

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: POLE AND CONDUIT COMMISSION HEARING

POLE AND CONDUIT COMMISSION BOARD MEMBERS:

Richard V. Scali, Chairman
William Dwyer, Superintendent of Streets
George Fernandes, City Electrician

STAFF:

Elizabeth Y. Lint, Executive Officer

- held at -

Michael J. Lombardi Municipal Building
831 Massachusetts Avenue
Basement Conference Room
Cambridge, Massachusetts 02139
Thursday, June 18, 2009
10:13 a.m.

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P R O C E E D I N G S

MS. LINT: Pole and Conduit Commission meeting, Thursday, June 18. It's 10:15 a.m. We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room.

Before you are the Commissioners: Chairman Richard Scali, Bill Dwyer, and George Fernandes.

MR. SCALI: Good morning everybody. First, I'll make a motion to accept the minutes from our last meeting in May. That's moved.

MR. DWYER: Yes.

MR. FERNANDES: Seconded.

MR. SCALI: All in favor?

MR. FERNANDES: Yes.

MR. DWYER: Yes.

MR. SCALI: Are there any Cambridge residents here? Which application are you here for?

MS. NORDMANN: Sibley Court.

MR. SCALI: The second item for NStar.

MS. DUFFY: I don't think the customer decided if they're going to go overhead or underground yet.

MR. SCALI: Are you the customer?

MS. NORDMANN: No. I'm just one of the residents.

MS. DUFFY: They're still dealing with the neighbors.

MR. SCALI: There's no decision as to whether they're going to go overhead or underground?

MS. DUFFY: No.

MR. SCALI: So the person who wants that work done is working with the neighbors?

MS. DUFFY: He's working with the neighbors.

MR. SCALI: So you're one of the

residents, ma'am?

MS. NORDMANN: Yes.

MR. SCALI: What's your name?

MS. NORDMANN: Leila Nordmann.

MR. SCALI: What is your address?

MS. NORDMANN: 23 Sibley Court.

MR. SCALI: Did you have an opinion about this that you wanted to express? Can you come forward?

MS. NORDMANN: I know there was a discussion to put it underground. I was just more concerned about if there's a possibility of moving it -- it looked like it had been staked further back -- that there would be a possibility of another parking spot once the pole is moved. And that was one of the concerns with having another person move onto the Court was having an extra parking spot. That was the only concern that I was voicing but it sounds like they may be putting it underground as well. I don't know.

MR. SCALI: So the idea is that if they put it underground, there's be no poles there;

right?

MS. DUFFY: Right.

MR. SCALI: And if they decide to go overhead, they would relocate the pole?

MS. DUFFY: Yes.

MR. SCALI: If they relocate the pole, would that give another parking space?

MS. DUFFY: I'm not sure.

MR. SCALI: You're saying there's a possibility?

MS. NORDMANN: There's a possibility that it would give -- yeah, because it would move it about four feet back.

MR. SCALI: I guess the answer is we don't know right now. How much longer do you think?

MS. DUFFY: I e-mailed the customer. She hasn't gotten back to me.

MR. SCALI: So I guess we're going to continue the matter again.

Any comments?

MR. FERNANDES: No.

MR. SCALI: Motion to continue to our next Pole and Conduit.

MR. DWYER: Yes.

MR. SCALI: Moved.

MR. FERNANDES: Seconded.

MR. SCALI: All in favor?

MR. FERNANDES: Yes.

MR. DWYER: Yes.

MR. SCALI: So our next meeting is in July. If by then they decide what they're going to do, it will go back on the agenda. If they haven't decided by then, we'll just take it off for now, then we'll notify the people on the street as to what the decision is. Do you have a way to reach the --

MS. DUFFY: The neighbor has been in contact with everyone, so I just contact the customer.

MR. SCALI: So you know who your neighbor is?

MS. NORDMANN: Yes, Mr. Seitchik.

MR. SCALI: I would just check with

them to make sure that they've made a decision or not.

MS. NORDMANN: Thank you very much.

MR. SCALI: Any other Cambridge residents?

MR. LOPES: Representing 231 Lexington Street.

MR. SCALI: Which is on Page 3. Oh, the power outages?

MR. LOPES: No.

MS. DUFFY: It's for one of ours.

MR. FERNANDES: It's for a new service.

MR. SCALI: Opposite Hawthorne Park?

MR. LOPES: No.

MR. SCALI: Lexington Avenue is on here a number of times.

MS. DUFFY: It's at the top of Page 3.

MR. FERNANDES: It is Hawthorne Park.

MR. SCALI: So we've got a new petition for NStar for Lexington Avenue, easterly opposite Hawthorne Park, four feet of conduit. And they've also got Lexington Avenue -- that's wrong?

MS. DUFFY: Yeah. On the second one, take that Lexington Avenue out and on the third one. The third one should be that man from Cogswell.

MR. SCALI: So we've got the wrong streets on these.

MS. DUFFY: Number 3 is 47 Cogswell.

