



**CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES**

October 25, 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 Ben Ewen-Campen, Oliver Sellars-Garcia - OSE, Jason Grossfield - LAW, Steve MacEachern - DPW, Rich Raiche - Engineering, Stan Koty - DPW, Annie Connor - Legislative Liaison, Peter Forcellese - Legislative Clerk.

The meeting took place in the Committee Room and was called to order at 6:42 PM by Chairman White and adjourned at 8:20 PM.

Approval of the September 11, 2018 Minutes

RESULT:	ACCEPTED
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200773: That the Commissioner of Public Works describe to this Board, the rationale for treating multi-unit residences the same as single family residences for purposes of volume-based escalation of water rates.

Alderman Davis requested that the Director of Water and Sewer attend a future meeting of the committee to discuss this item.

RESULT:	KEPT IN COMMITTEE
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202332: That the City Engineer repair the curb cut and sidewalk ramp at the intersection of Murdock and Clyde Streets.

RESULT:	WORK COMPLETED
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204486: Proposing an Ordinance for the management and elimination of natural gas leaks.

Chairman White commented on a court decision that struck down most of the provisions in Boston's ordinance and asked Mr. Grossfield to re-draft an ordinance for the City of Somerville, keeping the parts of Boston's ordinance that were not struck down in place.

RESULT:

KEPT IN COMMITTEE

204552: That the Director of Capital Projects or the Director of SPCD update this Board about the transportation management and parking plans for both the construction and the post-construction phases of the new High School.

Ms. Connor reported that meetings are continuing on this matter. She will advise the Chair when there is additional information for discussion by the committee.

RESULT:

KEPT IN COMMITTEE

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.

Items #205010, 205498, 206440, 206594, 206707 were discussed together.

Mr. Grossfield reviewed the documents he submitted for item 206594 and said that they would be sent to both the general and sub-contractors, rather than have the city lay the responsibility on just one of them. The complaint is ready to go as soon as city staff comes up with a date.

RESULT:

WORK COMPLETED

205059: That the Administration present the information described herein about the Brown School's physical plant and planned and completed renovations, to this Board, to the School Committee, and to the Brown School community.

Alderman Davis explained that the intent of this order was to create a depository for repair, renovation and replacement records pertaining to the Brown School physical plant. Mr. Koty spoke about damage caused by a burst pipe, which has since been removed and capped. All repairs were performed and contained the necessary sign-offs. Alderman Davis noted that, beyond the work performed by the DPW, there are years of history about the building that he would like made available for parents to review, including a full history of the building, any plans that may have been considered to stop using the school, any planned rehabs, etc. He will work with Ms. Connor to explore the possibilities of compiling the data.

RESULT:

KEPT IN COMMITTEE

205498: That the City Solicitor provide the Committee on Public Utilities and Public Works an opinion on the ability of the city to bar a contractor from future city work.

Items #205010, 205498, 206440, 206594, 206707 were discussed together.

Alderman Scott asked how the Purchasing Department would be aware if the city had a problem with a particular contractor. Chairman White pointed out that the city would have to lay a foundation, perhaps by having memo/letter on file, in order to disqualify a low bidder due to previous problems.

Alderman Scott's motion that the Administration prepare a memo for the Purchasing Department deeming Newport Construction and Northern Tree to be "not considered responsible bidders or offerors" for a period of 5 years, in reflection of their performance on the Beacon St Reconstruction, was approved.

RESULT:

WORK COMPLETED

205811: That the Director of Engineering and Superintendent of Inspectional Services report to this Board on the registration of paving contractors pursuant to Ordinance 11-33.

Mr. Raiche reported that the process is being examined to work out the bugs and to verify the online payment operation. Once completed, it will be available on CitizenServe and the permitting process will allow the Engineering Department to conduct inspections. The system is expected to go live next week.

RESULT:

KEPT IN COMMITTEE

205813: That the Director of Engineering and the Superintendent of Inspectional Services report to this Board on enforcement of the ordinance on driveway construction and paving over front, back or side yards, with a list of violations and fines levied in 2016 and 2017.

Ms. Connor reported that 6 citations were issued during 2016-2017. In most cases, ISD received a call from neighbors. Alderman Scott asked for a copy of the data referenced by Ms. Connor and commented that during the past month, an entire yard was paved over at one property. Alderman Davis commented on a similar situation and said that since the city's previous surface ordinance is easy to work around, it may have to be tightened up. Chairman White asked that representatives from ISD, Law and Planning attend a future meeting of the committee to discuss this matter (when it appears on the agenda).

RESULT:

KEPT IN COMMITTEE

206060: That the Commissioner of Public Works fix the street lamp on the traffic island outside Brady Towers at 252 Medford Street.

RESULT:

WORK COMPLETED

206204: That the Commissioner of Public Works report on the feasibility of extending yard waste pickup later in the season.

