



Public Facilities Committee Report

City of Newton In City Council

Wednesday, May 5, 2021

Present: Councilors Leary (Chair), Laredo, Kelley, Danberg, Norton, Kalis, Gentile and Crossley

Also Present: Councilors Downs, Bowman and Malakie

City Staff Present: Chief Operating Officer Jonathan Yeo, Chief Financial Officer Maureen Lemieux, Commissioner for the Department of Public Works Jim McGonagle, Director of Sustainable Materials Management Waneta Trabert and Co-Director's of Sustainability Ann Berwick and Bill Ferguson.

Referred to Public Facilities & Finance Committees

#167-21 **Appropriate \$2.5 million for the Transportation Network Improvement Plan**
HER HONOR THE MAYOR requesting the authorization to appropriate and expend two million five hundred thousand dollars (\$2,500,000) to supplement funding for the Transportation Network Improvement Plan.

Action: **Public Facilities Approved 8-0**

Note: Jim McGonagle, Commissioner of Public Works presented the request to appropriate and expend \$2,500,000 to supplement funding for the Transportation Network Improvement Plan. The funding will come from the American Rescue Plan (ARPA) funds and this will allow the City to add ten streets to the pavement program this year. Commissioner McGonagle explained that this work will include paving, maintenance work, ADA ramp improvements, sidewalk improvements and bicycle lanes. He noted that the goal is to add bicycle lanes to Parker Street if approved by the Traffic Council. This funding will also allow the City to pave the second half of Parker Street.

Maureen Lemieux, Chief Financial Officer noted that the City has not received the ARPA funding yet, but the hope is that they will arrive soon. This item will not get to full City Council until May 17, 2021 and if the funds are not available at that time the City Council will be asked to amend the source of funds. She further explained that the 4 categories of eligible uses for ARPA funds have not been fully defined yet and that they are still waiting for guidance from the Department of Treasury. Ms. Lemieux explained that two categories that the City plans on utilizing are loss in revenue and economic development. The City has attended to request for \$2.5 million come from Free Cash last year but due to the pandemic was unable to.

Committee members asked the following questions:

Q: Even with the addition of \$2.5 million to the Transportation Network Improvement, will the budget still be below \$9 million?

A: Jonathan Yeo, Chief Operating Officer explained that the docket item showed that this account will be at \$8 million for this current fiscal year. The budget was originally lowered to the \$5 million range. This \$2.5 million and another docket item for \$400,000 will bring the account to approximately \$8 million. Mr. Yeo explained that they have also spent millions of dollars on improvements to West Newton and Newtonville as well.

Q: Is there an idea of where the City could receive additional funds for the Transportation Network Improvement Plan for future fiscal years?

A: Ms. Lemieux explained when the budget is presented next week that it will show that the General Fund will have lost \$15-\$16 million in revenue from the previous fiscal year. She noted that they are receiving grant funding but because the guidelines are not clear, yet the administration can not say what these funds will be used for.

Q: Is there a timeframe for when the attached list of work will be done?

A: Commissioner McGonagle explained that a majority of this work will be completed before winter this year. Once these funds are approved the goal is start this work as soon as possible.

Q: Has it been difficult to get police details for this type of work?

A: Commissioner McGonagle explained that so far this year there has been sufficient police details. The Police Department has been working with DPW to be able to perform the work without the need of police details.

Committee members made the following comments:

The City should continue to make the Transportation Network Improvement Plan a priority and should continue to try to restore the full pre-pandemic budget.

Committee members thanked Commissioner McGonagle and his team for their work on the Transportation Network Improvement Plan.

Councilor Crossley motioned to approve which passed unanimously.

#113-21 Resolution in support of EPR and an expanded Bottle Bill
COUNCILORS LEARY, NORTON, KALIS, KRINTZMAN, NOEL, LUCAS, HUMPHREY,
GROSSMAN, LIPOF, KELLEY, BOWMAN, DOWNS AND CROSSLEY requesting a
resolution of the City of Newton supporting Extended Producer Responsibility and
expanded Bottle Bill.

Action: Public Facilities Approved 8-0

Note: Waneta Trabert, Director of Sustainable Materials Management presented the attached PowerPoint to explain the concepts that are included in the Resolution in Support of the Extended Producer Responsibility and expanded Bottle bill. A copy of the proposed resolution is also attached to this report.

Councilors asked the following questions:

Q: There have been conversations that recycled materials are being put in a recycling bin but then being mixed in with the trash. Is there any truth to these conversations?

A: Ms. Trabert explained that there has been some investigating journalism that has shown some light plastics ending up in developing countries that are not able to handle that material the right way. She explained that materials being managed by Newton are not being put into those kinds of streams at least as far as it can be tracked. Once the materials are sold by Waste Management it goes to a repurposing facility that is regulated. Ms. Trabert also noted that a lot of the recycling from Newton is being sold domestically but that has caused an increase in cost.

