April of 2004. At the time, the Public Buildings Commissioner agreed to create and populate such a database. Ald. Lappin explained that the database would be used to track "lessons learned" from city construction projects. Ald. Lappin also gave a brief history of the main item and its offshoots. The attached reports on the item provide that history. Ald. Lappin asked the Commissioner why nothing has been done to create the database. The Commissioner responded that initially he thought that the database was a good idea but after careful consideration, he does not want to create the database. He is concerned that it will lead to larger issues. The Commissioner has consulted with the Law Department and the City would need to be very careful with the wording of the items as not to create legal issues. Commissioner Parnell also pointed out that there are many layers to each construction project issue. It is very difficult to determine how much information should be included within the database. The Public Buildings Department does not have the staff to maintain the database. Ald. Lappin is not requesting that everything be included in the database but the obvious, cost-saving items should be included.

Ald. Johnson would look to Ald. Albright for some expertise in how the database should be setup and if there are any viable alternatives to the database. Ald. Albright is supportive of the database, as it will allow informed decisions to be made at a later date. It will aid in avoiding costly mistakes in the future. She is willing to sit with the Commissioner and Ald. Lappin to determine which fields should be contained in the database. Commissioner Parnell stated that

there may already be some type of software that is used by contractors, construction managers, and builders, etc...the Commissioner will check with Turner Construction and other contractors. Ald. Lappin asked if the software program that Public Buildings and the School Department use, SchoolDude, is public. Commissioner Parnell responded that he would need to check that with the Law Department. Ald. Baker joined the Committee and voiced his concern about opening the city to litigation through a subpoena, which includes the database.

Ald. Johnson suggested that Ald. Lappin, Commissioner Parnell, Ald. Albright; an attorney from the Law Department and Ann Conaro from the IT Department should meet and come back to the Post Audit and Oversight Committee next month with a proposal. Commissioner Parnell will arrange the meeting. Ald. Albright moved hold on the item in order to meet with the appropriate people and the motion carried unanimously.

#176-07      ALD. JOHNSON to discuss with Parks & Recreation and Department of Public Works the reasons for the CPA projects at Albemarle Field being so delayed (playground swings, community classroom and Gath Pool) and solutions to resolve the issues in order to bring the projects back on track.

**ACTION:**      **NO ACTION NECESSARY 4-0 (Harney not voting)**

**NOTE:**      Ald. Johnson, David Turocy, Bob DeRubeis and Thomas Cahill joined the Committee for discussion of this item. Ald. Johnson docketed this item because she was very frustrated with the length of time the CPA projects have taken to complete. She would like to see some type of solution to the issues that have arisen surrounding these projects, in order to bring these projects back on track.

Bob DeRubeis reviewed each of the projects relating to Albemarle Field. The community classroom is 95% complete. The water bubbler, which has been an issue since it was installed, is now functioning and the gazebo lights have been fixed. There needs to be an additional planter installed. Some of the plantings located along the path leading to the classroom may have been destroyed unintentionally by a contractor working on the classroom. If that is the case, there is enough money in the budget to replace the plantings. This project has taken a long time. However, it is one of the first CPA projects and there was some confusion regarding control of the money. The project also required Design Review Committee approval, a 5-58 public hearing and approval by the Board of Aldermen. There have also been nagging problems throughout the project.

Ald. Johnson was satisfied with the progress on the community classroom but had some issues with the Gath Pool Project. The project included new flooring, benches and sunshade and was approved two years ago. The floor is in but it is not the material that the community expected. Mr. DeRubeis explained that the floor was recommended by the Public Buildings Department. The sunshade has not been installed. The chosen bidder went out of business and the sunshade had to be rebid. The new shade will arrive in eight weeks but it will not be installed until the spring. Ald. Johnson is aware that changes occur but she would like changes to be communicated to the community.

Mr. DeRubeis explained that there are no project managers within the Parks and Recreation Department and it is very difficult to run these projects without a manager due to limited staff. Mr. DeRubeis would suggest allocating further funds for CPA projects to hire

project managers. Commissioner Towle supported the suggestion. It would be beneficial to both the city and the community. Acting Commissioner Turocy stated that the Department of Public Works and the Planning Department are jointly funding a position for a projects manager. An individual has been hired for this position but he just started and needs to gather some experience.

