



Public Safety & Transportation Committee Report

City of Newton **In City Council**

Wednesday, June 5, 2019

Present: Councilor Ciccone (Chair), Auchincloss, Markiewicz, Downs, Cote and Grossman

Absent: Councilors Noel and Lipof

Also Present: Councilor Baker

City Staff: Officer Michael McSweeney, Newton Police Department; Acting Deputy Eric Fricke, Newton Fire Department; Jonah Temple, Assistant City Solicitor, James Freas, Associate Director, and Barney Heath, Director, Planning & Development

Others Present: Attorney Frank Stearns, Holland & Knight, LLP; John Savino, Transportation & Parking Manager, Boston College; Mr. Al, Boston Coach; PJ Cappadona, Vice President of Operations, MASCO; and Lisa Cinella, Director of Operations, TransAction Corporate Shuttles, Inc.

#205-19 Bus Licenses renewals for 128 Business Council

TRANSACTION CORPORATE SHUTTLES, requesting triennial renewal of the two Needham Shuttle Bus Licenses. There are no changes proposed to last year's license.

Action: **Public Safety & Transportation Approved 6-0**

Note: Officer McSweeney and Lisa Cinella, Director of Operations, TransAction Corporate Shuttles, Inc. joined the Committee for discussion on this item.

Ms. Cinella stated that the days and hours of operation and designated routes remain the same for 128 Business Council routes. Today, two newer buses, both gas vehicles were inspected and approved by the Newton Police Department.

It was asked if TransAction has considered using electric vehicles rather than fuel? Ms. Cinella responded that the industry has not perfected these vehicles, vehicles do not remain running. The vehicles use gas, not diesel fuel due to backfiring issues. She then said that gas vehicles are more efficient and reliable at this time.

Officer McSweeney stated that today, he inspected both newer vehicles without concerns.

Without further discussion, Councilor Markiewicz made a motion to approve 128 Business Council's request for triennial renewal of the Needham Shuttle Bus License. Committee members agreed 6-0.

#206-19 Bus Licenses renewals for Boston College Bus

BOSTON COACH TRANSPORTATION, requesting annual renewal of the two Boston College Bus Licenses. There are no changes proposed to last year's licenses.

- 1) Boston College Law School Routes
- 2) Boston College Main Campus to Boston Route

Action: Public Safety & Transportation Approved 6-0

Note: Officer McSweeney, Attorney Frank Stearns, Mr. Al, Boston Coach and John Savino, Boston College Transportation and Parking Manager presented the request to renew the annual bus licenses for Boston College.

Attorney Stearns stated that the bus routes remain the same as last year and there are no changes to last year's licenses and the student needs are being met. The vehicles are running well in his opinion.

Committee members questions and concerns.

Questions:

- When did the Boston route begin? Mr. Al answered approximately twenty-five years ago.
- Has Boston Coach considered other options rather than bio-diesel fuel? Mr. Savino answered that the eleven buses operate on bio-diesel fuel. He then stated that they have reviewed electric vehicles but are hesitant to bring them on campus in case they break down. The maintenance plan is in California.
- What are the most popular bus stops for students? Mr. Savino answered that on campus, students usually go from the theatre to the new campus. Outside destinations, students usually go by bus to "The Street" but on the way back they prefer to use Uber, Lyft and lime bikes which are on demand rather than a fixed timed schedule the shuttle service provides. When the shuttle first began, ridership was 7,000 students per year and now ridership is down to 2,400 students per year. The ridership decline was noticed last year.
- Does Boston College receive any funding from Uber or Lyft? Mr. Savino answered no; Boston College does not have a contract with them.

Concerns:

It was stated that gas buses are preferable over diesel vehicles.

Officer McSweeney stated that he has no concerns on the renewal of Boston College Bus Licenses.

Without further discussion, Councilor Grossman made a motion to approve the annual renewal of Boston College bus licenses. Committee members agreed 6-0.

#207-19 Bus Licenses renewals for "MASCO"

PAUL REVERE TRANSPORTATION LLC., request for annual renewal of one bus license for seven vehicles for Medical Academic and Scientific Community Organization, Inc., ("MASCO"). There are no changes proposed to last year's licenses.

