

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE REPORT

WEDNESDAY, SEPTEMBER 23, 2009

Present: Ald. Linsky (Chair), Danberg, Swiston, Ciccone, Vance, Harney and Fischman

Absent: Ald. Coletti

Also Present: Ald. Baker, Parker, Mansfield and Johnson

City Staff: David Koses (Transportation Planner), Clint Schuckel (Traffic Engineer), Jim Danila (Transportation Engineer) and Steve Smith (IT Director, Newton Police Department)

#278-09 ALD. BAKER AND DANBERG requesting discussion of possible modifications in the parking ordinances or regulations of the City regarding parking controls that can authorize the traffic engineer to impose temporary regulations to encourage safer passage and intersection visibility in less than emergency conditions, but while more durable restrictions are considered. [09/15/09 @ 4:22 PM]

ACTION: **HELD 5-0 (Ald. Linsky not voting; Coletti and Harney not present and voting)**

NOTE: President Baker joined the Committee for discussion of this item. President Baker indicated that items #278-09 and #279-09 would be discussed together.

President Baker distributed photographs that showed cars parked on Suffolk Road opposite of residences and another photograph showing parked cars opposite the conservation area. It appears that people who work at Boston College are parking in these locations. Boston College has started to charge nominal fees for parking in BC parking lots and this appears to have brought the vehicles to this area. Boston College has tried to discourage parking in neighborhoods.

President Baker said the neighbors were not anxious to impose restrictions if they could be avoided. The question is how to deal with this situation. President Baker had talked with Traffic Engineer Schuckel regarding possible short-term restrictions or some way to assist the process in dealing with this parking. The Committee was shown a set of photographs with parking by Boston College students on Chestnut Hill Terrace. Mr. Schuckel pointed out that he can impose a 50' restriction to the corner. President Baker said this has been a continuing concern for this neighborhood, not a safety issue but more of a nuisance problem. He continued on to say the issues of long-term parking and short-term parking both have to be discussed adding there are questions to be addressed regarding whether the resident parking ordinance might be slightly amended along with a short restriction to be used or even imposing a temporary restriction. President Baker asked that the item be held until this item could be more carefully framed.

Ald. Ciccone made the motion to hold this item and the Committee voted in favor by a vote of 5-0 (Ald. Linsky not voting; Coletti and Harney not present and voting).

#279-09 ALD BAKER AND DANBERG requesting discussion of ways to respond to long-term parking in neighborhoods from April 15 through the summer to November 15. [09/15/09 @ 4:23 PM]

ACTION: **HELD 5-0 (Ald. Linsky not voting; Coletti and Harney not present and voting)**

NOTE: This item was discussed in conjunction with #278-09 (above) and was held per the motion of Ald. Ciccone and the Committee voted in favor by a vote of 5-0 (Ald. Linsky not voting; Coletti and Harney not present and voting).

#127-09(3) IRA KRONITZ requesting reconfiguration of intersection of Jackson and Daniel Streets to square up the intersection for traffic calming and pedestrian safety. [06/30/09 @ 9:57 AM]

ACTION: **HELD 7-0 (Ald. Coletti not present and voting)**

NOTE: This item was discussed in conjunction with #127-09(2) (below) and was held per the motion of Ald. Danberg and the Committee voted in favor by a vote of 7-0 (Ald. Coletti not present and voting).

#127-09(2) IRA KRONITZ appealing the Denial of # TC20-09 Traffic Council Decision on 06/25/09: ALD. SCHNIPPER proposing two stop signs at the intersection of Jackson and Daniels Streets. (Ward 6) [07/14/09 @ 9:29 AM]

ACTION: **HELD 6-1 (Ald. Vance opposed; Coletti not present and voting)**

NOTE: David Koses, Transportation Planner; Ald. Parker, Fischman and Mansfield joined the Committee for discussion on this item.

Ald. Danberg indicated that items #127-09(2) and #127-09(3) would be discussed together.

David Koses stated the request for a 3-way stop at Daniels and Jackson Streets was heard at the June 25, 2009 Traffic Council meeting. Mr. Koses said that all five members of Traffic Council immediately rejected the trial of stop signs. When this was discussed, it was noted that no matter what type of configuration or kind of bump out, this location still would not meet the warrants for stop signs. The Council denied the request for a stop sign and there was an appeal. Mr. Koses provided a PowerPoint presentation that showed 142 cars as the total volume for a one-hour period and 94 cars from the other direction with 76 of the cars going straight through onto Daniels Street. He advised the Committee that traffic engineers look at warrants and traffic counts when they make a determination of whether or not to put in a new stop sign or multiple stop signs at one intersection. This analysis looked at warrants and the actual count of vehicle trips. The warrants at this location were not met as there was not enough traffic volume to justify multiple stop signs. Signs should not be installed without adequate traffic moving through the area. There were no reported accidents at that intersection in the last three years. Warrants were not met in terms of volume as well as the number of crashes. Mr. Koses

explained that warrants were guidance for rules to be followed. The recommendations of the Engineering Department showed comparatively light volumes, even during peak times. There is a high compliance rate of the one existing stop sign and a clear right of way definition. Mr. Koses noted that basically the intersection works pretty well. It does not meet the minimum number of vehicles for a stop sign. The recommendation from three traffic engineers (Lou Mercuri, Clint Schuckel, and Nina Wang) was to keep the single stop sign on Daniels Street. The Traffic Council voted to deny the additional stop signs.