Ald. Johnson felt that perhaps there should be some type of realistic timeline for CPA projects or those projects should be deferred. Currently, the city now agrees to start projects immediately, which creates stress and problems for city departments. She suggested an action item for the creation of a template for CPA project proposals, which includes a timeline, type of review and what type of project management.

Ald. Merrill asked why some projects are pushed ahead of other projects and who makes the determinations on the timing. Commissioner Towle responded that it often depends on the complexity of the projects. Ald. Johnson asked how the departments prioritize the CPA projects and how they communicate with the community on CPA projects. Mr. DeRubeis explained that there is now a master plan, which gives logical criteria. The Parks and Recreation Commission reviews the master plan. The master plan is available on the city's website.

Ald. Johnson stated that she would work with Ald. Linsky on her action item. She would ask that there be better communication with the community. She suggested that the item be voted no action necessary. Ald. Albright moved no action necessary, which carried unanimously.

Respectfully submitted,

Carleton P. Merrill, Chairman

CITY OF NEWTON

IN BOARD OF ALDERMEN

POST AUDIT & OVERSIGHT COMMITTEE REPORT

TUESDAY, FEBRUARY 28, 2006

Present: Ald. Albright (Acting Chairman), Burg, Harney, Mansfield and Fischman

Absent: Ald. Merrill, Coletti and Schnipper

Also present: Ald. Lappin

City staff present: Nick Parnell (Commissioner of Public Buildings)

#178-04(3) ALD. LAPPIN requesting a report from the Commissioner of Public Buildings regarding why no progress has been made on the implementation of the construction project database approved by the Board of Aldermen on April 20, 2004.

**ACTION:** **HELD 5-0**

**NOTE:** Commissioner Parnell joined the Committee for the discussion of this item and presented a letter that was given to the Public Facilities Committee regarding the database in June 2005 to the Committee (attached.) Ald. Lappin explained that she docketed the original item in April 2004 and it was discussed in the Public Facilities Committee. The request was to create a database of construction projects that included such thing as past mistakes, successes, materials that should not be used and plan errors. It would be helpful to refer to the database and determine if there was a problem with something or if it worked really well. The Public Facilities Committee was supportive and approved the item, which the full Board approved unanimously. When Ald. Lappin requested an update on the database through an additional docket item, the Commissioner stated that the database had been completed although not populated. There was a question about conflict of interest, as some of the issues surrounding Newton South High School had yet to be resolved and could cause some legal issues, if they were contained in the database. The Commissioner said that it might be possible to put in the Tier I projects, as they had been closed out. The Board then received a letter from the Commissioner stating that he was too busy and did not feel it was a good idea. Ald. Lappin still believes that the construction database would be helpful especially as we get closer to starting the Newton North High School construction.

Ald. Fischman asked why there was a possibility of an Executive Session during one of the discussions of the second docket item. Ald. Lappin responded that there was a question of blaming a product or contractor and the legal problems that it might create. She explained that her intent is not to place blame but to avoid making the same mistakes twice.

Ald. Albright has spoken with Associate City Solicitor Ouida Young regarding this database and she reiterated the issues about the legal problems. Ms. Young suggested using the work orders that the School Department uses, as there is a lot of information there about lessons learned from construction projects. Ms. Young's suggestion prompted Ald. Albright to have a conversation with Michael Cronin, Chief of Operations at the School Department. Mr. Cronin feels that there is a tremendous amount of information that could be used. Mr. Cronin gave a couple of examples like why carpeting in classrooms is not a good idea and that tile is better than linoleum. He had suggestion after suggestion of things that could go into the database. He also

spoke about the possible cost avoidance savings that the database might generate. Mr. Cronin suggested looking at job notes, RFIs, change orders and work orders. Ald. Albright realizes that it is a good deal of work to pull all of this information together but Mr. Cronin had several suggestions.

Commissioner Parnell responded that the School Department is the perfect place for the database. The Commissioner suggested that the School Department could use the SchoolDude program to populate the database. The School Department could note things that they do not like, such as a product or material. He went on to explain that the work order system allows the user to note things, such as what they like or do not like. The Commissioner reiterated that he does not have the staff to maintain that type of database nor is he comfortable keeping this type of database for the reasons previously stated. He is very hesitant of keeping a list of problems that could come back to haunt him. Ald. Lappin questioned why the database would create trouble for the Commissioner.

The Commissioner stated that it is difficult to determine if it is the product, underlying materials or workmanship. He does not want to place blame on anything or anyone, if there is a question regarding fault. Ald. Lappin pointed out that the Commissioner had mentioned a missed notation on plumbing plans that would have saved the city a lot of money. The Commissioner explained that the notation should have been picked up by the architect or quality control check person.