Action: Public Safety & Transportation Approved 5-0, Cote not voting

Note: Attorney Frank Stearns, Holland & Knight, LLP; P.J. Cappadona, Vice President of Operations, MASCO and Officer McSweeney joined the Committee for discussion on this item.

Attorney Stearns stated that this bus license began last year. The route operates between the Chestnut Hill Mall and the Longwood Medical Area in Boston for employee use. MASCO bus licenses have proven to be very successful. A Special Permit was received from the City to allow 240 parking stalls at the mall to allow employees of the Longwood medical area parking. Mr. Cappadona added that employees are very happy with this shuttle.

Committee members questions.

Questions:

- Where are employees traveling from to access this shuttle? Mr. Cappadona answered Chestnut Hill and Route 9 corridor. Fifty percent of the 240 parking stalls are occupied.
- Is Wi-Fi available on the buses? Mr. Cappadona answered no.
- Do you have an idea if the riders are from this City or outside of this City? Mr. Cappadona answered that he did not have this data available.
- Would ridership increase if parking was located closer to Route 128? Mr. Cappadona answered that he did not know, he visited a parking lot closer to Route 128 but unfortunately, he could not obtain a lease.
- Has Paul Revere considered other options rather than gas fuel? Is it possible to use electric vehicles in order to reduce emissions? Mr. Cappadona answered that the vehicles operate on regular unleaded fuel. He then stated that they are awaiting dependable type vehicles before changing.

Officer McSweeney stated that he has no concerns on the renewal of MASCO bus license.

Councilor Grossman and Baker stated that they have no concerns and would like to see this service continue and support the renewal of this bus license.

Without further discussion, Councilor Grossman made a motion to approve a one-year term license for these seven bus licenses for "MASCO". Committee members agreed 5-0, Councilor Cote not voting.

#168-19 Semi-annual taxi license/public auto inspections

POLICE DEPARTMENT submitting reports of semi-annual taxi license/public auto inspections for review.

Action: Public Safety & Transportation Approved 5-0, Cote not voting

Note: Officer McSweeney joined the Committee for discussion on this item.

Officer McSweeney said that the semi-annual inspections were performed in April and May.

In May, Veteran's Taxi of Newton, LLC. was not ready to complete their three remaining vehicle inspections due to one vehicle waiting for an inspection sticker, one vehicle was having brakes changed and one vehicle was having mechanical difficulties. These three vehicles are used as spares. Arrangements will be made to inspect these three vehicles when work is complete.

Chair Ciccone asked Officer McSweeney to let the Committee Clerk know when inspections are complete and if the three vehicles passed. He then said then said that if the vehicles do not pass inspection Officer McSweeney will return to this Committee with his findings. Officer McSweeney agreed.

Officer McSweeney said that Newton Taxi Co. is only using one medallion out of the three. The Company is cutting down on their costs and will turn in the two unused medallions. He then reported that Holden's Taxi, Inc., Newtonville Cab Co., Inc., passed inspection. Officer McSweeney then stated that he recommends approval for these public auto and taxi medallions.

Without further discussion, Councilor Auchincloss made the motion to approve this item. Committee members agreed 5-0, Cote not voting.

Referred to Zoning & Planning, Public Safety, and Finance Committees

#136-19 Short-term rental ordinance with fees

DIRECTOR OF PLANNING proposing amendments to Chapter 20 and 17 of the Revised Ordinances of the City of Newton to create a short-term rental ordinance with fees that would require registration of short-term rentals with the City's Inspectional Services Department and fire inspections to protect public health and safety.

Action: Public Safety & Transportation Approved 4-0-1, Cote abstaining; Grossman not voting

Note: Councilor Baker, Acting Deputy Eric Fricke, Newton Fire Department; Jonah Temple, Assistant City Solicitor; James Freas, Associate Director and Barney Heath, Director, Planning & Development joined the Committee for discussion on this item.

Chair Ciccone stated that this Committee will be discussing the Fire Inspections section of this item.

Mr. Freas stated that two ordinances have been put forward for consideration, A general ordinance which was attached to the agenda and a Zoning Ordinance which determines if a use is allowed or not allowed. This general ordinance lays out the rules for registration of short-term rentals within the City, sets up an inspection schedule and enforcement criteria. Anyone who wishes to register for a short-term rental use in the City will be required to get a fire inspection as a part of the registration criteria. A registration will not be considered complete until a fire inspection is completed.

