

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE AGENDA

WEDNESDAY, SEPTEMBER 3, 2014

7:00 PM
Room 209

Public hearing to be assigned for September 3, 2014

#311-14 VERIZON NEW ENGLAND, INC. petitioning for a grant of location to relocate solely-owned Pole #157/2 in front of 32 LAKEWOOD ROAD southerly 6' ± from its current location. (Ward 6) [08-01-14 @ 3:32 PM]

Public hearing assigned for September 3, 2014

#268-14 NATIONAL GRID petitioning for a grant of location to install and maintain 200' ± of 6" gas main in EDWARD ROAD from an existing 6" gas main in Derby Street northerly to 15 Edward Road. (Ward 3) [06/23/14 @ 2:49 PM]

Public hearing assigned for September 3, 2014

#267-14 NATIONAL GRID petitioning for a grant of location to install and maintain 115' ± of 4" gas main in OSSIPPEE ROAD from an existing 4" gas main at Linden Street easterly to 89 Ossippee Road. (Ward 5) [06/25/14 @ 12:58 PM]

Appointment by the President of the Board of Aldermen

#269-14 D. SCOTT ROSS, 20 Dale Street, Newtonville, appointed to the Design Review Committee as the Community Representative for the Cabot Elementary School Project. {07/02/14 @ 1:09 PM]

#270-14 BRIAN LASH, 46 Woodman Road, requesting, in accordance with Massachusetts General Law Ch. 40, Sec. 15., abandonment of a portion of a 20' wide City sewer, water, and drain easement in the southeast corner of Section 63, Block 19, Lot 5 (46 Woodman Road) and acceptance of a 20' wide sewer, water, and drain easement located northeasterly of the existing easement. [07/02/14 @ 2:51 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#314-14 HIS HONOR THE MAYOR requesting authorization to use up to one million six hundred thousand four dollars (\$1,604,000) in additional sewer operating reserve funds to allow the Department of Public Works to implement a portion of the sewer improvements outlined in the FY2015-19 Capital Improvement Plan, in particular construction of sewer project area 2, which is currently under final design and will be bid shortly for a projected October 2014 start date. [08-04-14 @ 4:30 PM].

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, please contact John Lojek, at least two days in advance of the meeting: jlojek@newtonma.gov, or 617-796-1064. For Telecommunications Relay Service dial 711.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #334-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of three hundred thirty-five thousand dollars (\$335,000) from Fiscal Year 2015 Budget Reserve to fund immediate building needs at the Police Annex at 25 Chestnut Street. [08/25/14 @ 4:52 PM]
- #328-14 ALD. ALBRIGHT, DANBERG, & LAREDO requesting a review of double poles in Newton including a random sampling of ten double on the north side and ten double poles on the south side of Newton to determine which utility is holding up the removal of double poles. 08/19/14 @ 9:16 AM]

ITEMS NOT SCHEDULED FOR DISCUSSION:

- #327-14 NATIONAL GRID petitioning for a grant of location to install and maintain 100' ± of 6" gas main in ALBERT ROAD from the existing 6" gas main in Albert Road northerly to the end of Albert Road to provide new gas serve to 35 and 41 Albert Road. (Ward 4) [08/21/14 @ 8:34 AM]
- #312-14 ALD. ALBRIGHT, BAKER, BLAZAR, HESS-MAHAN, JOHNSON, LAREDO and LEARY requesting discussion of proposal to purchase and install electronic bulletin boards on the exterior of City properties, including consideration of such issues as the possible distraction of passersby, the precedent of allowing electronic displays which may invite imitation by private landowners, and the visual impact on public open spaces, as well as how the installation would fit with the law or policy of Newton's sign code, and consideration of possible alternative means to help fulfill the worthy goal of providing public information to those who may need it. [07-17-14 @ 10:24 AM]
- #189-14 PUBLIC FACILITIES COMMITTEE requesting periodic updates on the Zervas Elementary School Project. [04/17/14 @ 10:48 PM]
- #188-14 PUBLIC FACILITIES COMMITTEE requesting periodic updates on the Cabot Elementary School Project. [04/17/14 @ 10:48 PM]

REFERRED TO PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEES

- #119-14 ALD. ALBRIGHT AND CROSSLEY requesting discussion with the Inspectional Services Department to explain the development of short and long term plans to identify and correct buildings, sidewalks, playgrounds, etc...that do not conform to American Disability Act (ADA) standards. The discussion should include information on how improvements will be incorporated into the Capital Improvement Plan or if less than \$75,000 into a comprehensive budget plan to correct ADA deficiencies. [03/12/14 @ 4:18 PM]

#62-14 ALD. CROSSLEY, HESS-MAHAN, ALBRIGHT AND SALVUCCI requesting a report from the administration on the status of the City strategy to meet its obligations as a Department of Energy Resources Green Community, to reduce municipal energy consumption by 20% over five years, particularly regarding advancing the implementation of the building energy audits program recommending energy efficiency measures in existing buildings, and how that strategy is incorporated into the capital improvement plan. [02/24/14 @ 6:35 PM]

#14-14 ALD. ALBRIGHT, JOHNSON & NORTON requesting a discussion of the snow removal operations during the last storm including information on the use of brine and how it worked, the effectiveness of the new snow melter, snow dumping, and what can be done to make city sidewalks safe in the event of an ice storm. 12/20/13 @ 4:21 PM]

#417-13 PUBLIC FACILITIES COMMITTEE requesting that the Administration provide updates on the progress of the Angier Elementary School project. [11/21/13 @ 9:16 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#288-13 PUBLIC FACILITIES & FINANCE COMMITTEES requesting that the Administration update the Board of Aldermen when a funding source is determined for the Zervas Elementary School Feasibility Study. [07-11-13 @ 10:10 AM]

#200-13(2) ALD. JOHNSON proposing amendment(s) to Chapter 27 of the city ordinances relative to signs on sidewalks, traffic islands, and other city property to establish an application process for placing signs (sandwich boards, placards, and showboards), which includes requirements, timelines for posting and removal of signs. [02/26/14 @ 9:07 AM]

#153-13 PUBLIC FACILITIES COMMITTEE requesting periodic updates on the progress of the citywide storm water system assessment needed to define the scope of repairs to the system, as well as methods of financing the assessment and an accounting of the storm water enterprise fund. [04/02/13 @ 11:02 AM]

#131-13 ALD. CROSSLEY, FULLER, SALVUCCI, JOHNSON, CICCONE requesting periodic updates and discussion, at the discretion of the members of the Public Facilities Committee or the Commissioner of Public Works, on the condition functioning, operations and management of all elements of the City sewer, water and storm water systems including the following:

- Water meters
- Implementation of the ten project area strategic plan to remove infiltration in the City sewer system
- Implementation of the long range strategic plan to repair and replace City water mains, especially to correct for fire flow

- Status of the City's Private Inflow Removal Program to resolve and disconnect illegal storm water connections to the City sewer system
- Current billing practices
- Rates analyses needed to facilitate an informed comparison of billing options to include the following options either alone or in combination: seasonal rates, second meters, tiered rates, frequency of billing, low income credits. [03/23/13 @ 11:13 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #41-13 ALD. CROSSLEY, FULLER AND SALVUCCI requesting a discussion with the administration to review how the city inventories, plans for, budgets and accounts for needed smaller capital expenditures (currently set at under \$75,000), which are excluded from the Capital Improvement Plan (CIP); how to make these non-CIP capital maintenance items visible, and how to integrate them with the overall planning, CIP, and budgeting processes. [01/14/13 @ 5:02 PM]
- #301-12(2) PUBLIC FACILITIES COMMITTEE requesting updates on the progress of the Carr School Renovation Project.