Ald. Mansfield pointed out that the database would also create a history for the future, when people with historical memory have retired or left the City. Commissioner Parnell understands where the Aldermen are coming from but it is not as easy as it seems. It is very difficult to determine what stage an error occurred and he does not want to place any ongoing projects in the database due to liability. Ald. Harney asked how a contractor or architect is put on notice that there is a problem. He feels strongly that there should be a mechanism that allows the City to record any mistakes. Ald. Harney also agreed with Ald. Mansfield about the importance of having a history of past construction projects.

Ald. Burg thinks that the whole area of construction and renovation is very complicated and in light of that, what we are asking for may sound very simple but when you look at very complex organism that keeps changing and shifting, we have to trust the people who are in a position to understand what is happening. She wondered if there is some type of criteria to evaluate projects as they happen that includes the positive aspects and limitation. The Commissioner responded that there is a punch list for a project. The punch list is generated by the architect of things that need to be fixed, when an area is turned over by the contractor. Commissioner pointed out that with the new construction manager at risk you do not have to take the lowest bid contractor.

Ald. Fischman sees the item, as something to help the Commissioner and the Commissioner sees it as an expose and it is something the Commissioner does not have time to do. Ald. Fischman thinks perhaps there should be procedural controls in place and perhaps there needs to be additional funding for oversight of construction projects. He also pointed out that is unlikely the same problem will arise twice but it is important to make sure that the change orders are reduced. The Commissioner explained that currently projects are ripe for problems due to the way the public bid law is written because we must take the lowest bid for a general contractor and the lowest bid for subcontractors. The general contractor does not see the set of drawings from the architect until the drawings are complete and at that point begins to price the job. There is no coordination. It is the Commissioner's hope that with the new legislation the contractor sees the plans when they are about 50% complete and the contractor will be able to comment on the plans and make suggestions for cost savings. Ald. Albright asked who would be reviewing the plans

from the City's perspective. Commissioner Parnell responded that the City relies on the project manager, the finish provider, Michael Cronin and Heidi Black from the School Department.

Ald. Lappin has spoken with Ann Conaro and they came up with fields for the database. Ald. Lappin is willing to sit down with Mr. Cronin and come up with data. The Commissioner has no problem with the School Department populating the database. He is not willing to place information in the database that is pertinent to a project that is not closed out or that is finger pointing. Ald. Lappin explained that it does not have to be about blame, it can just state what does not work in specific situations. Ald. Albright asked if the Tier I projects could be used to start the database, as they are completed. The Commissioner would need to contact the principals of the schools involved and ask what about the project did they like and what did they not like. He would need to research the change orders from those projects. Ald. Albright suggested doing a pilot with one school. The Commissioner felt that peoples' opinions change regarding what is a good product and what is not and a database is not practical tool to determine if a product is good. Many products work great in one place and are not appropriate for another. Ald. Albright is aware of a woman that attended a Public Facilities meeting that works for a company, which provides a database of lessons learned, so this type of database is not unheard of. The Commissioner stated that he has never refused anything the Board has ever wanted. He has brought in change orders and provided explanations for the change orders. He is not willing to do this type of database.

Ald. Mansfield explained that the Aldermen seem to be in the position of trying to access blame because the Aldermen are representing the taxpayers and the money has been ill spent when something goes wrong. He has never interpreted Ald. Lappin's request as a tool to access blame or figure out what went wrong but a way to keep a record to use when construction projects are started. The Commissioner is aware that the request is not unreasonable but he is trying to figure out how to create this database without creating problems for the city or his department. If the database were something that could be shared in-house and not be called upon as a public record, he would be more comfortable. Ald. Lappin understands why the Commissioner is hesitant of making information public that can be misinterpreted but she is also aware that waste has happened and it is the Board's job to insure that it does not happen. Ald. Harney does not feel that the request for the database is unreasonable.

Ald. Lappin is aware that the Board can request a review of change orders for a project, however, she would like the Design Review Committee and the architects to be aware of past problems with construction. The Commissioner has no problem creating a database that does not specify a product or company but gives examples where certain types of materials should or should not be used. The Commissioner agreed to talk with Carolyn Sarno, Heidi Black and Mike Cronin about creating a database that is meaningful, such as using sunscreens on southeast exposures, use of tile instead of materials that can be easily damaged in common areas of schools. It will also include construction projects other than schools. Ald. Lappin thought that this was an acceptable beginning to the database. The Committee voted to hold the item for an update at the next meeting on the progress of the database.