MS. LINT: And No. 2 should not be there at all?

MS. DUFFY: Lexington Avenue shouldn't be there; Second Street should be there.

MR. SCALI: Let's take the one for Lexington Avenue for four feet of conduit. Tell us what this is about.

MS. DUFFY: They're going underground and getting rid of the overhead.

MR. SCALI: So the whole street?

MS. DUFFY: No, just for that customer.

MR. SCALI: Are you the customer?

MR. LOPES: I'm the electrician representing the customer.

MR. SCALI: What is your name?

MR. LOPES: John Lopes, L-O-P-E-S.

MR. SCALI: Are you doing the work?

MR. LOPES: Yes, I am.

MR. SCALI: Who is the customer?

MR. LOPES: I'm working for a general contractor, McLaughlin Construction and General Contracting.

MS. DUFFY: I have Charles Stead, S-T-E-A-D.

MR. SCALI: And you work for McLaughlin?

MR. LOPES: I work for McLaughlin Construction.

MR. SCALI: Questions?

MR. FERNANDES: You have two conduits here. What's the other one for?

MR. LOPES: That's for cable and phone.

MR. FERNANDES: So you haven't applied for that?

MR. LOPES: I believe we did, yes.

MR. FERNANDES: You have to have two pipes in there if you want cable and Verizon. Plus, your pipes shouldn't be there anyway. They're already installed.

MR. DWYER: I haven't been up there.

MR. FERNANDES: You need permits to go across the public way.

MR. LOPES: We did. We got all those permits.

MR. FERNANDES: From where?

MR. LOPES: We got them up here.

MR. FERNANDES: Where?

MR. LOPES: Up here.

MR. FERNANDES: Wrong place. You have to go to Public Works.

MR. LOPES: I believe my customer got all those permits that she needed to get.

MR. FERNANDES: Customers don't get permits.

MR. SCALI: They can't apply for the permits.

MR. LOPES: Well, my customer, McLaughlin Construction. I work for McLaughlin Construction.

MR. FERNANDES: I don't believe so. I didn't give them one.

MR. DWYER: They need to get permits from Public Works and the Electrical Department because you're crossing the public way. And now that they have Jackie's Law in place, you need to get an excavation permit to cover that.

MR. LOPES: I'll double check on that. I believe that McLaughlin Construction got all those permits. That's what I was told by them.

MR. FERNANDES: They wouldn't be given a permit until this process here is complete, so I don't know how he got a permit.

MR. SCALI: You have to come here first, and then you get the permits after that to put it in.

MR. FERNANDES: You can't install conduit and then come and ask us if you can install conduit, because that's exactly what you're doing here today.

MR. LOPES: What's the next step?

MR. FERNANDES: You have to go to Comcast service and Verizon, you have to go to them and petition them to do the same thing, put the

paperwork in here first for approval.

MR. LOPES: When you say -- on the first-floor there, the electrical inspection.

MR. FERNANDES: No. It has nothing to do with it.

MR. SCALI: You need to go to the Verizon representative, you need to go to the Comcast representative, and have them put applications in just like NStar did. We do them all together, NStar, Comcast, and Verizon all at the same time. So you've just got one-third of the process.

MR. LOPES: I apologize; I thought that was all done by my department.

MR. FERNANDES: If they want Comcast and Verizon, there has to be two conduits in there, not one.

MR. LOPES: I believe they just have Comcast.

MR. SCALI: What is your timeframe on this? It's already in; right?

MR. DWYER: It needs to be probably

pulled out because it hasn't been inspected if it's been put it. So you need to contact Bill Dwyer down at Public Works. Have McLaughlin do that.

MR. SCALI: We need to continue this matter.

MR. FERNANDES: Continue it.

MR. SCALI: Motion to continue.

MR. DWYER: Moved.

MR. FERNANDES: Seconded.

MR. SCALI: All in favor?

MR. DWYER: Yes.

MR. FERNANDES: Yes.

MR. SCALI: In the meantime before the next meeting, you need to straighten all that out with Verizon and Comcast. Have them put the applications in. There are representatives here from Comcast and Verizon if you want to speak to them now, but I don't know whether you or McLaughlin wants to do that.

MR. LOPES: Thank you.

MR. SCALI: Are you the actual customer?

UNIDENTIFIED SPEAKER: I'm representing the customer. I'm with the general contractor.

MR. SCALI: That's not a Cambridge resident. What I mean by Cambridge resident is someone who lives in Cambridge who is applying for an actual use, not an electrician, not a construction company, not a utility company. We give preference to people who live in Cambridge to come up first. So we'll go back and do that one afterwards.

Are there any Cambridge residents here; people who are customers that are not in the business.

MR. TRUANT: I'm a Cambridge resident and I'm applying. I just also happen to be in the business.

MR. SCALI: Which one are you talking about?

MR. TRUANT: It's near the end I

think, 29 Warren Street. It may have to be continued because I didn't --

MR. SCALI: Before we begin, just tell me who you are.