Mr. MacEachern told the committee that extending the period is difficult due to the existing contract with Russell Disposal and that to do so would require approval from the BOA for the extension and added cost. Mr. Koty pointed out that the current period is longer than it used to be and that the DPW yard is also open for residents to use. Presently, pickup runs for 6 straight weeks (rather than alternating weeks) starting on November 1st and ending during the 2nd week in December. Alderman Davis suggested looking at the pickup data and possibly adjusting the weeks.

RESULT:

WORK COMPLETED

206303: That the Director of Engineering share how pedestrian detours are required for planned street work resulting in sidewalk closures.

Mr. Raiche told the committee that all detours are approved by the city's Traffic Engineer and Alderman Davis stated that has no bearing on the reality of the situation. He has received numerous calls from constituents, mostly from parents of school kids, complaining that sidewalks are being shut down for part or whole days with signs posted indicating where to cross. He said that he is not satisfied that contractors

are shutting sidewalks without providing adequate detours and/or details and he would like a more active conversation on this subject. Ms. Connor commented that the VisionZero initiative might be helpful on this matter.

RESULT:	KEPT IN COMMITTEE
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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.

Items #205010, 205498, 206440, 206594, 206707 were discussed together.

RESULT:	WORK COMPLETED
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206642: That the Commissioner of Public Works and Director of Parks and Recreation explain how DPW develops maintenance plans, staffing, and budgets for new parks, especially parks that have significant landscaped areas or new types of play equipment, benches, or other features.

Mr. Koty told the members that a request for additional funds to maintain the parks will be submitted in the next fiscal year's budget. At that time, he will present 2 options - 1) keeping the work in-house and 2) outsourcing the work. He noted that artificial surfaces need to be cleaned 3 times a week in order to maintain the warranty and that there is contractual work that needs to be done by the contractor, not by city employees.

RESULT:	WORK COMPLETED
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206594: That the City Solicitor prepare a document for review by this Board's Committee on Public Utilities and Public Works in preparation for filing a complaint regarding the removal of trees along Beacon Street.

Items #205010, 205498, 206440, 206594, 206707 were discussed together.

RESULT:	WORK COMPLETED
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206667: That the Director of Engineering inspect Russell Road at the corner of Ware Street for repeated sink holes.

Mr. Raiche reported that the area in question was inspected with CCTV and he assured the committee that the road's subsurface is in decent enough condition as to not cause a sinkhole. Due to the limitations of the CCTV equipment, the lateral drains were not checked. There was some typical trench settlement noted on Ware Street along the line of the gas main. The city only has records of work performed on that street since 2013, so most likely, the work was done prior to 2013. Mr. Raiche said that paving of the road is feasible.

Chairman White asked if the work might have been defective and Mr. Raiche replied that there was spider cracking in sidewalk, suggesting that the cap could have been better, however, there is no indication of a 'smoking gun'. Chairman White asked Mr. Raiche to consult with the Law Department to determine if the city has any legal options.

RESULT:

WORK COMPLETED

206700: That the Commissioner of Public Works explain the city's options for reducing the number of unused utility lines connecting to properties.

Mr. MacEachern explained that these wires are cable company drops that are left when occupants move. The cable companies leave them behind with the hope of using them for the next occupant. The DPW has tried to get the cable companies to remove them and, in some instances, the wires were removed by the city's Lights and Lines Department. Mr. MacEachern will forward some additional information to the committee on this matter.

RESULT:

WORK COMPLETED

206707: That the Administration endeavor to add a properly signed and signaled crosswalk at 45 Beacon Street to enhance safety for residents accessing the Whole Foods Market.

Items #205010, 205498, 206440, 206594, 206707 were discussed together.

Alderman Scott commented that this is an active location and that all future changes should be put through a state change order. He will submit a punch list of things remaining to be done and Chairman White asked that the list be sent to the committee for follow-up. This item will remain in committee until Alderman Scott is ready to discuss it again.

RESULT:

KEPT IN COMMITTEE

206741: That the Commissioner of Public Works report to this Board how a utility pole on Belmont Street, behind St. Catherine's Church, came down on September 23, 2018.

Mr. MacEachern told the committee that the pole was knocked down by a delivery truck. The city has billed Eversource for the manpower provided to deal with the aftermath of the accident. The city had requested numerous times that the pole be replaced, to no avail, and Mr. Koty submitted a letter to that effect for inclusion into the record. Mr. Koty also informed the members that Eversource has assigned a representative to follow up on the city's complaints.

Chairman White's motion that the Commissioner of Public Works provide the committee with the number of outstanding requests from the city to replace defective/dangerous utility poles, was approved.

RESULT:

WORK COMPLETED

206742: That the Commissioner of Public Works report to this Board why a previous Order, #205803, regarding a dangerously curved utility pole on Belmont Street, has not been responded to.