REFERRED TO PROG & SERV, PUB. FAC., ZAP, AND FINANCE COMMITTEES

- #256-12 ALD. HESS-MAHAN, SANGIOLO & SWISTON proposing an ordinance promoting economic development and the mobile food truck industry in the City of Newton. [08/06/12 @4:46 PM]
- #246-12 RECODIFICATION COMMITTEE recommending Sec. 25-1, which requires a permit to create a trench, be reviewed to determine if a new section relative to excavation should be established to regulate unsafe excavation beyond the regulation of trenches, as the City Engineer has advised that all trenches are excavations, but not all excavations are trenches, which amendment would replace **Sec. 20-53. Excavations; protection; erection of barriers.**, which was deleted as part of recodification because it conflicted with Sec. 25-1.
- #245-12 RECODIFICATION COMMITTEE recommending that Chapter 11, RECYCLING AND TRASH as most recently amended by Ordinance Z-68 and Z-87, dated 6/21/10 and 5/16/11, respectively, be reviewed and be amended as necessary.

REFERRED TO PROG. & SERV AND PUBLIC FACILITIES COMMITTEES

- #36-12 ALD. CROSSLEY & FULLER requesting Home Rule legislation or an ordinance to require inspections of private sewer lines and storm water drainage connections prior to settling a change in property ownership, to assure that private sewer lines are functioning properly and that there are no illegal storm water connections to the city sewer mains.
- A) Sewer lines found to be compromised or of inferior construction would have to be repaired or replaced as a condition of sale;

- B) Illegal connections would have to be removed, corrected, and re-inspected in accordance with current city ordinances and codes, as a condition of sale.
[01/24/12 @ 8:07 AM]

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES

- #413-11 ALD. CICCONE, SALVUCCI, GENTILE & LENNON updating the Public Facilities and Public Safety & Transportation Committees on the progress of renovations to the city's fire stations. [11-17-11 @ 11:07 AM]
- #367-09 PUBLIC FACILITIES COMMITTEE requesting discussion with the Law Department on how to resolve the dispute with NStar regarding whose responsibility it is to repair the streetlight connection between the manhole and the base of the streetlight. [10/21/09 @ 9:00 PM]
- #253-07 ALD. LINSKY ALBRIGHT, JOHNSON, HARNEY, SANGIOLO, SALVUCCI, MANSFIELD, BURG, SCHNIPPER requesting (1) a review as to how provisions of applicable ordinances, specifically 5-58, were implemented during the course of the Newton North project, and (2) consider proposed revisions of 5-58 including, but not limited to:
- (a) timely provision of documentation by the public building department to the Board of Aldermen and Design Review Committee;
 - (b) establishment of liaison committees to facilitate communications and input from neighborhoods affected by projects subject to this ordinance;
 - (c) approval of final design plans by the Board of Aldermen of projects subject to this ordinance;
 - (d) oversight during the construction phase of projects subject to this ordinance by appropriate Board committee(s) both in respect to approval of change orders as well as design changes; and
 - (e) generation of a required record detailing the entire construction process by the public building department to guide present and future oversight of projects subject to this ordinance.
 - (f) establishment of a committee to provide oversight for public building construction and renovation during all phases of planning, design and construction. [08/07/07 @ 3:12 PM]

Respectfully submitted,

Deborah Crossley, Chairman

CITY OF NEWTON
MASSACHUSETTS

PETITION for GRANT OF LOCATION

RECEIVED
Newton City Clerk
2014 AUG - 1 PM 3:32
David A. Gibson, City
Engineer
Newton, MA 02459

To the Petitioner:

City of Newton Ordinance Section 23-52 requires that each petition for grant of location be submitted to the Board of Aldermen before it is sent to the Public Works Department for a preliminary review. The comments of the Public Works Commissioner will be part of the record submitted to the Board of Aldermen. Upon filing with the Board of Aldermen, the petition will be scheduled for a public hearing before the Public Facilities Committee of the Board of Aldermen. The petitioner is responsible for insuring that the petition is complete and all required materials are in order for review. Attached please find the City Engineer's Standard Requirements for Plans and the Department of Public Works Permit Processing brochure.

Grant of Location Process:

1. Applicant submits completed Petition Form and required materials to the Board of Aldermen
2. Public Works Department conducts preliminary review and gives written comments to the applicant
3. Engineering Division files Petition Form with comments with the Clerk of the Board of Aldermen
4. Board of Aldermen schedules petition for a public hearing before the Public Facilities Committee of the Board of Aldermen
5. Public Facilities Committee recommendations are forwarded to the Board of Aldermen for a final decision

Questions may be directed to:

Lou Taverna, City Engineer, 617-796-1020
Shawna Sullivan, Clerk of the Board of Aldermen, 617-796-1213

I. IDENTIFICATION (Please Type or Print Clearly)

Company Name VERIZON NEW ENGLAND INC.

Address 55 RIVERDALE AVE.

BRADFORD, MA 01835

Phone Number 781-307-5286

Fax Number 978-521-4419

Contact Person E. EVERETTE BRYAN, SR/WA Title RIGHTS OF WAY ENGINEER

Signature *E. Bryan*
Person filing application

Date 7/31/14

If a telecommunications company, indicate how certified by the Department of Telecommunications and Energy:

RECEIVED
Newton City Clerk
2014 AUG - 6 AM 10:21
David A. Gibson, City
Engineer
Newton, MA 02459

II. DESCRIPTION OF PROJECT: to be completed by petitioner

A. Write here or attach a description of the project including, location, proposed time frame for completion, type of materials to be used, benefit provided to the City, project mitigation plan as applicable, street reconstruction plan including timetable for completion.

32 LAKEWOOD RD. RELOCATE EXISTING SOLELY-OWNED POLE # 157/2 APPROXIMATELY 6 FT. SOUTHERLY DUE TO NEW DRIVEWAY CONSTRUCTION AT THE REQUEST OF PROPERTY OWNER. OLD POLE TO BE REMOVED FOLLOWING COMPLETION OF TRANSFER OF WIRES. PROJECT TO START UPON APPROVAL BY CITY BOARD OF ALDERMEN

B. Include or attach a sketch to provide a visual description of the project. If plans are attached, provide:

Title of Plan P2014-4A0N1JK Date of plan JULY 20, 2014

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department _____

Check One:

Minor Project

Major Project

Lateral

(Refer to City Engineer Standard Requirements for Plans for definition of minor and major project)

Plans Submitted:

Certified Plot Plan

Stamped Plans

RECEIVED
NEWTON, MASSACHUSETTS
2014 AUG - 1 PM 32

DATE AND COMMENTS:

RECOMMENDATIONS:

8/5/14

1. No adverse conditions	1. Bituminous concrete sidewalk
2. Police detail required	damaged shall be replaced
	in kind and grade to City
	of Newton Specifications.
	2. Trees shall be protected from any damage
	3. Traffic shall be maintained.

Larcoma *G.J. O'Shea*
8/6/14

V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:

[Signature]
Commissioner, Public Works

8/6/14
Date

Mass. Form 559

PETITION FOR SOLELY OWNED POLE LOCATION

Andover, Mass.,

07/24/2014

To the Board of Alderman
of Newton, Massachusetts.

VERIZON NEW ENGLAND INC. (Formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) request permission to locate poles, wires, cables and fixtures, including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioner, along and across the following public way or ways:-

LAKWOOD ROAD - Remove one (1) Pole
Place one (1) solely owned Pole 157/2
Locations approximately as shown on Plans attached

RECEIVED
Newton Office
2014 AUG - 1 PM
David A. Ober
Newton, MA

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-Verizon PLAN NO. 1 Dated 07/24/2014

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

Your petitioner agrees to reserve space at a suitable point on each of said poles for the limited purpose of attaching one-way low voltage fire and pole signaling wires for public safety purposes only.