Committee members questions.

Questions:

- Is the Fire Department looking at the same type of criteria as a residential unit? Acting Deputy Fricke answered that MGL 148, section 26F, provides the specific requirements for smoke and CO detectors installations in residential homes. Section 26F is enforced upon the sales of residential real estates. The Newton Fire Department is looking to install the same requirements on short-term rentals in residential homes. This is a good baseline for general fire protection, smoke and CO detectors in residential homes. A sliding scale is used. Older homes are required to have less requirements than newer homes which are required to have more requirements. The code

requirement is specific on which bedroom will be rented out. All bedrooms will be created equal.

Egress requirements are not the same in rental properties or hotels.

- Does the written ordinance language include proper regulation requirements? Acting Deputy Fricke would love for everyone to install the current code compliant regulations on smoke detectors and CO detectors in each older home. The working groups discussion agreed that this could be a significant homeowner expense especially in older homes that have many bedrooms and may dissuade people from pursuing this avenue for extra income or skirting the regulation requirements to avoid the fire inspection. Assistant City Solicitor Temple added that additional requirements were included in the draft ordinance but have been removed because they apply to professionally managed properties, which are no longer allowed in the Zoning Ordinance. The annual limit to rent short-term rentals is 45 days.
- Does the Fire Department have the power to perform the required number of inspections annually to their schedule? Acting Deputy Fricke answered that it is a one-time inspection when they receive the one time registration. Assistant City Solicitor Temple added the Fire Department will have the authority to conduct an inspection at any time on a complaint driven basis or if they receive information on additional violations. Mr. Freas stated that the homeowner is annually required to recertify that they continue to meet the requirements of the ordinance. House rules would be included in the registration packet.
- Who would receive the occupant registry? Assistant City Solicitor Temple said that the City can receive the occupant registry upon request.
- Does the Ordinance limit the number of rented bedrooms to two at the same time and please explain the reasoning? Mr. Freas answered yes. The reason is to maintain the room as an accessory use.
- No more than 45 days per year the room can be rented and please explain the reasoning? Mr. Freas answered yes. The reason is to effectively rent a short-term rental under once per week. Councilor Baker answered that the intent is to maintain predominately residential, not commercial long-term use by renting them out.
- Would a special permit be required to add more than two bedrooms? Mr. Freas answered that could be possible. The ordinance stated that properties would be prohibited in the ordinance to be used for events and parties.
- How can party houses be enforced? Mr. Freas answered that this would be complaint driven.

Acting Deputy Fricke added that the Fire Department website has information on smoke and carbon monoxide requirements when selling a 1 or 2-family residence. Pre 1975 homes are required to have battery operated smoke detectors within 10 feet of every sleeping area and one CO detector on each floor. Newer homes are required to have smoke detectors inside each bedroom *and* outside within 10 feet of sleeping areas. CO detectors have different requirements.

Mr. Freas said that the Zoning & Planning Committee is holding a public hearing on June 10, 2019 for the zoning amendments and encourages all to attend.

Without further discussion, Councilor Downs made a motion to approve this item. Committee members agreed 4-0-1, Cote abstaining; Grossman not voting. Councilor Cote stated that he abstained as he missed the discussion.

Referred to Public Safety & Trans. and Programs & Services Committees

#589-18 **HRL to allow the Fire Chief to continue beyond the mandatory retirement age**
HER HONOR THE MAYOR requesting Home Rule Legislation to allow Fire Chief Bruce Proia to continue employment as the Fire Chief of the City of Newton beyond the mandatory retirement age.

Programs & Services No Action Necessary 4-0, Baker and Schwartz not voting on 06/05/19

Action: **Public Safety & Transportation No Action Necessary 5-0, Grossman not voting**

Note: Chair Ciccone stated that the City has hired Gino Lucchetti as the new Fire Chief.

Without discussion, Councilor Auchincloss made a motion for no action necessary. Committee members agreed 5-0, Grossman not voting.

At approximately, 7:50 p.m. Councilor Auchincloss made a motion to adjourn. Committee members agreed 5-0, Grossman not voting.

Respectfully submitted,

Allan Ciccone, Jr. Chair