MR. TRUANT: Marc Truant, T-R-U-A-N-T. First name, M-A-R-C.

MR. SCALI: Where do you live?

MR. TRUANT: I live at 32 Warren Street but I'm applying for properties at 29 Warren and 3 Jefferson.

MR. SCALI: So these are your properties?

MR. TRUANT: They are.

MR. SCALI: And you're applying through Verizon. So is Verizon here? Oh, right there in front of me.

MR. VATALARO: Is that 29 Warren?

MR. SCALI: Yes. We've got Comcast on here too.

So you're applying for Verizon, Verizon is applying from an existing pole on the southern side of Jefferson to the intersection with

Warren, across Jefferson to the property line at 3 Jefferson and 29 Warren, 35 feet. With Comcast, applying to extend underground conduit from existing pole on the sidewalk, 49 feet to private property at 29 Warren, conduit 49 feet in the public way to private property line.

Comcast, tell us what you are doing?

MR. VATALARO: It's Pole No. 705/4 on the corner of Jefferson and Warren, and they want to extend the conduit from there to the back side of 29 Warren Street.

MR. SCALI: This is a renovation?

MR. VATALARO: Yes.

MR. TRUANT: It's a complete gut renovation of 29 Warren. I also own the property adjacent right next door at 3 Jefferson, and I wanted to feed both properties. That's a three-family at 3 Jefferson and we're going to be doing some renovations in there.

MR. SCALI: And Verizon, same thing?

MR. DEBOLE: Pretty much. From Pole 705/04, about 35 feet underground.

MR. SCALI: Yours is on Jefferson too.
The same pole.

MR. DEBOLE: Yes, sir.

MR. VATALARO: Different tape
measures.

MR. SCALI: Yours is 49 feet and his
is 35 feet.

MR. TRUANT: In the end it will all be
the same.

MR. SCALI: If the plans don't say it,
it isn't happening. So who's going to decide?

MR. TRUANT: Can I speak now? We may
want to continue this because I had expected NStar
to be here as well because we actually want to
bring a new electrical feed in. We met out there
with NStar, the engineering is being done, and I
expected them to be here as well.

MR. SCALI: Did you contact them? You
have to contact them to have them apply. They're
not going to contact you.

MR. TRUANT: When we met, they told
they would apply, so I expected that -- but maybe

these gentlemen were quicker to the punch. I thought maybe that's the thing is to come back the next time with NStar. We'll get all our dimensions. We'll all be on the same page with maybe the length of the run and know how many conduits. Because I can't -- I mean I'm not going to hire a subcontractor to do it until we know we have it all there. It doesn't make sense. So I'm sorry to bring you guys back.

MR. SCALI: They're here anyway. So we still need NStar, and we still need better dimensions on this.

MR. VATALARO: There was a UPS truck in my way.

MR. SCALI: You couldn't take your tape measure and go around the UPS truck?

MR. VATALARO: Mine might be a little long.

MR. SCALI: You measured it yourself?

MR. VATALARO: Yeah.

MR. FERNANDES: We need to wait for NStar anyway because there's already two risers on

that pole. Someone has to decide how many they would like to put on that pole.

MR. SCALI: So you're saying they may not be able to go on that pole at all?

MR. FERNANDES: Correct, not with all of them.

MR. TRUANT: I think they're actually on the opposite side, but I agree that obviously we have to have everybody on the same page.

MR. FERNANDES: You can end up with two electric, one telephone, one Comcast, and two -- there's seven. I don't believe we allow seven.

MR. TRUANT: Well, wouldn't two and two and two -- you said there's two on there now, so wouldn't that be six?

MR. FERNANDES: You may have to do two electric.

MR. TRUANT: You guys want two each, or one each?

MR. VATALARO: I only want one.

MR. FERNANDES: Electric might request two.

MR. TRUANT: So that would be four, and you're saying there's two on there now, so that would be a total of six.

MR. FERNANDES: Whatever. There's still too many, but I'll leave it up to the utilities. Also, it's a double pole so that has to get corrected before the work is done.

MR. TRUANT: They're in the process. I see them out there shifting everything.

MR. FERNANDES: Yeah, I know, but we're not going to wait 10 years for the process though.

MR. SCALI: Take it out now.

MR. FERNANDES: Well, it won't be done unless the pole is removed.

MR. TRUANT: That makes a lot of sense. So hopefully we're moving to get that done.

MR. SCALI: So we need to continue the matter until next month. We still need NStar. We still need better measurements clearly, to decide whether there's going to be -- if you can even go

on that one pole.

MR. TRUANT: Who is the utility responsible for deciding? Is that the City?

MR. SCALI: They all have to go back out and check their measurement.

MR. TRUANT: All three of them have to decide together that the pole can handle it?

MR. SCALI: Right. Motion to continue.

MR. DWYER: Moved.

MR. FERNANDES: Seconded.

MR. SCALI: All in favor?

MR. DWYER: Yes.