VERIZON NEW ENGLAND INC.
(Formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH)

By Everette Bryan SR/WA
FOR Manager
EVERETTE BRYAN, SR/WA
55 RIVERDALE AVE.
BRADFORD, MA 01835
781-307-5206

ORDER FOR JOINT POLE RELOCATION

By the Board of Aldermen
of the City/Town of Newton, Massachusetts.

ORDERED: That the **VERIZON NEW ENGLAND INC.** be and it is hereby granted a relocation for and permission to erect and maintain a line of wires, cables and poles together with anchors, guys and other such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways herein after referred to, as requested in petition of said Company dated the 24th day of July, 2014.

All construction under this order shall be in accordance with the following conditions:-

Poles shall be of sound timber, and reasonably straight and shall be set substantially at the points indicated upon the plan marked - **VERIZON NEW ENGLAND, INC.**, No. P2014-4A0N1JK, Dated 7/20/14,- filed with said petition. There may be attached to said poles by said **VERIZON NEW ENGLAND INC.** not to exceed 20 wires and 6 cables and all of said wires and cables shall be placed at a height of not less than 14 feet from the ground.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:-

Lakewood Road: Relocate one (1) existing jointly owned pole No 157/2 approximately 6 feet southerly as shown on attached Petition Plan #P 2014-4A0N1JK.

Also that permission be and hereby is granted to said **VERIZON NEW ENGLAND, INC.** to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Aldermen of the City of Newton, Massachusetts, held on the _____ day of _____, 2014.

City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint relocation order adopted by the Board of Aldermen of the City of Newton, Massachusetts, on the _____ day of _____ 2014, and recorded with the records of location orders of said City, Book _____ Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

City Clerk

RECEIVED
CITY OF NEWTON
MASSACHUSETTS
AUG - 1 P 3:32

Final Label Report

#311-14

SBL	Owner	Number	Street	Unit
52017 0007	OLSON ROBERT E	23	LAKWOOD RD	
52018 0007	LERBINGER OTTO & ELIZABETH T TRS	28	LAKWOOD RD	
52018 0006	NORTH HUDSON LLC	32	LAKWOOD RD	
52017 0008	SEELEY CHARLOTTE B TR	35	LAKWOOD RD	
52018 0005	BRICKLIN DANIEL SINGER	38	LAKWOOD RD	
52017 0009	GARRETT JOHN B JR & GLENDELLA K	36	SAXON RD	

CITY OF NEWTON
MASSACHUSETTS

PETITION for GRANT OF LOCATION

To the Petitioner:

City of Newton Ordinance Section 23-52 requires that each petition for grant of location be submitted to the Board of Aldermen before it is sent to the Public Works Department for a preliminary review. The comments of the Public Works Commissioner will be part of the record submitted to the Board of Aldermen. Upon filing with the Board of Aldermen, the petition will be scheduled for a public hearing before the Public Facilities Committee of the Board of Aldermen. **The petitioner is responsible for insuring that the petition is complete and all required materials are in order for review.** Attached please find the City Engineer's Standard Requirements for Plans and the Department of Public Works Permit Processing brochure.

Grant of Location Process:

1. Applicant submits completed Petition Form and required materials to the Board of Aldermen
2. Public Works Department conducts preliminary review and gives written comments to the applicant
3. Engineering Division files Petition Form with comments with the Clerk of the Board of Aldermen
4. Board of Aldermen schedules petition for a public hearing before the Public Facilities Committee of the Board of Aldermen
5. Public Facilities Committee recommendations are forwarded to the Board of Aldermen for a final decision

Questions my be directed to:

Lou Taverna, City Engineer, 617-796-1020
Shawna Sullivan, Clerk of the Board of Aldermen, 617-796-1213

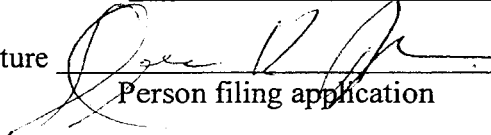
I. IDENTIFICATION (Please Type or Print Clearly)

Company Name NATIONAL GRID

Address 40 SYLVAN RD.
WALTHAM MA 02451

Phone Number 617-293-0480 Fax Number _____

Contact Person DENNIS REGAN Title PERMIT REPRESENTATIVE

Signature  Date 6-23-14
Person filing application

If a telecommunications company, indicate how certified by the Department of Telecommunications and Energy:

II. DESCRIPTION OF PROJECT: to be completed by petitioner.

#268-14

A. Write here or attach a description of the project including, location, proposed time frame for completion, type of materials to be used, benefit provided to the City, project mitigation plan as applicable, street reconstruction plan including timetable for completion.

To install and maintain approximately 200 feet, more or less of 6 inch gas main in Edward Rd., Newton. From the existing 6 inch gas main in Derby St, northerly to house # 15 to serve houses # 9 and # 15.

B. Include or attach a sketch to provide a visual description of the project. If plans are attached, provide; Title of Plan 9 & 15 EDWARD RD. Date of plan 6-19-2014

RECEIVED
JUN 23 PM 2:49
07400

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department _____

Check One:

Minor Project

Major Project

Lateral

(Refer to City Engineer Standard Requirements for Plans for definition of minor and major project)

Plans Submitted:

Certified Plot Plan

Stamped Plans

DATE AND COMMENTS:

6/25/14

RECOMMENDATIONS:

1. Street opening permit required from City of Newton
2. Notify Engineering 48 hours prior to work
3. Police detail required

1. 36" minimum cover on all trenches
2. Backfill shall be 95% compaction.
3. Bituminous concrete roadway shall be replaced in kind to City of Newton Specifications
4. Concrete curbs and sidewalk panels damaged shall be replaced in kind and grade to City of Newton Specifications.
5. Trees shall be protected from any damage.
6. Traffic shall be maintained.

L. Turcotte 6/25/14

V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:

Commissioner, Public Works

6/26/14

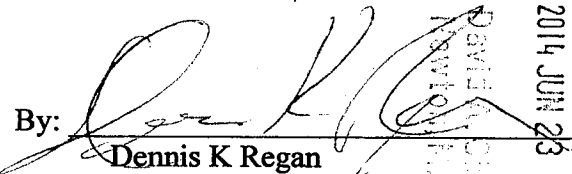
Date

City of Newton / Board of Aldermen:

The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the **City of Newton** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

To install and maintain approximately 200 feet, more or less of 6 inch gas main in Edward Rd., Newton. From the existing 6 inch gas main in Derby St, northerly to house # 15 to serve houses # 9 and # 15.

Date: June 23, 2014

By: 
Dennis K Regan
Permit Representative

RECEIVED
CITY OF NEWTON
2014 JUN 23 PM 2:49

City of Newton Board of Aldermen:

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways and places of the **City of Newton** substantially as described in the petition date June 23, 2014 attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

The said Nationalgrid shall comply with all applicable provisions of law and ordinances of the **City of Newton** applicable to the enjoyment of said locations and rights.

Date this _____ day of _____, 20__.

I hereby certify that the foregoing order was duly adopted by the _____ of the City of _____, MA on the _____ day of _____, 20__.