Ald. Parker said there were some mitigation funds and would not want to waste that money before the deadline that it would divert to the developer. There were tight deadlines and action had to be taken to spend the money. Originally a study was commissioned and the study recommended three options. The preferred option was a roundabout in the intersection and everyone seemed happy with that idea but it seemed that the intersection would not work with the roundabout because there is not enough space. The decision then became whether the money would be given back to the developer or whether something different would be done. Another plan was some form of a bump out or reconfiguration of the intersection. Ald. Parker recalled being a party to a conversation where it was said not to waste this money and go forward. Ald. Parker did not feel there was a full understanding in the neighborhood of what impact this would have resulting in subsequent frustration of whether this bump out really serves the entire neighborhood. Ald. Parker said the money could be lost if we pass Mr. Kronitz's item to repeal the board action and said the developer could be asked for more time. Doing what is best for the neighborhood is what Ald. Parker felt the Aldermen should do and have that as the highest priority. He felt the process has been terribly divisive to the neighborhood and suggested taking a fresh look at this as though it were a new intersection.

Ald. Danberg felt that a synopsis of a meeting with Commissioner Daley should be discussed. Ald. Mansfield said the one area he did not agree with Ald. Parker was about traffic calming along the corridor including Jackson and Daniels Street. He said that is one of the main reasons the money was sent in that direction. The roundabout, bump out and stop signs were all suggestions and in Ald. Mansfield's opinion, they were all feasible suggestions. He felt there were still questions to resolve including the fact that the money once appropriated by this board can't be rescinded unless the Mayor rescinds it. Ald. Mansfield said he believes that certain kinds of intersections like the one in question do work as a traffic calming device and one question is if this board overturns the Traffic Council's denial, can this be over-turned by the Police Chief. Ald. Danberg responded that she did not have the final answer on that. Ald. Parker did not feel the Chief could overturn stop signs. Ald. Mansfield felt those questions need to be answered. Part of the discussion included what has been in place as a trial worked or not worked. The adjacent homeowner said that he is impacted on how he gets in and out of his driveway as well as where he parks his car because his driveway is very short and his car overhangs the sidewalk violating City Ordinance. The creation of this bump out would eliminate not only his maneuverability problem of getting in and out of his driveway. With the bump out as it is now, this car becomes a sitting duck for a vehicle that is driving too fast. One of the proposals that came up with this meeting with Commissioner Daley was that maybe the right hand side of the bump out should be built and not the left hand side, allowing parking for this car.

Ald. Swiston also mentioned that the sidewalk is not now handicapped accessible. Commissioner Daley will go back to the drawing board with his engineers to work on this. Ald. Mansfield said crosswalks could also be added.

Ald. Danberg said in bringing the sidewalk out a few feet, it would extend the property of Mr. Mowrey and give him enough driveway space to allow him to pull in.

Ald. Mansfield commented that there should possibly be a reflector in this area. Ald. Swiston said coming down the hill on an icy day could be dangerous.

Ald. Danberg mentioned three possibilities the Public Safety & Transportation Committee can take. First, of all the Public Safety & Transportation Committee can recommend that they uphold the decision of Traffic Council and if the board approves that recommendation, the item is finished. The second possibility is that Public Safety & Transportation Committee can recommend that the board can order the Traffic Council to reverse its decision and if the board approves that recommendation, the item goes back to Traffic Council where it will take the recorded vote. The Public Safety & Transportation Committee can recommend that the Board remand the order to Traffic Council for further review. If the Board approves that recommendation, the item goes back again to Traffic Council for further discussion.

Ald. Danberg put a motion on the table to uphold the recommendation of Traffic Council on #127-09(2) 6 in favor, 1 abstention and 1 not present and voting. On #127-09(3), the Board does not have the authority to deny the item as it is a matter that falls within the Executive Department's control. The Public Safety & Transportation Committee can take; First, the Committee can recommend that the Board take no action. The second possibility is that the Committee can recommend that the Board refer the item to Traffic Council. It should be noted, however, that Traffic Council does not have the authority to approve or deny this item. Three, the Committee, if in agreement with the item, can recommend to the Board that it amends the item and with resolution to the Mayor asking him to undertake the reconfiguration. That would be the vehicle used if a reconfiguration was requested.