Q: What is the continued advantage of the Bottle Bill, even though there are wide-spread recycling programs throughout the city?

A: Ms. Trabert explained that the material that is collected through a container deposit system is more valuable than in the single-stream recycling system. She explained that her belief is that there should be a deposit on any glass bottle to incentives pulling it out of the single-stream recycling system. It is overall better for the environment and economically to recycle using a container deposit system. This also helps to prevent littering.

Councilors made the following comments:

This is a way for Newton and other communities to get control of the escalating costs of both trash and recycling disposal. In addition, this will go along with the City's Climate Action Plan if the bill is passed by the state.

It was noted that it is a good idea to support this concept and let the state legislature decided the specifics of the proposed bill.

The City should look at if there should be further sorting at the household level to have a better value of these materials.

The City also should look at what Newton can do on its own to improve recycling. This could include banning or limiting the sale of nips.

The Chair thanked the Sustainable Materials Management Committee for their work on this resolution.

Councilors thanked Mr. Trabert for her presentation on this matter and her work in the Sustainable Materials Management Division.

Councilor Danberg motioned to approve which passed unanimously.

#294-20 **Discussion to require or encourage the use of efficient electric technology**
COUNCILORS CROSSLEY, KELLEY, LEARY, NORTON, ALBRIGHT, GREENBERG, AUCHINCLOSS, MARKIEWICZ, NOEL, DANBERG, KALIS, DOWNS, LAREDO & HUMPHREY requesting a discussion with the Sustainability Team to consider creating an ordinance that may require and/or encourage the use of efficient electric technology for heating, cooling, hot water, cooking and other appliances in new and substantially renovated buildings.

Action: **Public Facilities Held 8-0**

Note: The Chair noted that Thomas Kiley, the President and CEO of the Northeast Gas Association was invited to attend this meeting to give his perspective on the electrification of buildings.

Mr. Kiley explained that the Northeast Gas Association is a regional trade association that represents natural gas interests in 9 Northeast States. The Northeast Gas Association has approximately 33 local gas distributions companies and municipalities that serve 14 million customers in those 9 states. There are also 10 pipeline companies and liquified natural gas import facilities. He noted he was asked to answer the following questions regarding the electrification of buildings.

- 1) Have gas companies been following the conversations around the electrification of buildings and what do they feel their role is?
- 2) What are their major concerns with the electrification of buildings?

Question #1

Mr. Kiley explained that they have been following this conversation. Gas companies do feel that they have a constructive role to play in partnership with renewable energy. He explained that there is a pathway that involves the delivery of decarbonized fuel through their existing network and this would help maintain affordability. He noted that natural gas provides an affordable and reliable energy source and is the preferred energy source for many consumers. He also noted that there has been an increase of users of gas as their energy source in the past few years. The largest gas provider for the residents of Newton is National Grid, who have released a net-zero by 2050 plan last October. In the plan, National Grid referenced 10 pillars. The 5 pillars that reference the future of heat and how utilized will be addressing lowering emissions going forward are listed below.

- Energy efficiency and demand response (45% of the energy efficient dollars are spent in the 9 states that are represented by Northeast Gas Association where there are 14 million customers who represent less than 20% of the United States gas customers)
- Decarbonizing the gas network with renewable natural gas and hydrogen
- Reducing methane emissions from its own network or working with the industry to reduce emissions through the entire value chain
- Integrating innovated technology to decarbonize heat including electrification, heat pumps and geothermal hybrid gas heating systems
- Investing in large scale carbon management

Mr. Kiley noted that the emissions from the natural gas sector in the last three decades have dropped while adding a tremendous number of customers nationwide. This statistic was done by the Department of Energy. National Grid has a proposed pilot program for geothermal products in Massachusetts.

Question #2

Mr. Kiley explained that customer choice is essential to energy policy and regulation in Massachusetts. There is a concern of there being a mandate on electrification. He noted that incentives and pilot programs are welcome to test the advance of electrifications. There are already utilities that have investigated this approach. Mr. Kiley noted that natural gas fuels more than 50% of the power generation in Massachusetts and New England. Natural gas utilities will be an important partner to renewable energies going forward. There is a concern on the reliability and affordability of electrification. The energy transition is underway, but it takes time and the efforts will need to be coordinated. Mr. Kiley also cited the recent climate bill in the Department of Energy Resources (DOER) building code.

Councilors asked the following questions:

Q: What is the definition of renewable natural gas?