By: _____

Title

MN # 144-8502-981392

**RETURN ORIGINAL TO THE PERMIT SECTION
NATIONAL GRID
40 SYLVAN RD, WALTHAM, MA 02451
RETAIN DUPLICATE FOR YOUR RECORDS**

Final Label Report

#268-14

SBL	Owner	Number	Street	Unit
34034 0010	DUONG MIKE THOAI VINH	176	DERBY ST	
34037 0024	ELLIOTT DEBORAH A	177	DERBY ST	
34034 0009	MONTILLO MARIANGELA	180	DERBY ST	
34034 0008	BAACK ROSEANNA & JOHN P	184	DERBY ST	
34034 0006	MCMILLAN LESLIE E TR	188	DERBY ST	
34037 0039	SCHERTZER STEVEN M & LAURA S	191	DERBY ST	
34034 0005	PLATI GESUZZA L/E	196	DERBY ST	
34034 0004	SUN RONGQI	200	DERBY ST	
34037 0025	9 EDWARD RD LLC	9	EDWARD RD	
34037 0039A	LEE TOMMY	10	EDWARD RD	
34037 0026	BINNALL THOMAS	15	EDWARD RD	
34037 0038	LU MICHAEL K	16	EDWARD RD	
34037 0027	ROONEY ROBERT J JR & MARY ELLEN	21	EDWARD RD	
34037 0037	BAILEY VICTORIA	22	EDWARD RD	
34037 0036	BRODKIN HEATHER R	28	EDWARD RD	
34037 0028	KHOSHATEFEH ASHKAN	31	EDWARD RD	
34037 0035	SANTOSUOSSO ELENA	32	EDWARD RD	
34037 0034	ADAM RUSSELL G	38	EDWARD RD	
34037 0033	ALTMAN VALERY & ALINA	42	EDWARD RD	
34037 0032	CAMPBELL DAVID B & TARA A	48	EDWARD RD	
34037 0029	CHEN JOHN	49	EDWARD RD	
34037 0031	CHEN HUDONG & PAN LUYING	52	EDWARD RD	
34037 0030	MEAD GEORGE EDWARD & TRACY	53	EDWARD RD	

CITY OF NEWTON
MASSACHUSETTS

PETITION for GRANT OF LOCATION

To the Petitioner:

City of Newton Ordinance Section 23-52 requires that each petition for grant of location be submitted to the Board of Aldermen before it is sent to the Public Works Department for a preliminary review. The comments of the Public Works Commissioner will be part of the record submitted to the Board of Aldermen. Upon filing with the Board of Aldermen, the petition will be scheduled for a public hearing before the Public Facilities Committee of the Board of Aldermen. **The petitioner is responsible for insuring that the petition is complete and all required materials are in order for review.** Attached please find the City Engineer's Standard Requirements for Plans and the Department of Public Works Permit Processing brochure.

Grant of Location Process:

1. Applicant submits completed Petition Form and required materials to the Board of Aldermen
2. Public Works Department conducts preliminary review and gives written comments to the applicant
3. Engineering Division files Petition Form with comments with the Clerk of the Board of Aldermen
4. Board of Aldermen schedules petition for a public hearing before the Public Facilities Committee of the Board of Aldermen
5. Public Facilities Committee recommendations are forwarded to the Board of Aldermen for a final decision

Questions may be directed to:

Lou Taverna, City Engineer, 617-796-1020
Shawna Sullivan, Clerk of the Board of Aldermen, 617-796-1213

2014 JUN 25 PM 12:58
NEWTON
CITY ENGINEER'S
OFFICE

I. IDENTIFICATION (Please Type or Print Clearly)

Company Name NATIONAL GRID

Address 40 SYLVAN RD
WALTHAM MA 02451

Phone Number 617-293-0490 Fax Number _____

Contact Person DEMAIS REGAN Title PERMIT REPRESENTATIVE

Signature [Signature] Date 6-25
Person filing application

If a telecommunications company, indicate how certified by the Department of Telecommunications and Energy:

II. DESCRIPTION OF PROJECT: to be completed by petitioner

A. Write here or attach a description of the project including, location, proposed time frame for completion, type of materials to be used, benefit provided to the City, project mitigation plan as applicable, street reconstruction plan including timetable for completion.

To install and maintain approximately 115 feet, more or less of 4 inch gas main in Ossipee Rd., Newton. From the existing 4 inch gas main at Linden St, easterly to house # 89 for a new gas service.

B. Include or attach a sketch to provide a visual description of the project. If plans are attached provide:

Title of Plan 89 OSSIPEE RD Date of plan 6-24-14
NEWTON MA

2014 JUN 25 PM 12:58
RECEIVED
PUBLIC WORKS DEPARTMENT

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department _____

Check One:

Minor Project Major Project Lateral

(Refer to City Engineer Standard Requirements for Plans for definition of minor and major project)

Plans Submitted:

Certified Plot Plan Stamped Plans

DATE AND COMMENTS:

7/3/14

RECOMMENDATIONS:

1. 36" minimum cover on all trenches
2. Backfill shall be 95% compaction.

1. Street opening permit required from City of Newton	3. Bituminous concrete roadway shall be replaced in kind to City of Newton specifications.
2. Notify Engineering 48 hours prior to work	4. Bituminous concrete sidewalk and granite curbs damaged shall be replaced in kind and grade to City of Newton specifications.
3. Police detail required	5. Trees shall be protected from any damage.
6. Traffic shall be maintained.	

John Doyle 7/3/14

V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:

[Signature]
Commissioner, Public Works

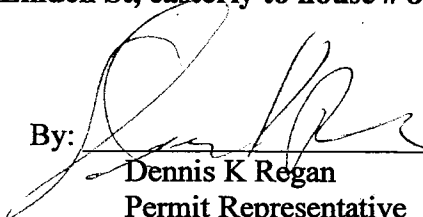
7/3/14
Date

City of Newton / Board of Aldermen:

The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the **City of Newton** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

To install and maintain approximately 115 feet, more or less of 4 inch gas main in Ossippee Rd., Newton. From the existing 4 inch gas main at Linden St, easterly to house # 89 for a new gas service.

Date: June 25, 2014

By: 
Dennis K Regan
Permit Representative

RECEIVED
Newton, MA
2014 JUN 25 P 11:2:58

City of Newton / Board of Aldermen:

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways and places of the **City of Newton** substantially as described in the petition date **June 25, 2014** attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

The said Nationalgrid shall comply with all applicable provisions of law and ordinances of the **City of Newton** applicable to the enjoyment of said locations and rights.

Date this _____ day of _____, 20____.

I hereby certify that the foregoing order was duly adopted by the _____ of the City of _____, MA on the _____ day of _____, 20____.

By: _____

Title

MN # 144-8502-981392

**RETURN ORIGINAL TO THE PERMIT SECTION
NATIONAL GRID
40 SYLVAN RD, WALTHAM, MA 02451
RETAIN DUPLICATE FOR YOUR RECORDS**

Final Label Report

#267-14

SBL	Owner	Number	Street	Unit
51035 0001	FINLEY JOHN H III	1238	CHESTNUT ST	
51036 0006	KIM CHUNG KYU	53	LINDEN ST	
51033 0011	LAURENCE MELISSA H & MAURICE K JR	58	LINDEN ST	
51034 0001	TRACY JOHN JOSEPH	66	LINDEN ST	
51034 0002	FINLEY JOHN H III	70	LINDEN ST	
51033 0006	NESCO REALTY LLC	51-53	MECHANIC ST	
51034 0003	FINLEY JOHN H III	69	MECHANIC ST	
51036 0008	PANDUKU IRENA & DHIMITRAQ		OSSIPEE RD	
51036 0007	PANDUKU IRENA & DHIMITRAQ	7	OSSIPEE RD	
51033 0008	HU PING HUA & HSIU CHEN	79	OSSIPEE RD	
51033 0009	HANSEN ASSOCIATES INC	89	OSSIPEE RD	

D. Scott Ross, AICP

President, Towermarc Properties, Inc
20 Dale Street
Newton, MA 02460

Direct Phone: (617) 694-2457

E-mail: sross@towermarc.com

EDUCATION

Master of Science in Real Estate Development	MIT	1985
	Center for Real Estate Development	
Master of Regional Planning	UNC Chapel Hill	1979
	Dept. of City & Regional Planning	
Bachelor of Environmental Design in Architecture	NC State University	1976
	School of Design	

EMPLOYMENT

Towermarc Properties, Inc.	President	2003- 2012
Boston, MA		

Directed all real estate development and consulting activities of Towermarc Properties, Inc. including entitlement activities for future development opportunities at Renaissance Park, a 600,000 sf office campus developed within a Towermarc DRI in Tampa, FL; ongoing development consulting on The Crescent, a 300-acre Towermarc DRI in Tampa, FL; sale of remaining development assets

Cisterra Partners, LLC	Director- East Coast Operations	1999 – 2003
Boston, MA		

Directed all development activities in the Boston office of Cisterra Partners, LLC, a full service real estate consulting and development company. Activities included serving as Managing Partner of Cisco Development Partners – NEDC, LLC in charge of providing turnkey development services for a 2.5 MSF research and development campus for Cisco Systems, Inc. Provided complete range of services from site selection, due diligence and acquisition of over 600 acres of land, entitlements, governmental relations, tax increment financing, programming, design, construction management and occupancy for Cisco's New England business units. \$300 million total budget.