Ald. Parker felt a decision should be made. He feels there would be no harm in stop signs at this location. He suggested instructing the Traffic Council to install the stop signs. Ald. Danberg said Commissioner Daley has offered to re-draw the intersection to be more acceptable to the neighborhood.

Ald. Fischman said the present configuration would not work with the stop sign. He felt this could be sent back to Traffic Council. A trial would perhaps include a stop sign and deal with a reconfiguration. At the same time, Commissioner Daley could be working on this other alternative.

Ald. Parker said the current situation is we have a temporary asphalt trial in place. He felt no matter what action is taken that should be improved as it is quite awkward. His suggestion was that if the board were to approve the docket item requesting the stop signs and the Commissioner were to clean up the intersection and take out temporary trial, and then essentially it would be the

original recommendation of a 3-way stop without any bump outs. That would be in place during the course of the discussions of the alternative bump out plan or any other reconfiguration.

Ald. Danberg said Commissioner Daley said he would draw a plan and Ald. Danberg felt it certainly makes sense to give him the chance to do that. This has been discussed with the immediate abutter. Ald. Mansfield said if the Committee does decide to move in that direction, we would have to go back to the neighborhood.

Ald. Swiston made a motion to uphold the Traffic Council decision #127-09(2).

Ald. Mansfield pointed out that if Ald. Swiston's motion were approved, it would take stop signs off the table completely. He said he has not heard by this committee that stop signs should be off the table entirely.

Ald. Ciccone said everything appears to be pending on this new drawing. If this is not going to work, he asked why the stop sign issue would be thrown away. This does not make sense to him as he felt the intersection is dangerous. He said the drawing done by Tom Daley should come to Public Safety & Transportation Committee and not Traffic Council.

Ald. Vance said the numbers of the warrants are not just abstract numbers that have no relationship to anything on the ground. The warrant numbers are related to the perception of what kind of a traffic situation, what kind of reconfiguration is needed in order to insure that stop signs will be observed by the great bulk of the traffic. The concern about putting stop signs up where the warrants are not met, and no apparent need for a stop sign, people will just ignore them and it really plays into the same treatment of stop signs in similar places throughout the City. People observe stop signs because there is a lot of traffic. Ald. Vance continued to say it is not an abstract number but related to the perceptions of the traffic experts as to what kind of situation you meet in terms of traffic in order to maximize the possibility that it will be safer by people observing the stop sign rather than less safe by many people ignoring the stop sign and providing a false sense of security.

Ald. Harney agreed with Ald. Ciccone as well as some of what Ald. Parker had said. He feels there are certain areas where warrants are not relevant. In his opinion stop signs should not be off the table.

Chair Linsky has noted that there appears to be a potential modification of what is currently in existence. He noted that Ald. Ciccone is inclined to keep this item in this Committee. One option would be to keep the item in this Committee and bring in Commissioner Daley for the purpose of discussing a modification before the winter months to put something out there to see what the modification achieves. He also felt one of these two items should go back to Traffic Council. The Chair of Traffic Council has correctly indicated that #127-09(3) is not an action Traffic Council can take although they can order a type of trial. Chair Linsky was less worried about the technicalities; he does believe that this Committee or Traffic Council can do whatever action is taken. In his opinion, the question becomes whether we want to keep it at this Committee and see if the modification is one that satisfies the neighborhood or not and then at that time rule on the appeal. This meeting had been set aside to do this but this was before the

modification. He asked if the Public Safety & Transportation Committee should hold this item while this modification is worked through without anything taken off the table or whether it is better to take immediate action to refer it to Traffic Council.

Ald. Ciccone said as long as the stop signs are included with the new plan, he does not see a need for #127-09(2) at all.

Chair Linsky said he feels if this comes back to this Committee, a trial can be ordered. The question seems to be whether it is done by Public Safety & Transportation Committee or is it referred back to Traffic Council.

Ald. Swiston asked about positive confirmation of whether the money allocated is still available as she felt this was an important factor. Clint Schuckel said the Law Department should be consulted for an answer to the question.

Ald. Danberg moved that the Committee hold #127-09(3) in the Public Safety & Transportation Committee. The vote was 7 in favor, no abstentions, 1 not voting and present. Chair Linsky moved to reconsider the vote on #127-09(2). The vote 6 in favor, 1 opposed, 1 present and not voting.

Mr. Schuckel said there would be a cost to the hold the vote. He emphasized that other City issues would have to wait due to so much staff time having been devoted to this item.

Ald. Danberg opened the discussion to members of the public who were present.