Respectfully submitted,

Susan Albright, Acting Chairman

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, JUNE 8, 2005

Present: Ald. Salvucci (Chairman), Gerst, Albright, Stewart, Yates, Mansfield and Lappin

Absent: Ald. Schnipper

City Personnel: A. Nicholas Parnell (Commissioner of Public Buildings), Arthur Cabral ((Budget and Project Specialist; Public Buildings Department), Lou Taverna (City Engineer) and Shawna Sullivan (Committee Clerk)

#172-05      KEYSPAN ENERGY DELIVERY petitioning for a grant of location to install and maintain 502' ± of 4", 6", 8", & 12" gas main in CARTHAY CIRCLE from the existing 12" gas main in Walnut Street @ Carthay Circle East to the proposed district regulator in Carthay Circle.

**ACTION:**      **APPROVED 5-0-1 (Yates abstaining; Mansfield not voting)**

**NOTE:**      Fran O'Leary, Keyspan Permit Representative, presented the petition to the Committee. Keyspan needs to improve the pressure in the area. In order to create necessary pressure, new pipe and a regulator need to be installed in the public way of Carthay Circle. The City Engineer and Commissioner of Public Works recommend approval of the petition with the standard conditions on the street opening permit.

The Chairman opened the public hearing and Lisa Molodec, 6 Carthay Circle, spoke on the petition. She provided the Committee with signatures of residents of Carthay Circle who are opposed to the petition (attached). She is concerned about Keyspan bringing a gas line onto a small street. There is already parking issues on the street, which will be aggravated by the opening of the street. She also stated that there are safety concerns in the winter, as the street is not properly plowed making it difficult to reach the gas line if there is an emergency. She also questioned why Carthay Circle had been chosen as the site of the regulator.

Mr. O'Leary responded that the work would take about three weeks to complete and there will be a police detail at all times to deal with any traffic issues. Keyspan will backfill and clean up everyday allowing residents access to their driveways and sidewalks. The new line is pre-fab and will be 8' to 12' underground making it unlikely that a leak will occur. In the event of a leak, the gas company has all of the necessary equipment to deal with it including snow removal equipment. The Carthay Circle site will have the greatest effect in the pressure for the surrounding area.

Chippa Martin, 6 Carthay Circle, asked if it were possible to determine where the regulator would be placed in the sidewalk. The plan does not indicate what house the regulator will be in front of and what houses the pipe passes. She also asked if there would be anything above ground where the regulator is placed in the sidewalk.

Mr. O'Leary explained that the length of pipe is going from Walnut Street 200' down Carthay Circle and the regulator will be placed at the end of the pipe creating a loop. There will be a 3' manhole, which will be flush to the sidewalk, located in the sidewalk.

The Chairman closed the public hearing and Ald. Stewart asked how Keyspan knows that the pressure needs to be increased and whether it is because of increased gas consumption. Mr. O'Leary responded that Keyspan has controls throughout the City to monitor pressure. Keyspan is trying to be proactive and would not be doing this project unless it was necessary. The project will cost Keyspan about \$265,000 to complete and has nothing do with growth or demand. Ald. Gerst asked if there was an increase in danger. Mr. O'Leary stated that he has worked for Keyspan for forty years and has never seen a regulator fail. Ald. Lappin asked for a revised plan showing the lot lines and house numbers. The City Engineer agreed to supply the Committee and abutters with a plot plan showing the lot lines and numbers.

Ald. Lappin moved approval of the item, which carried by a vote of five in favor and one abstention.

#153-05      VERIZON NEW ENGLAND, INC. petitioning for a grant of location to install a pole on AMHERST STREET on the northerly side 60' ± easterly from existing Pole #826-4.

**ACTION:**      **APPROVED 6-0 (Mansfield not voting)**

**NOTE:**      This item was discussed at the previous meeting (report attached) and the public hearing was left open. Gary Savignano, Verizon Manager of Rights and Ways, stated that he has been back out to the site and spoken with the two property owners and a site for the pole has been agreed upon. The owners of 31 and 27 Hartman Road were both present and stated that they are happy with the proposed location. Ald. Yates moved approval, which carried unanimously.