Towermarc Corporation	Senior V. P. and Regional Manager	1987 – 1999
Boston, MA		

Directed the Boston and Tampa offices of Towermarc Corporation, a private, full-service real estate consulting and development company of commercial, mixed-use, retail, industrial, and residential properties. Towermarc Projects included: Waters Crossing, a mixed-use development in Tampa, FL consisting of 640,000 sf of an office campus for Capital One Financial Services and 400,000 sf of retail; Towermarc Business Park, a 1.4 msf master planned office park in Boxborough, MA; Tower Place, a 250,000 sf 12-story office building in Tampa, FL; Southwind, a 900-acre planned new community in Memphis, TN, including an 18-hole golf course, mixed-density residential, commercial and retail development; One / Five Mountain Road in Framingham, MA, a 140,000 sf biotech facility for Genzyme Corporation.

The Beacon Companies	Development Project Manager	1985 – 1987
Boston, MA		

Provided development management services of several commercial and full-service hotel projects for a Boston based, private real estate development company. Projects included a 220-room full-service Embassy Suites Hotel outside Philadelphia, PA and a mixed-use 150,000 sf office and 210-room hotel in Detroit, MI.

Sasaki Associates, Inc	Senior Associate	1979 – 1984
Watertown, MA		

Provided planning, urban design, architectural and development advisory consulting services for numerous developers and public agencies throughout the US.

PROFESSIONAL AFFILIATIONS include active involvement in the Urban Land Institute, NAIOP, American Planning Association, Lamda Alpha, an international land economics society and the American Institute of Certified Planners

LYONS & ASSOCIATES, LLC

77 NEWBURY STREET
BOSTON, MA 02116
(617)262-5300
FAX (617)262-5306

LYONSASSOCIATES@VERIZON.NET

KENNETH P. LYONS

June 30, 2014

Board of Aldermen
City of Newton
1000 Commonwealth Avenue
Room 101
Newton, MA 02459

Re: Petition for Relocation of Utility Easement
46 Woodman Road, Newton, MA 02467
Owner: Brian Lash

RECEIVED
NEWTON CITY CLERK
2014 JUL -2 PM 2:51
DAVID A. OLSON, CLERK
Newton, MA 02459

Dear Board of Aldermen:

On behalf of homeowner, Brian Lash, this letter serves to Petition the Board for Permission to Shift the Water-Sewer Utility Easement from one location to a different location on his property, located at 46 Woodman Road in Chestnut Hill.

Owner of the property for seventeen years, Mr. Lash and his engineers and architects have been working together with the City's Engineering Department and have agreed on a plan to shift the existing utility easement and utility lines on his property. Enclosed are ten (10) sets of plans detailing the Existing Easement location, the existing utility lines, and the Proposed Easement Addition with utility shift.

The easement relocation is necessary because Mr. Lash would like to construct an addition to his home on the property, which addition has been approved by the Chestnut Hill Historic District Commission. Mr. Lash's parcel is very old, dating back to the Webster Estate, and the placement of the existing main house on the old parcel presents substantial challenges. After an extensive engineering review, it has become clear that there is no other feasible alternative place to locate an addition to the home. The only way for the proposed addition to be built is over the existing utility easement. Therefore, in order for Mr. Lash to be able to complete the addition, he is required to shift the easement and water-sewer utility lines approximately ten to twenty feet in the northerly direction.

Mr. Lash will complete the utility relocation at his own sole expense. To that end, he has executed the enclosed Certificate of Commitment. Moreover, Mr. Lash has been working with the City's Engineering Department and will continue to do so, to effectuate the proper relocation of the utilities within the Proposed Easement in accordance with the City's codes and requirements.

Mr. Lash respectfully requests your review and approval of the Proposed Easement and Utility Relocation on his property, and your approval of the City's: (1) taking of the Proposed Easement; and (2) abandonment of the Existing Easement.

Please feel free to contact me at 617-262-5300 with any questions. Thank you very much for your courtesy and substantial assistance with this matter.

Best regards,



Kenneth P. Lyons

Cc: Mr. Brian Lash

RECEIVED
Newton City Clerk

2014 JUL -2 PM 2: 51

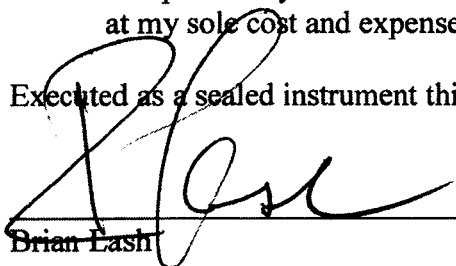
David A. Olson, CMC
Newton, MA 02459

CERTIFICATE OF COMMITMENT

I, Brian Lash, hereby certify the following:

- 1. I am the owner of the real property located at 46 Woodman Road, Newton (Chestnut Hill), Massachusetts;
- 2. I am seeking the relocation of the existing water-sewer utility easement owned by the City of Newton on my property;
- 3. If the relocation is approved by the City of Newton, I will undertake and cause to be completed any and all work necessary to relocate said utilities in the relocated easement at my sole cost and expense and in accordance with the City's codes and requirements.

Executed as a sealed instrument this 30th day of June, 2014.


 Brian Lash

STATE/Commonwealth of Massachusetts


COUNTY: Suffolk, ss.

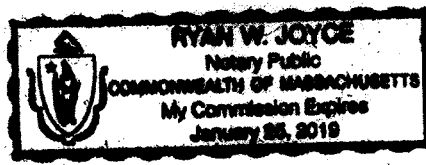
June 30, 2014

2014 JUL -2 PM 2:51
 David A. Olson, Clerk
 Newton, MA 02459

RECEIVED
 Newton City Clerk

On this day, before me, the undersigned Notary Public, personally appeared Brian Lash, proved to me through satisfactory evidence of identification, which was Brian S. Lash, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.


 Notary Public: Ryan W. Joyce
 My Commission Expires: 1/25/2019
 SEAL:



CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Ald. Deborah Crossley, Facilities Committee Chair.

From: John Daghlian, Associate City Engineer

Re: 46 Woodman Road

Date: August 29, 2014

CC: Lou Taverna, PE City Engineer
Robert Waddick, Assistant City Solicitor
Shawna Sullivan, Associate City Clerk

In reference to the above location, the following are my comments for a plan entitled:

Easement Relocation Plan
Dated: 7/1/14
&
Utility Plan
Dated: 6/19/14
Prepared by: Hancock Associates Inc.

Executive Summary:

The homeowner at #46 Woodman Road is planning an addition to the existing single family dwelling that will be located over an existing City utility easement that has water, sanitary sewer and storm drain pipes. The applicant is prepared to relocate all these underground utilities at their cost in order to facilitate the addition.

The plan indicate a new easement is proposed that will incorporate the relocated utilities, all the utilities will be installed to City Construction Standards; and provide complete access for the Utilities Division for future access and maintenance.