Public Comment:

Ira Kronitz, 43 Walter Street, stated Ald. Parker's explanation on how the City has come to this point was the best he has heard in the past three years. Mr. Kronitz indicated issues in the neighborhood is what prompted the Public Facilities Committee to uphold Mr. Kronitz's docket item to appeal and that is why it was sent to Traffic Council for a study. He has since learned a study would not be completed and believes the two docket items should move together.

Rachel Geller, 235 Jackson Street, stated when driving on Jackson Street cars end up driving in the other lane because of the awkwardness of the intersection. She does not travel in this area and believes something should be done before there is a head on collision. The bump out, in her opinion, is dangerous. She said you cannot call it traffic calming measures; it is a traffic diversion.

Daniel Mowrey, 3 Daniel Street, has expressed many times that the intersection is very dangerous and wanted to reinforce his opinion.

Joel Kaplan, 235 Jackson Street, stated that this issue has been discussed for eight years. He said an unbelievable mess has been created by both the City and the neighborhood. He suggested the installation of a stop sign. If you total the hours the Committee and City staff has worked on this proposal it would be six figures.

Barry Bergman, 18 Walter Street, stated he was interested in the discussion of Auburn Street having a raised crosswalk. Why hasn't that been an option for Daniels and Jackson Streets?

Ald. Harney stated the raised crosswalk on Auburn Street was a result of agreement with the developer through a Special Permit process to construct the raised crosswalk because traffic was a major issue.

Ald. Danberg made the motion to hold this item and the Committee voted in favor by a vote of 6-1 (Ald. Vance opposed; Coletti not present and voting)

#261-09 ALD. JOHNSON requesting a review of the City of Newton Ordinances Chapter 24, Sections 26–34 Alarm System Regulations to more clearly express the fines and penalties to residential and commercial property owners for false alarms.
[08/19/09 @ 9:53 AM]

ACTION: **HELD 6-0 (Ald. Fischman not voting; Coletti not present and voting)**

NOTE: Ald. Johnson and Steve Smith (IT Director, Newton Police Department) joined the Committee for discussion on this item.

Ald. Johnson stated she docketed this item at the request of a police officer. Ald. Johnson indicated her neighbor's alarm was going off late at night. She called the Police Department and they responded. The police officer informed her that the Police Department wished the City had a better and more efficient ordinance to fine residents and business owners. After reviewing the Ordinance, Ald. Johnson stated it is very convoluted and complex and she would like to have a discussion on the best way to move forward in reviewing and assessing the ordinance as it relates to commercial and residential alarms.

Ald. Vance suggested that the City Law Department should be contacted to assist Committee members with the clarification of the Ordinance.

Mr. Smith stated the current alarm Ordinance is out of date. Other cities and towns charge \$25.00 per year to maintain contact information for educational materials for every homeowner or business that has an alarm. If repeat offenders are noted, a direct mailing could be sent to remind them. This would just be a flat fee of \$25.00 per year and would generate a large amount of revenue. The current Ordinance states that banks and homes are no longer connected to the Police Department. Mr. Smith reported that there were approximately 6,151 alarm calls responded to by the Police Department. 415 calls were to same locations (repeat offenders).

Chair Linsky felt the Law Department should be consulted and then present to the Committee a possible program that makes more sense than the current one. The police officer loses time when responding to an alarm due to the time taken off the road, the time it takes to check the property and write a report. Mr. Smith stated that for the past several years, the Police Department is no longer the central alarm station. 99% of alarms are false and Mr. Smith would like to see an Ordinance change reflecting that after a certain number of false alarms people would be fined. It is difficult to track issues, billings, etc. administratively.

Mr. Smith stated Chief Cummings would like to charge a yearly registration fee of perhaps \$25.00 in order to maintain contact information in the database, direct mailings and provide education materials for every home and business owner who have an alarm and for repeat offenders. The registration fee would cover the costs of direct mailings to provide a reminder to a property owner to pay the registration fee and would also be able to eliminate any administrative work while providing the City with a tremendous amount of revenue if all commercial business and residents were charged to manage their account and the City did not have to bill people. Penalizing owners does not go over well and no one wants to enforce that. It would be easier to inform residents the City has a registration fee to cover these issues.

Ald. Ciccone and Swiston agreed the registration fee is a very good suggestion because information is constantly changing and perhaps this would deter repeat offenders. Mr. Smith stated when they respond to an alarm, it is not clear who to contact.

Chair Linsky made the suggestion to Mr. Smith that the Police Department have a meeting with the City Law Department to clarify the Ordinance for Committee members.

Ald. Vance made the motion to hold this item and the Committee voted in favor by a vote of 6-0 (Ald. Fischman not voting; Coletti not present and voting).

At approximately, 9:50 pm Ald. Danberg moved for adjournment, which was approved 6-0 (Ald. Fischman not voting; Ald. Coletti not present and voting).

Respectfully Submitted,

Stephen M. Linsky, Chairman