RESULT:

WORK COMPLETED

206779: That the Director of Engineering or the Commissioner of Public Works share with this Board the current process for coordinating street paving with underground utility

repairs, including how it compares with the Worcester Cooperative Paving Program.

Mr. Raiche told the committee that National Grid and Eversource share their long-range plans with the city on an annual basis in an effort to coordinate work on city streets/sidewalks with the city. The City of Worcester has a different setup than Somerville's, in that their Water Department is separate from their Public Works Department. Additionally, if there are 2 or more utilities working on a street at same time, everything gets done at once. Somerville is similar to Cambridge, having weekly coordination with utility companies regarding projects. Mr. Raiche noted that wherever the city is doing its work on its infrastructure, utilities have to do their work at the same place and time. He went on to say that in an urban area such as Somerville, a local ordinance would have more force.

RESULT:	WORK COMPLETED
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206780: That the Administration work with other municipalities for the creation of a DPU community advisory board, similar to the MWRA's advisory board, to provide input on the regulation of utilities.

Ms. Connor will discuss this item with Alderman Hirsch and Mr. Sellars-Garcia.

RESULT:	KEPT IN COMMITTEE
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206781: That gas leaks be a regular topic on any standing meetings with Eversource or National Grid.

Mr. Raiche told members that there are no standing meetings to address leaks and that the city know who to call in the event of a gas leak.

RESULT:	KEPT IN COMMITTEE
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206782: That the Director of SPCD, with the Director of Sustainability and Environment, explain the feasibility of encouraging or requiring that areas of new utility infrastructure – such as Boynton Yards or the Inner Belt – use sustainable forms of energy.

Mr. Sellars-Garcia reported that OSE and the Planning/Zoning Department have developed a form to be used during a special permit review. This form will request information about specific areas, e.g., energy efficiencies, as a project proceeds. The projects envisioned for Boynton Yards are in the early stages and will go through this process. Chairman White asked that the link to this form be provided to the BOA. Mr. Sellars-Garcia pointed out that the city can't require a lot in the way of energy efficiencies, since the state building codes can't be pre-empted.

RESULT:	WORK COMPLETED
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206783: That the Administration and this Board support Bill H2683, "An Act relative to protecting consumers of gas and electricity from paying for leaked and unaccounted for gas."

Mr. Connor will submit a joint resolution from the Mayor and the BOA.

RESULT:

KEPT IN COMMITTEE

206826: That the Director of Engineering and/or the Commissioner of Public Works repair the pedestrian and bicycle ramp under the railroad bridge on Sacramento Street, and respond to this Board in writing before the next meeting of the Committee on Public Utilities and Works.

Mr. Raiche reported that an assessment of the site has been performed and that the Administration is pursuing grant funding to make the needed repairs and if no grants are awarded, a request for funds will be made to BOA. Mr. Raiche will submit a report on this matter to the committee.

RESULT:

KEPT IN COMMITTEE

206836: That the Commissioner of Public Works and the City Engineer address before the Committee on Public Utilities and Works what appears to be the failure of a contractor to tie the local sewer line from Ten Hills Road into the Shore Drive main sewer pipe, which was part of a major separation contract, and discuss measures that will be undertaken to oversee future water and sewer projects.

Chairman White reported that a small depression appeared at this location and reappeared after having been patched. While the street was opened, he observed pipes that were unconnected in the ground. Mr. Raiche explained that the work performed by Federal Realty Investment Trust (FRIT) in Ten Hills, (funded by the DIF) was allowed to be 'self-performed'. An inspection of the site determined that the lateral from the catch basin to a new pipe was properly made, but the old pipe was incorrectly abandoned and went unnoticed for 7 years before causing problems. There was not enough evidence to determine who was at fault. Mr. Raiche pointed out that currently, even though the city has the authority to allow contractors to self-perform, it is not allowing it.

RESULT:

WORK COMPLETED

204944: 23 residents submitting a petition re: the trees removed on Beacon Street.

RESULT:

WORK COMPLETED

205406: Chris Dwan submitting comments re: the removal of trees from Beacon St.

RESULT:

WORK COMPLETED

206615: DPW Commissioner responding to various Board Orders submitted at the 6/14/18 meeting.

RESULT:

WORK COMPLETED

206616: DPW Commissioner responding to various Board Orders submitted at the 6/28/18 meeting.

Handouts:

- Case Details - Massachusetts Trial Court 3-1 (with 204486)
- Superior Court - decision on motion for judgment on pleadings-1 (with 204486)
- Ltr - BOA - 5-4-18 (with 205498)
- Complaint - Draft - 10-25-18-1 (with 206594)
- Draft Notice - 10-25-18 (with 206594)
- Letter to Eversource (with 206741)