If the Board allows this relocation we recommend the follow conditions of approval, and we would need (two) Easement plans printed on Mylar; one shall be recorded at the Middlesex Registry of Deeds at the owner's expense, and the second plan to be filed at the City Engineer's office.

Conditions & Special Provisions:

1. A Preconstruction Closed Circuit Television (CCTV) inspection shall be performed by the applicant and witnessed by the Engineering Division, the applicant shall retain a contractor that specializes in CCTV inspection. The applicant shall contact the Engineering Division 48 hours in advance to schedule an appointment. At the end of the inspection the video or CD shall be given to the inspector. Furthermore, upon completion of the connection to the sanitary sewer & drainage system a Post – Construction video inspection shall also take place and witnessed as described above. This is required regardless of the connection point, the intent is to ensure that there are no downstream blockages or damaged pipe so that the contractor of record is not held accountable for preexisting conditions.
2. If any service connections are disturbed by the contractor of record during construction, they shall be updated and replaced to the City's current Construction Standards.
3. All downstream catch basins shall be retrofitted with an approved type of siltation control devices, details of this shall be submitted to the City Engineer. The contractor of record shall maintain these catch basins throughout the construction process, and ensure that street and property flooding does not occur during construction.
4. The proposed main, manholes, and service connections shall be pressure tested in accordance to the City's Construction Standards. A representative of the Engineering Division shall witness the testing, 48-hours prior notification shall be given prior to the inspection.
5. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer.
6. The test results shall be submitted in type written report format to the City Engineer.
7. Upon final installation & testing of the sewer system an As Built drawing [plan & profile] indicating rim, invert elevations, and slopes shall be submitted in digital and hard copy (Mylar) format to the City Engineer.
8. The contractor of record shall obtain a Utility Connection permit with the DPW prior to construction.

If you have any questions or concerns please call me at 617-796-1023.

City of Newton



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

Setti D. Warren
Mayor

August 29, 2014

DAVID A. OLSON, COM
Newton, MA 02459

2014 AUG -4 PM 4:30

RECEIVED
Newton City Clerk

To: Mayor Setti D. Warren

From: David F. Turocy, Commissioner

Via: Maureen Lemieux, Chief of Staff and Chief Financial Officer

Subject: Request for Authorization of Additional Sewer Operating Reserve Funds
Sewer CIP Project Area 2 Construction and Construction Services

I respectfully request an authorization to use up to \$1,604,000 in additional sewer operating reserve funds. This proposed funding will allow Public Works to implement a portion of the sewer improvements as outlined in the Capital Improvement Plan. In particular, the construction of sewer project area 2, which is currently under final design, will be bid in the late summer for an October 2014 start date.

We are currently authorized \$2,296,000 in MWRA loan/grant, plus \$1,100,000 in sewer operating reserves, for this project. These funds were requested this past spring, based on a preliminary estimate from our design consultant (Weston & Sampson Engineers) prior to completion of final design. They are now completing the 100% design of the project, and have expanded the scope of the construction project. The expanded scope is related to an increase in the number of necessary sewer line rehabilitations identified in the Project 2 assessment, and a higher than anticipated number of sewer main excavation type repairs (27 total open cut sewer point repairs). The excavations include seven (7) urgent repairs identified during the Project 3 & 4 Investigation. This has resulted in the following cost estimates:

Project 2 Base Bid = \$4,500,000 (Includes the original \$3,396,000 as estimated in the spring, additional rehabilitations identified during Project 2 Design, and seven (7) sewer main excavations discovered during the Project 3 & 4 Investigation.)

Construction Services = \$500,000 (This includes Weston & Sampson's construction inspection efforts.)

Total Project 2 construction and construction services = \$5,000,000

The requested \$1,604,000 makes up the shortfall in authorized funding.

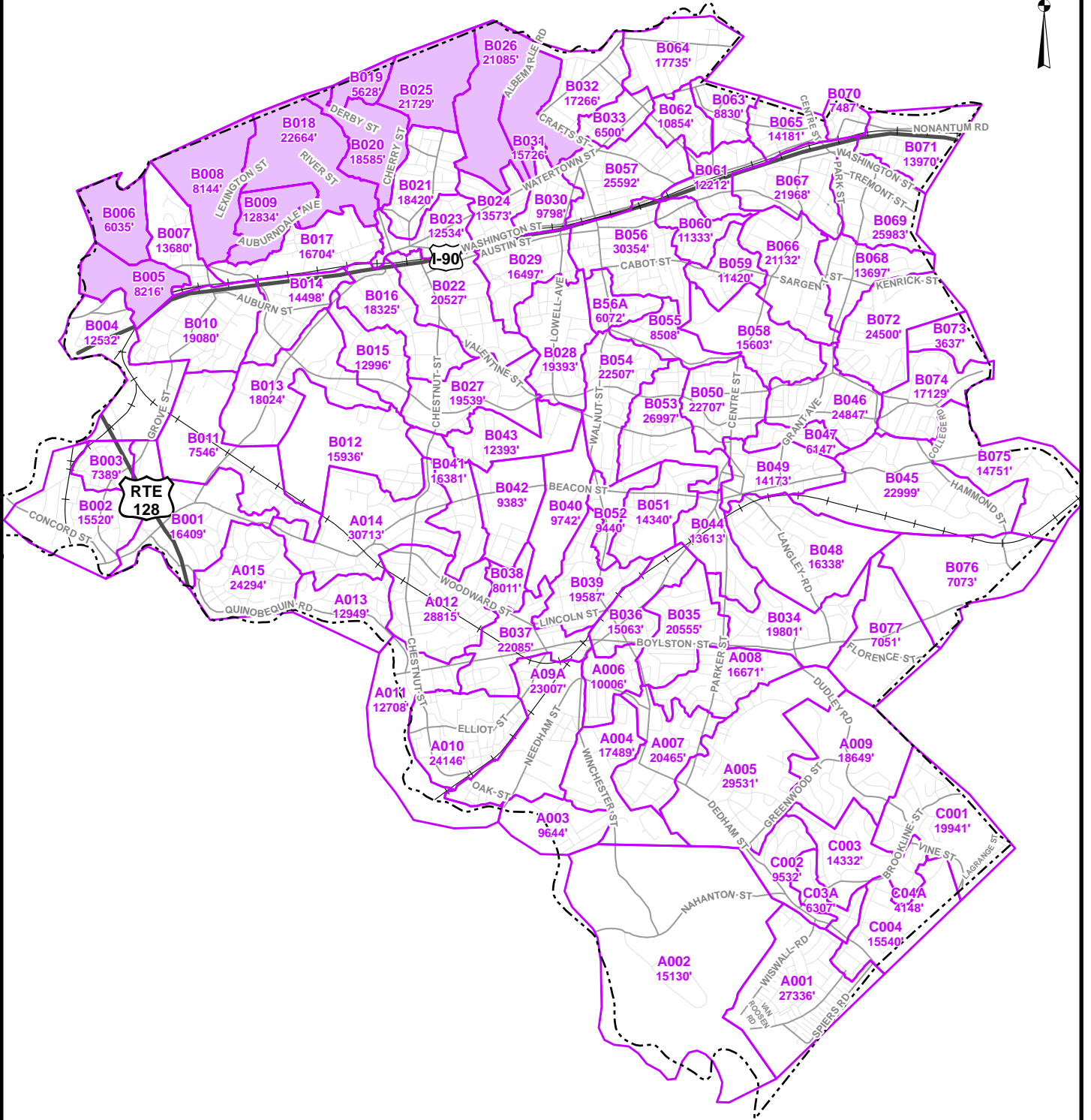
This project will be constructed to reduce sewer infiltration and inflow sources and provide improvement to sewer structures in the sewer project area 2. The construction includes sewer main cleaning and lining, manhole rehabilitations, and some spot repairs on crushed and collapsed sewer pipes. The funds will be used for construction, and construction services.