MR. FERNANDES: Yes.

MR. TRUANT: Thank you very much.

MR. SCALI: Any other Cambridge residents here? I see no hands.

MR. SCALI: Continued from May 21, Light Tower. We were still waiting for Verizon and NStar to apply for Forest Street and Roseland Street.

Good morning.

MR. PARELLA: Good morning. Chris Parella from Light Tower. If I could indulge the Commission, I would prefer to continue for another month given the length of time it has taken us. We do actually have our responses back from the utilities but since it's taken six or seven months to do it, we're reconsidering the project. There's a very strong likelihood I'll probably ask to withdraw the petition by this time next month. I can't confirm it now though.

MR. SCALI: Is it a monetary issue, or just time issue?

MR. PARELLA: The project has changed. If you recall, the project was to provide a service to Sprint at that location, and we had several hundred of them to do around the region. Things have changed with Sprint which has impacted how

we're responding to Sprint.

MR. SCALI: We'll give it one more month to see what happens.

MR. PARELLA: If we could, I'd appreciate it.

MR. SCALI: Motion to continue.

MR. DWYER: Moved.

MR. SCALI: Second.

MR. FERNANDES: Seconded.

MR. SCALI: All in favor?

MR. DWYER: Yes.

MR. FERNANDES: Yes.

MR. SCALI: See you next month, or if you just want to let us know that it's withdrawn, you can do that beforehand.

MR. SCALI: From May 21, Next G with regards to installing equipment, a steel guy pole, providing fiber optic cable to pole location 2E-19H, which is the intersection of Prescott and Cambridge Street. And then we've got Next G for one utility guy pole at the corner of Mass. and Dana providing fiber optic cable, 940 feet of aerial fiber at the intersection of Hancock and Center Street, westerly to Dana and then southerly on Dana to the node pole.

So those are you two. Good morning.

MR. ADAMS: Good morning. I'm Tony Adams with Next G Networks. Both these items, we're still waiting on response from NStar. We're a lot closer than we were but we're going to need to continue them both with respect to the steel guy pole issue.

MR. SCALI: It's NStar's pole that you're trying to use?

MR. ADAMS: It's an NStar guy pole, and for us to replace it -- we want to make sure we're replacing it with exactly what is required;

exactly what both the City and NStar want. We have several approvals but there are one or two folks at the division that we want to make sure they're happy with everything before we move forward.

MR. SCALI: You're waiting to talk to NStar?

MR. ADAMS: Yes.

MR. SCALI: On both of these issues?

MR. ADAMS: Yeah, it's the same. It's the same -- replacing an old guy pole with a new one is the issue at both those locations.

MR. SCALI: Comments?

MR. FERNANDES: No.

MR. SCALI: Any questions?

MR. DWYER: No.

MR. SCALI: Motion to continue on both.

MR. DWYER: Moved.

MR. FERNANDES: Seconded.

MR. SCALI: All in favor?

MR. DWYER: Yes.

MR. FERNANDES: Yes.

MR. ADAMS: I had an alteration on one. Is it okay if I bring this up now?

MR. SCALI: That's all you have on the agenda, and that one there?

MR. ADAMS: This was going to be a steel guy pole but NStar cleared off the pole next to it, so we could go on the wood pole instead. It's Columbia and Main.

MR. FERNANDES: Have abutters been notified on that?

MR. ADAMS: They were notified through the first run.

MR. FERNANDES: No good, particularly in that spot, no good.

MR. ADAMS: We hadn't had a lot of discussions with that one abutter.

MR. FERNANDES: That one abutter needs to know what you're doing.

MR. SCALI: So we'll put it on the agenda for next month.

This was an Addendum item. It's Next G for the intersection of Main and Columbia

Streets, adjacent to 401 Main Street. It's not on the agenda. It's ID 2E-05H, a pole top mount for a change of location.

MR. ADAMS: The good news about this is that we wouldn't need to dig if we get the okay for the wooden pole. It would all be aerial.

MR. SCALI: Thank you, Mr. Adams.
Those are the same ones?

MR. ADAMS: I just made five copies.

MR. SCALI: We'll take them. Patricia can use them for next month.

MR. SCALI: Top of Page 2 from May 21, Comcast. Mr. Fernandes was going to check to see on the NStar portion of that for three Wendell Street, placing conduit five feet to the public way to private property line. So this is a coordinated effort. What's happening? Have you looked at it Mr. Fernandes?

MR. FERNANDES: Yes.

MS. DUFFY: We're on that pole on Wendell also.

MR. FERNANDES: So now that makes sense with a pad mount and transformer in the back. So I'm okay with electric.

MR. SCALI: You're already there?

MS. DUFFY: Yes.

MR. FERNANDES: Comcast is good.

MR. VATALARO: Okay.

MR. FERNANDES: I think Verizon we already did.

MR. VATALARO: Verizon is coming from Mass. Avenue I think.

MR. FERNANDES: Right.

MR. SCALI: Questions?

MR. DWYER: No.