A: Mr. Kiley explained that renewable natural gas is derived from organic waste materials. There is a company in Vermont that is taking waste from their farms and injecting it in their systems as part as the natural gas supply for Middlebury College. National Grid has multiple programs for renewable natural gas as well. This is a new technology that is still in pilot programs. Mr. Kiley further explained that the gas companies do need to continue to repair the significant back logs of leaks in this country.

Q: Regarding the previous answer, is this process capturing methane and what portion of the gas companies' product is capturing methane?

A: Mr. Kiley explained that yes this is capturing methane. He noted that he did not have an answer for the second question but could provide one at a later date.

Q: What is the Committee's goal from this docket item?

A: The Chair noted that the goal is for the City to meet its Climate Action goal and reduce greenhouse gas emissions. The overall goal would be to create an ordinance along with a Home-Rule petition.

Q: Can the current gas infrastructure be used to deliver electricity instead of gas?

A: Mr. Kiley explained that nationwide there is a move towards complete electrification. There is still a tremendous amount of infrastructure that will need to be put in place just to fuel the electric vehicle market. Another aspect that needs to be addressed is the amount of gas that is used especially in the New England states during the winter for heating. The gas infrastructure

needs to be maintained to be able to feed these customers, while still recognizing the state's climate action goals.

Q: Is it fair to say that companies represented by the Northeast Gas Association would have no issue with an electrification bill that called for the electrification with new construction or substantially renovated buildings as long as it doesn't change existing customers?

A: Mr. Kiley explained that he could not make this statement for the entire industry. He did note that gas companies are still bringing in new customers for natural gas but are careful when adding new customers due to climate action goals. Additionally, Mr. Kiley noted that there is a finite amount of infrastructure and it is extremely difficult for the gas company to get new pipes.

Q: What is the cost and timeframe to repair the gas leaks in Newton?

A: Mr. Kiley explained that the above question would need to be answered by National Grid. He suggested that the committee has an official from National Grid come to a meeting discuss these concerns.

Q: What are the plans in place to achieve carbon neutrality by 2050?

A: Mr. Kiley explained that those goals do vary between gas companies.

Q: Renewable natural gas has shown to be inefficient in the past. What is the plan for this going forward?

A: Mr. Kiley explained that this will never replace the trillions of cubic ft of gas that is going through the system on an annual basis, but this can make a difference.

Q: Would the trade association actively oppose local efforts to electrify buildings?

A: Mr. Kiley noted that the Board of Directors for the Northeast Gas Association has not taken any action to oppose these efforts at this time. They have been asked to go before local communities to discuss the usage of natural gas. He noted that there are regulations being considered that could make it difficult for the gas companies to maintain their infrastructure for current customers. He also noted that gas companies are essential to this region's economy.

Q: Is there any logistical problems with Newton creating an ordinance that may require electrification in new construction?

A: Mr. Kiley explained that residents may still want to have gas hook-ups when building a new home. There have been discussions that heat pumps alone are not reliable during cold winter nights in New England. There are also 27,000 residents/businesses just in Newton that are on natural gas. The technology is also not there to completely transition to all electric homes and businesses.

Councilor's outstanding questions

Q: How much have emissions dropped across the gas network?

Q: How are gas companies investing in renewable energy technology?

Q: How will the gas companies work with the city to reach out to the private sectors to reduce their emissions?

Q: What exactly are the gas companies doing to collaborate on the need to transition to cleaner energy sources understanding the need to expand the electric grid?

Councilors made the following comments:

The Council should be careful on banning gas all together because the City may not have the authority to do so. This was shown in the AG's decision on Brookline's Bylaws. The City should continue to give resident choices.

The Committee has changed the docket item to not use the language of an all-out ban. This will be a lengthy process and the committee will continue to discuss possible exceptions to this rule. There will also be further conversations about the impact of the City's energy consumption and what that will look like with all electric homes and buildings. The Law Department will continue to advise the committee on the legal aspect of this issue. The Energy Coach will be able to educate residents on what their choices are.

This conversion will not happen overnight but there seems to be no reason that there can not be a requirement for new construction or substantial renovation to wire for electrification.

There will still be a need to rely on gas until this conversion can happen. The City should also should further investigate the renewable pilot programs that gas companies are running.

Mr. Kiley noted that National Grid is putting funds into renewable energy and he noted that a representative from National Grid could educate the committee on this program.

The amount of gas leaks is still a concern. It was also questioned what the money could go towards if these repairs did not have to made. Additionally, there is a concern of the health risks related to the usage of natural gas. These are the reasons why the transition to all electric is so important.

Regarding the previous comment, Mr. Kiley noted that they do have an obligation to maintain the existing infrastructure to be able to serve the customers as the transition occurs.