Respectfully,

David F. Turocy, DPW Commissioner

APPROVED

cc: David Wilkinson, Comptroller
Louis M. Taverna, City Engineer
Ted Jerdee, Utilities Superintendent



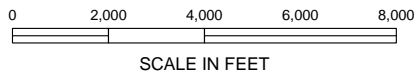
Path: \gisdata\GIS\DataStore\Client\Newton\MapProject\Commonwealth Golf Course\CIP_Project 2_Inspection and Assessment_85x11.mxd User: ShimmickD Saved: 11/8/2012

NEWTON, MA
SANITARY SEWER SYSTEM

CIP - PROJECT 2
INSPECTION AND ASSESSMENT

Legend

 Project 2 Areas





SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#334-14
Telephone
(617) 796-1100
Facsimile
(617) 796-1113
TDD/TTY
(617) 796-1089
E-mail
swarren@newtonma.gov

August 25, 2014

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate the sum of \$335,000 from FY15 Budget Reserve to fund immediate building needs at the Police Annex at 25 Chestnut Street. The building suffered significant damage during the recent torrential rainstorms. That damage prompted further inspection and several building components were identified as needing immediate repair to preserve the building envelope and to provide an appropriate work environment.

Representative photos of the damage are attached. Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

RECEIVED
NEWTON CITY OFFICE
2014 AUG 25 PM 4:52
DAVID A. OLSON, CHIC
NEWTON, MA 02459



City of Newton



PUBLIC BUILDINGS DEPARTMENT

Joshua R. Morse, Commissioner

Telephone (617) 796-1600

FAX (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

Setti D. Warren

Mayor

August 25, 2014

Mayor Setti D. Warren
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

RE: Funding request for improvements to the Police Annex at 25 Chestnut Street

Dear Mayor Warren:

The Public Buildings Department respectfully requests \$335,000.00 to fund the immediate building needs at the Police Annex. The roof, exterior masonry, fascia, gutters, and downspouts are in serious need of significant work. The failure of these components has just recently been identified as creating less than ideal working conditions within the building. In addition, the HVAC system is not providing an adequate level of air exchange or fresh air introduction. To protect this building asset, maintain its integrity, and provide an acceptable working environment, I ask that these funds be docketed. The following is a breakdown of the request:

Masonry - \$60,000.00
Roof/Fascia/Gutters - \$30,000.00
HVAC - \$75,000.00
Ceiling/Lights - \$50,000.00
Paint - \$10,000.00
Ivy/Cleanup - \$10,000.00
Drywall/Demo - \$40,000.00
Design - \$30,000.00
Contingency - \$30,000.00

Total - \$335,000.00

Should you have any questions or concerns regarding the above, please feel free to contact me at (617) 796 1600. Thanks.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Morse".

Josh Morse

Building Commissioner

Maureen Lemieux, Chief Financial Officer

Alex Valcarce Director of Project Management

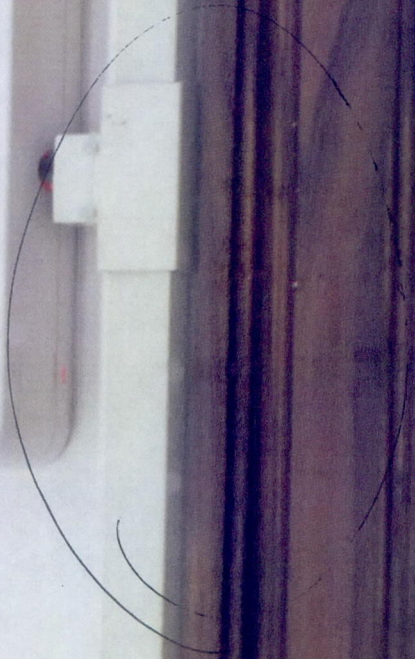
#334-14

EXIT

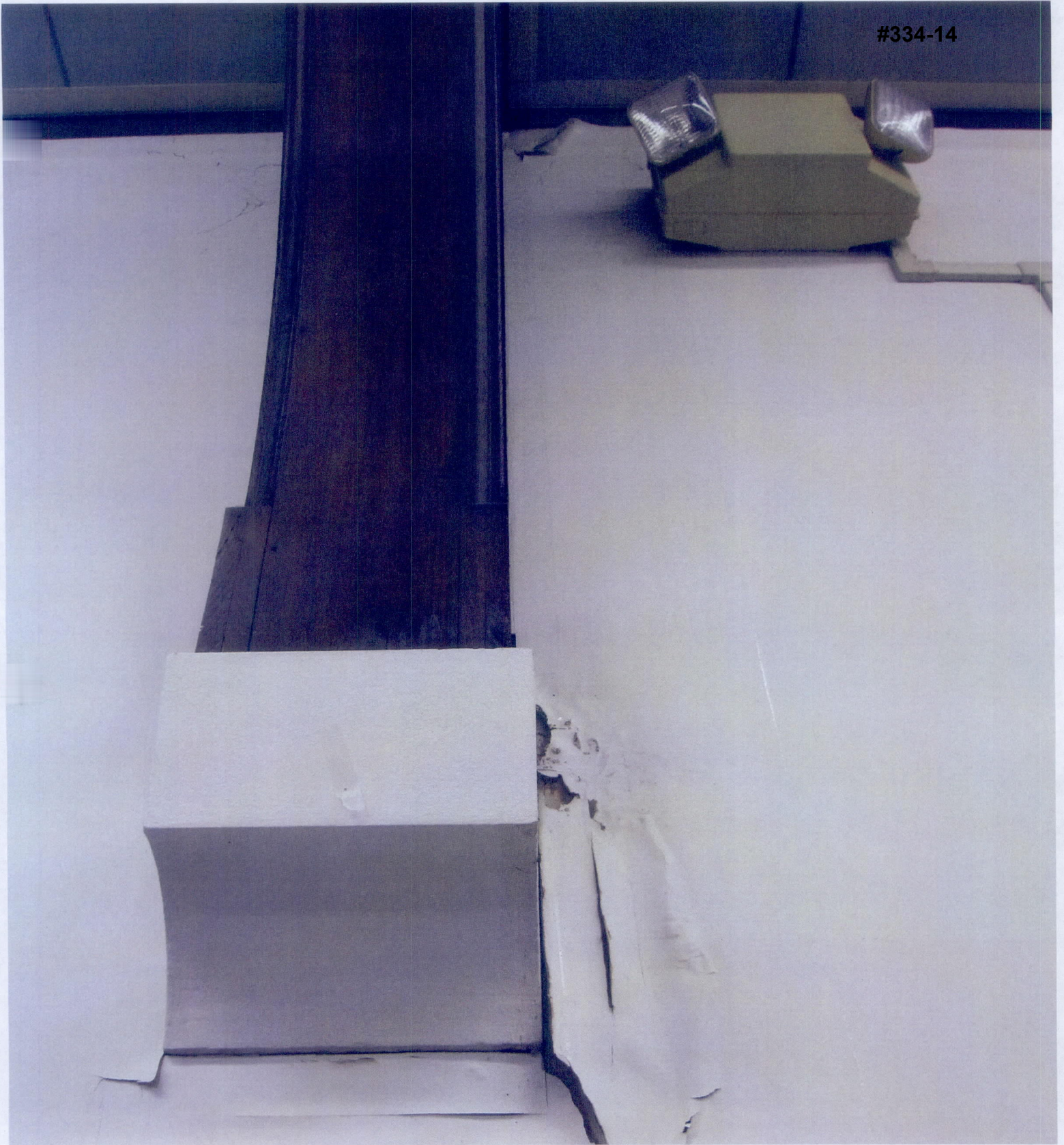


EXIT

Water dripping
from sign



#334-14



#334-14



#334-14



#334-14



CITY OF NEWTON

DOCKET REQUEST FORM

DEADLINE NOTICE: Aldermanic Rules require items to be docketed with the Clerk of the Board NO LATER THAN 7:45 P.M. ON THE MONDAY PRIOR TO A FULL BOARD MEETING.