MR. SCALI: We're all set to go?

MR. FERNANDES: Yes.

MR. SCALI: Conditions?

MR. DWYER: Conditions: follow the specifications and restrictions for the permit process through the Electrical Department and the Department of Public Works.

MR. SCALI: SPOF.

MR. DWYER: Yes, SPOF will be applied, or mitigation. I think mitigation has already been agreed to in this situation.

MR. SCALI: Motion to approve subject to mitigation and permits. Moved.

MR. FERNANDES: Seconded.

MR. SCALI: All in favor?

MR. DWYER: Yes.

MR. FERNANDES: Yes

MR. SCALI: For May 21, NStar for Maple Avenue, easterly 300 feet northeast of Broadway, five feet of conduit. We were waiting for Verizon and Comcast to apply, and then we were also considering the issue of fines with regard to Maple Avenue. What is the update on Maple Avenue?

MR. FERNANDES: Nothing that I know of.

MR. SCALI: Nothing new?

MS. DUFFY: They haven't put there's in yet, Verizon and Comcast.

MR. VATALARO: Have you been contacted for Maple Ave.?

MR. FERNANDES: No. I think we should just remove it.

MR. SCALI: Is the customer still questioning?

MS. DUFFY: I don't know.

MR. SCALI: No contact from the customer. Anybody want to be heard on Maple Avenue? We'll remove it from the agenda and place it back on if you need to, and reapply.

MR. SCALI: From May 21, NStar with regards to Mass. Avenue, southwesterly 145 feet southeast of Main, 31 feet of conduit.

MS. DUFFY: This is the one for the Salvation Army that you were questioning, George.

MR. FERNANDES: Yes. I have not heard from them, and I don't think it's their property.

MS. DUFFY: Okay.

MR. SCALI: It's not the Salvation Army's property?

MR. FERNANDES: Correct. I believe it belongs to the City of Cambridge Fire Department. So if they intend to use that, we would have to work that out with them.

MR. SCALI: Do you want to continue it?

MR. FERNANDES: I'd continue it, yeah.

MR. SCALI: To talk to them again.

MR. FERNANDES: Yes.

MR. SCALI: Anybody want to be heard on the Mass. Avenue, Main Street project? Motion to continue.

MR. DWYER: Moved.

MR. FERNANDES: Seconded.

MR. SCALI: All in favor?

MR. DWYER: Yes.

MR. FERNANDES: Yes

MR. SCALI: Next at the bottom of Page 2, NStar for Alewife Brook Parkway, 65 feet northeast, a distance of 75 feet of conduit. This is on Concord Lane as well.

Hello, tell us who you are.

MR. STANISZEWSKI: My name is Herb Staniszewski with the Hotel Tria.

MR. SCALI: So this is for the hotel?

MR. STANISZEWSKI: Yes.

MR. SCALI: Tell us what you want to do.

MR. STANISZEWSKI: We need to get our permanent power connected, run a conduit under Concord Lane.

MR. SCALI: Is it not sufficient now; is that what's wrong?

MR. STANISZEWSKI: We put up a new building and we've been on temporary power for the last year. So they want to put a permanent transformer on the ground. Right now, it's coming from a pole on Concord Lane.

MR. SCALI: The transformer is going

to be where?

MS. DUFFY: On the property.

MR. SCALI: On your property?

MR. STANISZEWSKI: Yes, on a pad.

MR. FERNANDES: I have a question.

Is Concord Lane private?

MR. DWYER: It was before I think.

MR. FERNANDES: It's private?

MR. DWYER: Yes.

MR. FERNANDES: So now there a sidewalk in there and the poles are in the street. What are we going to do with the poles?

MR. STANISZEWSKI: We notified NStar about it. I'm not sure --

MR. FERNANDES: What is your plan?

MR. STANISZEWSKI: I guess it was at Linwood. I talked to Ernie Dolan about it, and I think they're working on a solution.

MR. FERNANDES: In the meantime?

MR. STANISZEWSKI: In the meantime --

MR. FERNANDES: Do we plow that?

Do we maintain it?

MR. DWYER: Yes.

MR. FERNANDES: And we have poled three feet off the sidewalk in the street.

MR. DWYER: We do maintain that.

MR. FERNANDES: I think you need a plan.

MR. STANISZEWSKI: Excuse me.

MR. FERNANDES: I think you need a plan. We legally cannot put poles in the street. They're now in the street. They should have been moved. If you're going to put a sidewalk in, they should be moved back to the sidewalk, or you should have widened the sidewalk out to the poles.

MR. STANISZEWSKI: We took the sidewalk to our property line, so I'm not sure where the poles were in relation to --

MR. FERNANDES: I don't either but they were protected.

MR. SCALI: Would you recommend that they be removed?

MR. FERNANDES: I'm not making any recommendations if it's private property but it's

passable by the public.

MR. STANISZEWSKI: We certainly will again with NStar come up with a plan to address the poles, but I think that's a separate issue to the permit.