#173-05      BOSTON EDISON CO. & VERIZON NEW ENGLAND, INC. petitioning for a grant of location to transfer ownership of Pole 31/16 located on the northwesterly side of WATERTOWN STREET approximately 40' southwest of Adams Street, from solely owned by Verizon to jointly owned by Boston Edison Company and Verizon New England, Inc.

**ACTION:**      **APPROVED 6-0 (Mansfield not voting)**

**NOTE:**      Gary Savignano, Verizon Manager of Rights and Ways, presented the petition to the Committee. The transfer of ownership needs Board of Aldermen approval. The Committee had no problems with the petition and approved it without discussion.

### **Public Hearing Assigned for June 8, 2005**

#171-05      RUBEN & CARLOTA FAGUNDA, 32-36 Hurley Place, petitioning for a common sewer to be constructed in HAGEN ROAD from a proposed sewer manhole in Hagen Road 117' ± northerly through a proposed 20' wide easement in Hurley Road to a proposed sewer manhole to be located in the easement to service 24-26 and 32-36 Hurley Road.

**ACTION:**      **HELD 7-0**

**NOTE:**      Attorney Rosenberg presented the petition for a sewer to be constructed in Hagen and Hurley Road. The sewer will provide service to 24-26 and 32-36 Hurley Road and the petitioners will be paying the entire cost. The sewer line will require an easement, the removal of one City tree and one tree on private property. The Committee asked if the City's arborist had been consulted and if all the preparation work required for an easement has been done. Attorney

Rosenberg responded that he is working with the City's Law Department regarding the easement and will set up an appointment with the City's arborist. The Committee was not willing to approve the petition until the easement was ready and the arborist has been consulted. Therefore, the Committee opted to hold the item.

**Public Hearing Assigned for June 8, 2005**

#174-05 BOSTON EDISON CO. petitioning for a grant of location to install pole 137/5A in the westerly side of ELM STREET approximately 70' south of Webster Street.

**ACTION:** **HELD 7-0**

**NOTE:** The item was held, as the representative for NStar was not present for the discussion.

#176-05 ALD. YATES offering a resolution to the Design Review Committee asking that a site plan of Newton High School and visual depictions of the exterior appearance of Newton High School be include in the informational packet to be provided to designers applying for the contract to design Newton North High School.

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

**NOTE:** Commissioner Parnell was present for discussion of this item. He explained that the site plan for the old high school would be available on the City's web site and to all architects applying for the project. Therefore, Ald. Yates moved the item no action necessary, which carried unanimously.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#180-05 HIS HONOR THE MAYOR requesting that the sum of \$24,462 be appropriated from the Capital Stabilization Fund for the purpose of funding the replacement of the boiler at the Elliot Street DPW Operations Center building.

**ACTION:** **APPROVED 6-0 (Mansfield not voting)**

**NOTE:** Arthur Cabral and Nick Parnell presented the item to the Committee. The 26-year old boiler in the Elliot Street DPW building broke this past winter and it was replaced. The Public Buildings Department now needs the requested funds to pay for the boiler replacement. The Committee asked if there was a warranty with the new boiler. Arthur Cabral responded that the new boiler has a five-year warranty but typically, boilers last for many years. Ald. Yates moved approval of the item, which carried.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#181-05 HIS HONOR THE MAYOR requesting that the sum of \$90,000 be appropriated from the Lottery Receipts fund for the purpose of funding several environmental clean up and compliance projects:

A) Cabot School Environmental Compliance.....	\$11,575
B) Elliot St. Garage Envir. Compliance.....	\$25,450
C) Horace Mann School Envir. Compliance.....	\$43,275
D) NSHS Football Stadium.....	\$ 9,700
<b>TOTAL.....</b>	<b>\$90,000</b>

**ACTION:** **APPROVED 6-0 (Mansfield not voting)**

**NOTE:** Arthur Cabral and Nick Parnell presented the item to the Committee. The funds are to continue several environmental clean up and compliance projects that are ongoing. Mr. Cabral updated the Committee on the progress at each of the sites. He expects to close out the Elliot Street and Cabot School sites in the next year. The funds for Newton South Football Stadium will be used for filing paperwork, additional testing and compliance fees. Ald. Stewart asked what the danger of the contaminated dirt is to students and anyone using the field. Mr. Cabral explained that the City cannot build anything on the site including stands and there are activity use limitations. He has spoken about working with the Department of Public Works to remove the dirt and use it as fill under roadways. Commissioner Parnell added that field reclamation is planned but not funded. The Horace Mann School site compliance will be completed in two to three years. It is a difficult and costly clean up because the contaminant is oil. Ald. Yates moved approval, which carried unanimously.