It was also noted that the State Legislature will have a large role on what ordinances and regulations will be allowed.

Councilors thanked Mr. Kiley for his time and knowledge on this matter.

After the conclusion of the meeting, Mr. Kiley submitted the attached questions and answers regarding the electrification of buildings.

The Committee went on to discuss next steps for this docket item:

It was noted that the attached Brookline Bylaws do show a list of exemptions that Newton may want to consider.

It was also been discussed that Newton should put together a Home-Rule petition and a draft ordinance which should be submitted to the State Legislature for review. Lexington and Arlington have already submitted a Home-Rule petition request to the legislature. The committee should have a discussion while drafting the ordinance on what exceptions should be considered. It was also noted that this ordinance would deal with new construction and substantially renovated buildings.

Ann Berwick, Co-Director of Sustainability addressed the question regarding why the City would not just adopt the net-zero building code at the state level. Ms. Berwick explained that the net-zero stretch code does not solve this problem. There are multiple ways for the City to get net-zero. She explained that there is a scenario to not have stringent building requirements and let the rest of the problem be solved by nonvaluable offsets. Electrification needs to happen to get to a meaningful net-zero.

She also noted that there may be a reliability problem but not with new construction or substantial renovations with the offshore winds that will be a part of electrification. Ms. Berwick explained that she herself owns a heat pump in her house in New Hampshire and it has been a reliable source for heat.

There should be a sense of the committee on several key issues and then this should be passed to the Law Department and the Co-Directors of Sustainability to form the language necessary for a Home-Rule petition and/or a draft ordinance. There is a question if this should be for all new construction or just 1 to 2 family homes. Then will this be all substantial renovation or again just for 1 to 2 family homes. There should also be a legal definition for substantial renovation. The one other decision that the committee should make is if there should be an exemption for cooking. It was noted that Brookline did decide to exempt cooking.

There may be the need to have more guidance from the Law Department on how far this proposed ordinance can go. If the City would require the electrification of new construction and substantially renovated buildings, then this would prohibit new gas hookups. The legality of doing this is in question. If this is legal to do and once the City has able to form a draft ordinance there should be a public hearing.

It was noted that going forward with the Home-Rule petition will deal with some of the legal issues. Ms. Berwick explained that an ordinance would be illegal if it was not accompanied by a Home-Rule petition. The Home-Rule petition asks state legislatures to allow Newton to adopt this kind of ordinance. This is what the AG's office told Brookline they had to do. Lexington and Arlington have just filed their Home-Rule petitions within the last few weeks.

It was asked if the Law Department has weighed in on the issue of a Home-Rule petition? Ms. Berwick noted that they do agree with her above comments on a Home-Rule petition.

It was also noted that a Home-Rule petition should be submitted before a public hearing is scheduled. This will be an important aspect of this project; not only residents need to be educated but also developers.

The Chair asked the committee if they would like to exempt cooking from the potential ordinance.

Cooking should be exempt from any potential ordinance. It was noted that the Brookline Bylaw also exempts back-up generators, outdoor cooking, outdoor heating, large central hot water heaters, labs/certain medical offices, repairs of unsafe conditions and waivers when electrification is not feasible. The Law Department should look at these exemptions and what other cities/towns have decided to exempt.

Ms. Berwick explained that the administration would like to exempt cooking for a number of reasons. There has been push-back from residents in other towns if cooking is included in this ordinance. Additionally, the emissions related to cooking are relatively small compared to the emissions associated with heating and cooling. For these reasons cooking is reasonable to exempt. She also noted that Brookline's other exemptions are also reasonable.

It was noted that there is unhealthy air quality that does come from having gas stoves but if this is what is stopping the committee from moving forward then cooking should be exempt.

It was asked if there should be exemption around small scale 1 to 2 family water heaters. Ms. Berwick explained that the communities that have put forth Home-Rule petitions did not make this exemption. She explained that all of those towns have exempted central hot water heaters over a certain size. This is because the technology is developed for the smaller buildings. Mr. Berwick also addressed the attached cost-comparison memo. She explained that if a new home is built in Newton the additional costs to make the home all electric is very small.

There should be as few as possible exemptions to this ordinance. Cooking should not be one of the exemptions because there are viable options for cooking with electrification. There are also health impacts to burning gas in homes.

It is important to get support from residents on this issue so if cooking is an issue it should be exempt. This is an ordinance that could change overtime as more technologies develop.

The subcommittee will be drafting ordinance language and a Home-Rule petition to bring before the committee. There is a plan to have a public hearing after submitting a Home-Rule petition.

Councilor Crossley motioned to hold item #294-20 which passed unanimously.

The Committee adjourned at 9:42 p.m.

Respectfully Submitted,

Alison M. Leary, Chair