MR. SCALI: We'll never see you again if we give you permission here, now.

MR. FERNANDES: I don't think it's separate. Is this conduit in place already?

MR. STANISZEWSKI: I'm not sure.

MS. DUFFY: Yes.

MR. FERNANDES: The street is paved so I assume you wouldn't pave the street and then dig it up and put conduit in. So I'm guessing it's in.

MS. DUFFY: It is in.

MR. FERNANDES: Now we have sidewalk on private property, poles in the middle of the street, and the conduit is in.

UNIDENTIFIED SPEAKER: George, the easiest solution is to extend the sidewalk because those poles are -- there's a lot of risers.

MR. FERNANDES: I understand but it

should have been addressed and it was not.

UNIDENTIFIED SPEAKER: NStar never knew about the sidewalk. I just find this out yesterday when I went out there.

MR. SCALI: Who paid for the sidewalks?

MR. STANISZEWSKI: We had put the sidewalk in. Our permit was appealed by our abutter and we put the sidewalks in at his request.

MR. FERNANDES: Can the sidewalk be put out to where the poles are, or beyond that.

MR. STANISZEWSKI: If we can, yeah. We certainly will do that.

MR. FERNANDES: It's probably the easiest solution.

MR. STANISZEWSKI: I think the sidewalks went out as far as our property line so we'll need to get consent from the abutter to do that. We'll do it if that's how you would like us to address it, and how NStar wants to do it.

MR. FERNANDES: We have to have inclusion for the poles.

MR. STANISZEWSKI: Okay.

MR. SCALI: The poles are on people's private property?

MR. FERNANDES: I'm not sure.

MR. SCALI: But it's a passable street?

MR. DWYER: It's passable and it's accessible.

MR. SCALI: Who owns where the poles are?

MR. DWYER: The owners, the abutters of the street own it right now.

MR. SCALI: The people on either side of the street?

MR. DWYER: Yes.

MR. STANISZEWSKI: If it's private, I guess we own it to the middle, technically. I don't really know.

MR. FERNANDES: I'm a taxpayer. I prefer that you plow it and maintain it and everything else. If you're going to put poles in my way, I think it should be closed.

MR. STANISZEWSKI: If it was closed, it wouldn't affect us. It would affect our abutter.

MR. FERNANDES: Whoever owns it.

MR. STANISZEWSKI: If it wasn't there, it would have zero impact on us, and a very big impact on the shopping mall that is adjacent to it. We'll certainly bring the sidewalk out if that's what you would like us to do.

MR. FERNANDES: I don't know what the actual solution is, but the owners need to come up with a solution for it. If it's a street that's open to the public, it has to be treated as a public way I would say. And it's open to the public.

MR. DWYER: If you want to put together a conceptual plan and come down to Public Works, we'd be more than happy to work with you on that. We'll meet you on-site or whatever.

MR. STANISZEWSKI: Okay.

MR. FERNANDES: Because we will be in trouble if there's an accident involving the poles

that are in the street.

MR. STANISZEWSKI: Okay. Well come up with a plan.

MR. FERNANDES: And I'm sure the abutters will as well. We'll all be sued.

MR. SCALI: Pleasure of the Commissioners? You need more time?

MR. FERNANDES: I would continue it.

MR. SCALI: Motion to continue.

MR. DWYER: Moved.

MR. SCALI: Seconded. All in favor?

MR. FERNANDES: Yes.

MR. DWYER: Yes.

MR. SCALI: See you next month.

MR. SCALI: Page 3, NStar for Second Street, easterly, 75 feet south of Rogers, 44 feet of conduit. You get to come up now. Just tell us your name again.

MR. COLLEARY: My name is Dara Colleary, D-A-R-A C-O-L-L-E-A-R-Y.

MR. SCALI: And you are?

MR. COLLEARY: I'm with Consigli Construction. We're the general contractor. This is for the Church of Jesus Christ of Ladder Day Saints.

MR. SCALI: What's the purpose of the conduit?

MR. COLLEARY: It's for permanent power to the building. So they would need that as well as Verizon.

MR. FERNANDES: New construction.

MR. SCALI: Across the sidewalk, across the street to a pole. Questions?

MR. DWYER: No.

MR. FERNANDES: Is this a pad mount transformer?

MR. COLLEARY: Yes.

MR. FERNANDES: You don't want
Comcast?

MR. COLLEARY: No.

MR. FERNANDES: No TV in church?

MR. COLLEARY: Apparently not.

MR. SCALI: They don't watch TV.

MR. DWYER: They're praying.

MR. FERNANDES: You won't in the
future?

MR. COLLEARY: According to them. I
think they might go into satellite.

MR. SCALI: They're going to have to
if they're digging up the street now.

MR. FERNANDES: Most people that go
satellite call Comcast afterwards, don't they? Oh,
wait a minute. Do you need Internet?

MR. COLLEARY: Again, I think they may
just use mail.

MR. SCALI: The reason why we're
asking is that once it's done now, that's it. You
can't come back.