#178-04(2) ALD. LAPPIN requesting an update on progress and implementation of the construction information database.

**ACTION:** HELD 6-1 (Stewart opposed)

**NOTE:** Commissioner Parnell joined the Committee for the discussion of this item. This item was previously discussed and held until the database was populated. Ald. Lappin asked that the item be discussed, as she believes that there has been no progress with the database. The Commissioner provided the Committee with a memo that was attached to the agenda. The memo states that the Public Building Department does not have the work force or resources to create and maintain the database. He also stated that there have many changes in construction and design in the past few years making some of the construction and design problems encountered a number of years ago irrelevant. There is also concern that a database that related to current public building projects would create legal issues.

Ald. Lappin pointed out that when she spoke to the Commissioner about the idea of a database he was very enthusiastic. The Commissioner responded that after he reflected on the idea he determined it was not a great idea. Ald. Lappin then asked if it was possible to do at least the Tier One projects. The Commissioner stated that there are still some outstanding issues regarding that project and he is not comfortable publicizing any problems or issues. The Commissioner went on to say that there are a number of oversights build in to the process for Newton North High School and that there are probably two additional levels of review.

Ald. Albright suggested that the Committee hold an executive session with the Law Department and Commissioner Parnell in order to discuss the legal issues surrounding the open public building projects, such as Newton South High School. The Committee opted to hold the item for discussion and possible executive session on June 22, 2005.

#### **REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#212-05 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$39,500 from the Capital Stabilization Fund for the purpose of making emergency repairs to the chiller at the Main Library.

**NOTE: In accordance with Sec. 2-9 of the City Charter, the Mayor has declared this to be an emergency measure, necessary to protect the health and safety of the people and property of the City of Newton.**

**ACTION:** APPROVED 6-0 (Mansfield not voting)

**NOTE:** Commissioner Parnell and Arthur Cabral presented the item to the Committee. The requested funds are needed to repair the interior chiller at the library. The Commissioner stated that the repairs are not related to the exterior coil problem that occurred last year. One of the gaskets blew and fell into the chiller unit breaking a bearing. The repair should be completed within the next week. The entire unit will be overhauled and the bearing will be replaced.

Ald. Stewart asked if the regular maintenance of the system should have prevented the problem. The Commissioner responded that the unit has been regularly maintained for the past 14 years and no amount of maintenance could have prevented the problem, as it was internal. However, sensors will be installed to detect problems when the unit is shut down for the winter. With that explanation, Ald. Yates moved approval of the item, which carried unanimously.

Respectfully submitted,

Sydra Schnipper, Chairman

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, APRIL 7, 2004

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

City personnel present: Nick Parnell (Commissioner of Public Buildings), Arthur Cabral (Budget and Special Projects Specialist, Public Buildings Dept.), Anne Cornaro (Director of Information Technology), Sandy Pooler (Chief Budget Officer), Karen Griffey (Utilities Department), Robert Rooney (Commissioner of Public Works) and Shawna Sullivan (Committee Clerk)

**Chairman's Note:** The Commissioner of Public Works' presentation on the upcoming street construction for this season was postponed until April 21, 2004.

#158-04      PRESIDENT BAKER recommending Joseph Michelson, 94 Park Avenue, Newton, be re-appointed as an Aldermanic appointee to the Designer Selection Committee, term of office to expire on 12/31/05. (60-day Board action date 05/14/04)

**ACTION:**      **APPROVED 8-0**

**NOTE:**      The Committee approved Mr. Michelson's reappointment to the Designer Selection Committee after a brief discussion. Mr. Michelson has served on the Committee for a number of years and is presently Chair. The Committee felt it unnecessary for Mr. Michelson to be present for the reappointment as he had just joined the Public Facilities Committee in March for discussion on an item concerning the selection of an architect for the proposed Newton North High School.

#177-04      PRESIDENT BAKER recommending Bernard Feldstein, 280 Newtonville Avenue, Newtonville be appointed as an Aldermanic appointee to the Designer Selection Committee term of office to expire December 31, 2005.

