



## CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

September 11, 2018

### REPORT OF THE PUBLIC UTILITIES AND PUBLIC WORKS COMMITTEE

Attendee Name	Title	Status	Arrived
William A. White Jr.	Chair	Present	
Jefferson Thomas ("J.T.") Scott	Vice Chair	Present	
Lance L. Davis	Ward Six Alderman	Present	

Others present: Alderman Mary Jo Rossetti, Alderman Stephanie Hirsch, Brad Rawson - OSPCD, Jackie Rossetti - Communications, Frank Wright - Law, Annie Connor - Legislative Liaison, Rositha Durham Clerk of Committees.

The meeting took place at the Argenziano School and was called to order at 7:00 PM by Chairman White and adjourned at 8:11 PM.

#### Approval of the April 23, 2018 Minutes

<b>RESULT:</b>	<b>ACCEPTED</b>
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#### **205010: That the City Solicitor advise this Board about whether the way in which the Beacon Street trees were taken down was compliant with state law and the city's Tree Ordinance.**

The Committee asked Mr. Wright about potential remedies for the trees that were improperly removed. He replied that the City could sue the contractor civilly and/or impose fines that according to the statute could range from \$50 - \$500. Mr. Wright believes that if the city fined or sued the contractor, the contractor's defense would be that the most of the trees were scheduled to be taken down any way and that all the contractor did was take them down earlier. The committee was told that the city did not have a contract with that contractor, only the state had the contract. Therefore, the city did not pay the contractor to remove the trees. It is clear that four trees were definitely taken down in error.

Chairman White's motion **that the City Solicitor prepare a draft document for review by this Board's Committee on Public Utilities and Public Works in preparation for the city to file a complaint regarding the removal of trees along Beacon Street,** was approved.

Chairman White asked Mr. Wright to provide the committee with his written thoughts on this matter, prior to the next committee meeting at which this matter will be discussed.

**RESULT:****KEPT IN COMMITTEE**

**205499: That the Administration provide a written response to the petition in #204944 for an accounting of street trees removed from Beacon Street.**

Mr. Rawson presented a spreadsheet comparing tree data compiled by a petitioner vs. OSPCD. The document lists the sizes of the trees at particular locations prior to 2016. Data regarding tree height may be inconsistent when compared from 2009 vs. 2017, as some tree's heights seem shorter in later years. Mass DOT's contractor was to install 190 replacement trees. Questions were asked about how trees were determined to be removed and the committee was told that 10 locations had trees with dead wood and some trees were in poor health and unlikely to survive. There were 19-20 trees that were removed without a reason according to the spreadsheet.

The last plans were posted in 2015-2016 on the city's website and indicated that the plan was 75% complete. There were several trees listed for retention but four trees were improperly removed. A tree listed as 187 on the spreadsheet, was noted as being mostly on private property and the contractor cannot confirm nor deny they count down that tree.

**RESULT:****WORK COMPLETED**

**206440: That the Director of SPCD provide this Board with a detailed report of current contractual obligations regarding Beacon Street reconstruction, including costs incurred, work still outstanding on the current contracts, and the implications of cancellation of the outstanding contracts.**

Mr. Rawson handed out a list of non-participating items requested by the city along with the cost estimates for the items. The committee discussed the bidding requirements of the state contract and having to take the lower bidder by law. MassDot approved a series of work orders which included temporary road striping to protect bike riders for safety. The contract was amended the end of August for \$1.3 million for extra work. Questions were asked if there were extra work orders and Mr. Rawson will provide additional information about swapping out trees, recommendations from the team, info regarding brick and crosswalks ordered upgrades and ADA challenges.

Beacon and Washington Streets will receive new signal faces and new pedestrian hybrid signals, which are the best in class. One signal was installed near the Star Market but has not been energized yet. According to the schedule, the contractor will have this work completed in December. Chairman White asked if there is an end date and about liquidated damages. Mr. Rawson is not sure and will respond in writing to the committee. The original end date has been extended by six months. Questions were asked about penalties for missing performance milestones. Alderman Scott asked the city solicitor about the terms for cancelling the contract and the path to do so. Mr. Rawson stated the city does not have the dominant role in this contract as it is not a city contract and there are no provisions for the city to terminate the it. With this contract, the city pays the contractor directly, even though the contract is through MassDot. All change orders go to MassDot for their approval. This project has another seven months of work until completion and the committee asked Mr. Rawson to provide information on the dollar value of outstanding work. Mr. Rawson will get this information from MassDot.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**Handouts:**

- Tree Data (with 205499)
- Contract Data (with 206440)