MR. FERNANDES: It's one piece of pipe.

MR. COLLEARY: We explained that to them when we started and that's their plan right now.

MR. SCALI: Pleasure of the Commissioners?

MR. DWYER: Conditions: to follow specifications that are laid out for permitting by both departments, Electrical and DPW, and there's mitigation. The situation is already laid out.

MR. SCALI: Motion to approve.

MR. DWYER: Moved.

MR. FERNANDES: Seconded.

MR. SCALI: With permits and mitigation. All in favor?

MR. DWYER: Yes.

MR. FERNANDES: Yes.

MR. SCALI: This is in regards to a complaint for NStar for -- complaint against NStar with regard to power outages for 47 Cogswell Avenue.

MS. DUFFY: The customer is all set. Service was changed by the electrician yesterday.

MR. SCALI: Just like that, amazing.

UNIDENTIFIED SPEAKER: This was a customer problem. It was his cable that had failed.

MR. FERNANDES: I talked to the gentleman and his problem was from a customer owned manhole to his property. He's been living with half power for 10 months or more. He just didn't want to do it, but he's in the process of doing the repair.

MR. SCALI: The manhole is on his property?

MR. FERNANDES: Yes.

MR. SCALI: And the cable was defective?

MR. FERNANDES: Correct, from the

manhole to his apartment.

MR. SCALI: He didn't want to repair that?

MR. FERNANDES: Correct.

MR. SCALI: Did he know that when he made this complaint?

MR. FERNANDES: He does, but he just doesn't want to believe it.

UNIDENTIFIED SPEAKER: We still have to prove that the problem wasn't ours.

MR. FERNANDES: I went and looked at it, and I concurred it was his problem.

UNIDENTIFIED SPEAKER: But it's all done. He's all set. We fixed everything yesterday.

MR. FERNANDES: But he's also complaining about your fees now.

UNIDENTIFIED SPEAKER: That's not my issue.

MR. FERNANDES: I know that.

UNIDENTIFIED SPEAKER: The issue is we fixed the problem. He's all set.

MR. FERNANDES: I send him to the DPU on that.

UNIDENTIFIED SPEAKER: He can go to the DTU to discuss the issue.

MR. SCALI: And we've had no further contact with him? You've spoken to the customer?

MR. FERNANDES: Two or three times. He's all set.

MR. SCALI: I'll place the matter on file.

MS. DUFFY: Thank you.

MR. SCALI: Next is Verizon for Prospect Street from Mass Ave. to Bishop Allen with regards to placing a conduit. The street is being rebuilt, the system needs to be upgraded, the streets repaved, sidewalk being widened this year. This is a public works issue as well.

Good morning. Tell us what this is about.

MR. DEBOLE: Basically there was going to be some street work done, and I think Phil Desroses had spoken to you about during the meeting last week. They're going to place conduit on Prospect Street from Mass, Avenue all the way to Bishop Allen Drive. We just need to get it done before the re-pavement project was done.

MR. SCALI: This was for future use. You weren't going to use it right now but because the street was being done, you decided to be proactive and put in the conduit.

MR. DEBOLE: Pretty much, yeah.

MR. SCALI: Mr. Dwyer was of the opinion that if you're not going to use it, don't

put it in.

MR. DWYER: It could be advantageous for the City too, because the City needs conduit at the same time.

MR. FERNANDES: Everything is full.

MR. SCALI: You verified that?

MR. FERNANDES: Yes.

MR. SCALI: Is there anything else you want them to do or is this application sufficient?

MR. DWYER: At this point, this application is sufficient for us. There are some other issues with permitting with DPW.

MR. FERNANDES: I believe they'll come up later. I believe there's an issue with, if not two, one of the manholes; that the curb line falls through the cover.

MR. DWYER: They're working on that now.

MR. FERNANDES: So if it gets resolved, it's fine.

MR. SCALI: Pleasure of the Commissioners?

MR. FERNANDES: Fine.

MR. SCALI: Motion to approve.

MR. DWYER: Motion.

MR. SCALI: Subject to permits and resolution of the manhole issue.

MR. DWYER: Yes.

MR. SCALI: That's moved, seconded.

All in favor?

MR. FERNANDES: Yes.

MR. DWYER: Yes.

MR. SCALI: The actual application is the second one; right?

MR. DEBOLE: Correct.

MR. SCALI: So page 4 -- am I missing one of yours? Did we do yours?

MR. DEBOLE: No. It was one of mine at the very very end. These two were just disposed of.

MR. SCALI: We did the one on Warren Street already, and then we have an addendum for Verizon for Second Street, which is existing Verizon pole on northwesterly side Second, southeasterly across Second Street to the property line at 50 Rogers Street, 36 feet.

So this is added on because?

MR. DEBOLE: It was added on I think because we got it in just before the agenda. I think she had already prepared the agenda before she went to lunch, and my timing being what it is -- you know.

MR. SCALI: You just made the deadline. You slid it under the wire.