**ACTION:**      **APPROVED 8-0**

**NOTE:**      Mr. Feldstein was unavailable for the discussion of his appointment to the Designer Selection Committee but submitted a resume, which was attached to the agenda. Most of the Committee members were familiar with Mr. Feldstein, as he served as Chair of the Design Review Committee for ten years. Mr. Feldstein is currently serving as Vice-chairman of the Designer Selection Board of the Commonwealth of Massachusetts. Mr. Feldstein is an architect with over thirty-four years experience and has been involved in such projects as the State Transportation Building, Boston Police Headquarters and several high school and college construction projects. The Committee approved the appointment, as Mr. Feldstein will be a great addition to the Designer Selection Committee and is known to most of the Committee members.

#178-04 ALD. LAPPIN requesting that a mechanism be created to keep track of the valuable lessons that we learned through the previous construction of Newton North High School, Newton Free Library and the ongoing construction at Newton South High School to be a source of information for future projects.

**ACTION:** **APPROVED 7-0 (Salvucci not voting)**

**NOTE:** Ald. Lappin docketed this item because she feels that it is important to review past successes and errors, when starting new construction projects. It would be helpful if there was one database, which contained that information for staff, architects and contractors to access. Anne Cornaro stated that a database could be created for this purpose. Commissioner Parnell presented the Newton South High School Bid Format Table of Contents (attached). He would like to use the same format, as everyone involved is familiar with the format. Ald. Lappin requested that the Commissioner follow-up and get as much information from departments as possible for the database.

Ald. Stewart feels that it is good idea but asked how much time it would involve to set-up and maintain the database. Ms. Cornaro responded that it would take time to set-up but once it was done, it was only a matter of inputting information to keep the database current. Ald. Albright suggested gathering information from other communities and creating links to other databases. Commissioner Parnell suggested that the Committee check out the School Dude web site and perhaps create a link to that site. Ald. Stewart moved approval of the item, which carried unanimously.

#### **REFERRED TO PUB. FACILITIES AND FINANCE COMMITTEES**

#202-04 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$150,000 from Free Cash for the purpose of replacing windows at the Pierce Elementary School.

**ACTION:** **HELD 7-0 (Salvucci not voting)**

**NOTE:** Sandy Pooler, Nick Parnell and Arthur Cabral were present for the discussion of the item. Commissioner Parnell told the Committee that the Pierce Elementary School windows are in a desperate state. The windows cannot keep out the elements and have been in place since the 1950s. The existing windows will be replaced with double hung windows. The School Committee has voted the windows as one of the top capital improvement projects. The project is part of the FY'04 Supplemental Capital Improvement Project.

Commissioner explained that the request for an appropriation needs to be increased to \$300,000. The figure of \$150,000 was obtained from an old CIP and the cost for the windows has increased significantly. The Mayor will request that the \$150,000 for the Bowen boiler be voted no action necessary and the funds be used for the windows at Pierce School. Ald. Mansfield asked if this project is reviewed by the Design Review Committee. The Commissioner stated that the Design Review Committee does not review this type of project. Ald. Mansfield

felt that it would be a good idea for the review to occur, as the project is a substantial change to the building. The Commissioner had no problem with this and agreed to present it to the Design Review Committee.

The Commissioner requested that the Committee vote only \$26,950 for the design funds for the project at this time. The Committee opted to create a new item for the design funds. Ald. Lappin moved approval of the item, which carried.

#202-04(2) HIS HONOR THE MAYOR requesting an appropriation in the amount of \$26,950 from Free Cash for the design of new windows at the Pierce Elementary School.

**ACTION:** **APPROVED 7-0 (Salvucci not voting)**

**NOTE:** See above note.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#161-04 HIS HONOR THE MAYOR proposing Ordinance amendment to provide for new water and sewer rates structure for condominium units and apartments to be billed on par with single family homes.

**ACTION:** **A) CONDO WATER AND SEWER RATES APPROVED 8-0**  
**B) APARTMENT WATER AND SEWER RATES FAILED TO CARRY 3-4-1 (Mansfield, Schnipper, Salvucci, Lappin opposed; Yates abstaining)**

**NOTE:** Sandy Pooler and the Mayor were present for the discussion. This is a proposal to change the water/sewer rates for condominiums and apartments. The intent of the change is to create a structure for condominium owners and apartment owners to be billed on par with single-family homeowners. The Mayor stated that there were two areas of concern. First, apartments were included in the proposal as they fall under the definition of multi-dwelling properties, which also includes condominiums. Therefore, it is recommended that there be no distinction made between apartments and condominiums. Second, there is a question of unfair advantage in savings. The proposed ordinance change will give condominiums and apartments 80% credit, as an incentive for conservation.