MR. DEBOLE: Pretty much.

MR. SCALI: This is the same thing with the church; right?

MR. DEBOLE: Correct.

MR. SCALI: We should have taken this with the other one. Questions?

MR. DWYER: So they are going to get Internet, TV.

MR. SCALI: I just asked him about that and he said no. He doesn't remember he's got Verizon coming in there.

MR. DEBOLE: When he gets his bill he'll remember.

MR. SCALI: He probably will.
Comments?

MR. FERNANDES: No, I'm all set.

MR. DWYER: No.

MR. SCALI: Permits, mitigation.

MR. DWYER: Yes, same thing.

MR. SCALI: Motion to approve subject to mitigation and permits.

MR. DWYER: Moved.

MR. FERNANDES: Second.

MR. SCALI: All in favor?

MR. DWYER: Yes.

MR. FERNANDES: Yes.

MR. SCALI: Page 4, MIT for 600 Memorial Drive beginning at 304 Vassar, proceeding diagonally west across Amesbury to the intersection of Vassar, 450 west on Vassar then turning 90 degrees into rear parking lot of 600 Memorial Drive, Building W98.

Good morning, how are you?

MR. SHANNON: I'm well, and yourself?

MR. SCALI: Good.

MR. SHANNON: I'm Brian Shannon from MIT.

MR. WINKLER: And I am Jim Winkler with CDM. I am MIT's engineering consultant.

MR. SHANNON: What we'd like to propose is to connect one of our existing buildings that is occupied at 600 Memorial Drive, and install conduits from our data center into 600 Memorial Drive to provide service to the occupant. We want to do this before this section of Vassar Street gets repaved.

After our application to put service into 600 Memorial Drive, we went back and looked

into a building that MIT owns across the street from 600 Memorial Drive, 345 Vassar Street. We'd like to extend conduit into that building for future use so that we don't have to dig up the street.

MR. SCALI: I'm sorry, you said 345 Vassar?

MR. SHANNON: It's not shown on the drawing. There's 600 Memorial Drive here, and 345 Vassar Street is actually behind 600 Memorial Drive.

MR. SCALI: So you want to amend your application?

MR. SHANNON: We would like to amend our application to extend two conduits into 345 Vassar Street.

MR. SCALI: So that is just a hand drawing. You don't have a new plan yet?

MR. SHANNON: CDM is working on the full set of engineering drawings.

MR. DWYER: I'm glad to see that's not CDM's.

MR. SCALI: In addition to what you have on here, you want to add the two conduits on 345 Vassar Street.

MR. WINKLER: So it's still six and then at that manhole at 600, we're going to bring two across the street. So basically the six will split to two going into 345, and then four going into 600. So it's still six conduits leaving the Building 92.

MR. DWYER: Are all the other utilities up to date with that building?

MR. SHANNON: You mean 600 Memorial Drive?

MR. DWYER: No, 345.

MR. SHANNON: As far as I know, yes.

MR. SCALI: This is just for your own use?

MR. SHANNON: This is for our use, yes.

MR. SCALI: You don't need Comcast, or Verizon, or NStar.

MR. SHANNON: No.

MR. FERNANDES: It's all existing aerial, isn't it?

MR. SHANNON: Yes, it is.

MR. FERNANDES: Were you going to move this middle manhole?

MR. SHANNON: That middle manhole has been removed, yes.

MR. SCALI: Questions?

MR. DWYER: No.

MR. FERNANDES: All set.

MR. SCALI: Conditions?

MR. DWYER: Specifications and SPOF regulations, and permit regulations for the Electrical Department and DPW.

MR. SCALI: Do you want to take the amendment now or do you want them to -- they need to submit a new plan.

MR. DWYER: I think we can move ahead and just have them submit a new plan when they have it ready.

MR. SCALI: We'll need like a new application and a new plan showing all the details.

Motion to approve subject to SPOF, permits, new application and new plan showing the amended version.

MR. DWYER: Moved.

MR. FERNANDES: Seconded.

MR. SCALI: All in favor?

MR. DWYER: Yes.

MR. FERNANDES: Yes.

MR. SHANNON: Thank you.

MR. SCALI: Any other matters before us? Anything else, Mrs. Lint?

MS. LINT: No.

MR. SCALI: Motion to adjourn.

MR. DWYER: Moved.

MR. SCALI: Seconded. All in favor?

MR. FERNANDES: Yes.

MR. DWYER: Yes.

(Whereupon, the proceeding was concluded at 11:02 a.m.)

CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS
BRISTOL COUNTY, SS

I, Anne Ouellette, a Professional Court Reporter, the undersigned Notary Public certify that:

I am not related to any of the parties in this matter by blood or marriage and that I am in no way interested in the outcome of these matters.

I further certify that the Proceedings hereinbefore set forth is a true and accurate transcription of my record to the best of my knowledge, skill and ability.

In Witness Whereof, I have hereunto set my hand this 9th day of July 2009.

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