Ald. Salvucci asked how the City will make-up the money that is lost by offering this savings to condominiums and apartments. The Mayor responded that there would be a 2 1/2% increase in the rates for single-family homes to generate the \$670,000 difference created by the rate decrease condominiums and apartments. Ald. Salvucci also questioned how the savings would be passed to the renters in apartments. The Mayor explained that there is no way to require apartment owners to pass along the savings to their tenants without Home Rule Legislation. Ald. Lappin asked what the figure would be if apartments were excluded. The difference would be just under \$300,000 and the increase in rates to single-family homes would be just over 1%. It is easier to implement the proposed amendment if apartments are included, as it will not require Home Rule Legislation. The Mayor also stated that it is up to the Board whether they would include

apartments. He will support the proposed change for condominiums either way. There was some concern regarding an impact to special permits. The Mayor has checked and there is no impact.

Ald. Mansfield has difficulty with giving a landlord potential profit. The condominium owner pays the water/sewer bill and will definitely save but there is no guarantee that the tenants of an apartment will save. Ald. Schnipper is more amenable to changing the rates for condominium owners and not apartment building owners. Ald. Salvucci also stated that he has trouble supporting the apartment portion of the amendment. Ald. Gerst pointed out that Proposition 2 1/2 defines apartments as residential, making it reasonable and acceptable to include apartments. Ald. Stewart asked if the Mayor had consulted the Law Department. The Mayor has met with the Law Department and they are comfortable with the proposed amendment. Ald. Yates asked why the City would require special legislation if the amendment were only for condominiums. It is the Law Department's belief that if the apartments are excluded, it will require Home Rule Legislation.

Allan Sach, Trustee of the Towers at Chestnut Hill asked how a Home Rule Legislation petition for just the condominiums would fair at the state level. The Mayor responded that it adds complication and he cannot foretell how the legislature will vote. He suggested a Home Rule Legislation petition to require landlords to pass savings along to tenants. It is Mr. Sach's belief that if pressure is placed on apartment owners to pass on the savings, it will happen.

Ald. Stewart pointed out that there are different types of apartments and in many situations, owners will be forced to share the savings. He also stated that we live in a capitalistic society and it is okay for apartment owners to benefit. He also feels it is fair to give apartment dwellers an opportunity to conserve and save.

The Chair suggested two options regarding a motion for approval of the item. First, would be a motion to approve as presented or second, separate the condominiums and the apartments. Ald. Stewart moved approval of the item as presented and Ald. Mansfield offered a friendly amendment to separate. Ald. Stewart accepted the amendment. The Committee approved the amendment for Condominium water/sewer rates and the motion to approve the apartments failed to carry.

#### **REFERRED TO PUB. FACILITIES AND FINANCE COMMITTEES**

#204-04 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$381,000 from Free Cash for the purpose of completing the funding of snow and ice costs in the Department of Public Works for the current year.

**ACTION:** **APPROVED 7-0 (Yates not voting)**

**NOTE:** Commissioner Rooney was present for discussion of this item. He provided substantial back-up detailing cost of each storm event, which was attached to the

agenda. The funds requested will complete the funding for snow and ice accounts this year. Ald. Salvucci moved approval of the item, which carried unanimously.

**REFERRED TO PUB. FACILITIES AND FINANCE COMMITTEES**

#205-04 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$120,000 from Free Cash for the purpose of purchasing a new street sweeper for the Department of Public Works.

**ACTION:** **APPROVED 6-0 (Gerst and Yates not voting)**

**NOTE:** Commissioner Rooney was present for discussion of this item. The Department of Public Works is requesting a new street sweeper, as one sweeper is out of service and not economical to repair. The Public Works Department is entering the spring clean-up season and the sweepers are constantly in use until after the fall clean up.

Ald. Salvucci would like temporary signs erected a few days before a street is to be swept in order to let people know that there is no parking. The Commissioner responded that signs are placed currently but perhaps more signs were needed. Ald. Salvucci asked if it was possible to issue tickets or tow if cars are parked on the street. The Commissioner explained that there would need to be an amendment to the ordinances. Ald. Salvucci pointed out that there is a provision in the ordinances allowing the Chief to create temporary no parking on streets. The Commissioner agreed to investigate the no parking issue further. Ald. Salvucci moved approval of the item, which carried.

Respectfully submitted,

Sydra Schnipper, Chairman