To: Clerk of the Board of Aldermen

Date: 8/19/2014

From (Docketer): Susan Albright and Vicki Dankurs, Laredo

Address: 1075 Commonwealth Ave

Phone: 617-527-7106 E-mail: salbright@newtonma.gov

Additional sponsors:

1. Please docket the following item (it will be edited for length if necessary):

Review of Double Poles in Newton include a random sample of 10 double poles on the North side + 10 double poles on the South side of Newton to determine which utility is holding up the removal of double poles

RECEIVED NEWTON CITY OFFICE AUG 19 AM 9:16 David A. Orsini, Clerk Newton, MA 02459

2. The purpose and intended outcome of this item is:

- Fact-finding & discussion, Appropriation, transfer, Expenditure, or bond authorization, Special permit, site plan approval, Zone change (public hearing required), Ordinance change, Resolution, License or renewal, Appointment confirmation, Other:

3. I recommend that this item be assigned to the following committees:

- Programs & Services, Zoning & Planning, Public Facilities, Finance, Public Safety, Land Use, Real Property, Special Committee, No Opinion

4. This item should be taken up in committee:

- Immediately (Emergency only, please), As soon as possible, preferably within a month, In due course, at discretion of Committee Chair, When certain materials are made available, as noted in 7 & 8 on reverse, Following public hearing

GAS AND ELECTRICITY

GAS AND ELECTRICITY

164 § 40

; use of name or title proceedings; injunc-

nditures

ic plant or community

ac. Series § 31.5, Cable Tele-

c. Series § 27:2, Determining Law.

Prac. Series § 31.9, Electric egulation--General.

ent," and thus electric compa- to compensation for the cost retired lighting equipment. dge v. Department of Tele- and Energy (2007) 874 9 Mass. 868. Electricity ⇐

§ 34B. Replacement of existing poles

Notes of Decisions

In general 1

1. In general

Town lacked authority to fine utility pole owners for failing to remove pole within ninety-day statutory period following installation of replacement pole; comprehensive nature of chapter on manufacture and sale of gas and electricity implied legislative intent to

preempt municipalities from enacting legislation on the subject, local enforcement of the period would force pole owners to divert resources from the primary task of double pole removal to the ancillary task of conforming the removal process to varying local ordinances and bylaws, and local enforcement would frustrate the intent of the statute. Boston Edison Co. v. Town of Bedford (2005) 831 N.E.2d 882, 444 Mass. 775. Electricity ⇐ 9(3); Towns ⇐ 16

§ 35. Vote of city to acquire plant

Research References

Treatises and Practice Aids

18B Mass. Prac. Series § 31.3, Gas and Electric Plants--Generally.

§ 36. Vote of town to acquire plant

Research References

Treatises and Practice Aids

18 Mass. Prac. Series § 7.9, Recommendations and Votes.

18B Mass. Prac. Series § 31.3, Gas and Electric Plants--Generally.

§ 37. Certification of vote of city or town to department

Research References

Treatises and Practice Aids

18B Mass. Prac. Series § 31.3, Gas and Electric Plants--Generally.

§ 39. Failure to certify vote; penalty

Research References

Treatises and Practice Aids


18B Mass. Prac. Series § 31.3, Gas and Electric Plants--Generally.

§ 40. Debt incurred for establishing, purchasing, extending, etc., light plant

Research References

Treatises and Practice Aids

18B Mass. Prac. Series § 31.3, Gas and Electric Plants--Generally.



THE 188TH GENERAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS

Home Glossary FAQs

 Options

[Massachusetts Laws](#) |
 [Bills](#) |
 [State Budget](#) |
 [People](#) |
 [Committees](#) |
 [Educate & Engage](#) |
 [Events](#) |
 [MyLegislature](#)

Massachusetts Laws

General Laws

Print Page

- [Massachusetts Constitution](#)
- [General Laws](#)
- [Session Laws](#)
- [Rules](#)

PART I	ADMINISTRATION OF THE GOVERNMENT	NEXT
TITLE XXII	CORPORATIONS	PREV
CHAPTER 164	MANUFACTURE AND SALE OF GAS AND ELECTRICITY	PREV NEXT
Section 34B	Replacement of existing poles	PREV NEXT

Section 34B. A distribution company or a telephone company engaging in the removal of an existing pole and the installation of a new pole in place thereof shall complete the transfer of wires, all repairs, and the removal of the existing pole from the site within 90 days from the date of installation of the new pole; provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than one year, said company shall be required to remove such pole within six months from the date of installation of the new pole. The owner of such pole shall notify all other users of the starting date of such removal and installation work at least 48 hours prior to the commencement of such work, and said owner shall require all other users to remove their wiring and other attachments from the poles in a timely manner.

Show / Hide Site Map

[Mass.gov](#) | [Site Map](#) | [Site Policy](#) | [Webmaster](#)

Copyright © 2014 The General Court, All Rights Reserved



PART I ADMINISTRATION OF THE GOVERNMENT
TITLE XXII CORPORATIONS
CHAPTER 164 MANUFACTURE AND SALE OF GAS AND ELECTRICITY
Section 34B Replacement of existing poles

Section 34B. A distribution company or a telephone company engaging in the removal of an existing pole and the installation of a new pole in place thereof shall complete the transfer of wires, all repairs, and the removal of the existing pole from the site within 90 days from the date of installation of the new pole; provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than one year, said company shall be required to remove such pole within six months from the date of installation of the new pole. The owner of such pole shall notify all other users of the starting date of such removal and installation work at least 48 hours prior to the commencement of such work, and said owner shall require all other users to remove their wiring and other attachments from the poles in a timely manner.

Subcommittee on Double Pole Removal

Report to the Chairs of the
Joint Committee on
Telecommunications,
Utilities and Energy

April 2012

TABLE OF CONTENTS

MEMBERS OF THE SUBCOMMITTEE..... 3

CONTRIBUTORS TO THE RECOMMENDATION..... 4

MASSACHUSETTS GENERAL LAWS, Chapter 164, Section 34B..... 6

EXECUTIVE SUMMARY..... 7

SUMMARY OF RECOMMENDATIONS..... 8

INTRODUCTION..... 9

 History..... 9

 Methodology..... 11

 Current Landscape..... 12

FINDINGS AND RECOMMENDATIONS..... 14

CONCLUSIONS.....18

MEMBERS OF THE SUBCOMMITTEE

Representative Kate Hogan

Subcommittee Chair

Joint Committee on Telecommunications, Utilities and Energy, House Vice-Chair

Representative Stephen L. DiNatale

Massachusetts State Representative

Joint Committee on Telecommunications, Utilities and Energy

Representative Randy Hunt

Massachusetts State Representative

Joint Committee on Telecommunications, Utilities and Energy

Representative Tackey Chan

Massachusetts State Representative

Joint Committee on Telecommunications, Utilities and Energy

Representative Paul Adams

Massachusetts State Representative

Joint Committee on Telecommunications, Utilities and Energy

CONTRIBUTORS TO THE RECOMMENDATION

Senator Kenneth Donnelly
Massachusetts State Senate

Mark Lambert
Unitil

Representative Timothy Madden
Massachusetts House of Representatives

Jason Whittet
Massachusetts Broadband Initiative

Representative Jay Kaufman
Massachusetts House of Representatives

Paul Feeney
IBEW Local 2222

Representative Sarah Peake
Massachusetts House of Representatives

Brendan Keogh
IBEW Local 2222

Representative James Dwyer
Massachusetts House of Representatives

Edward Giancaterino
IBEW Local 2222

Representative Jonathan Hecht
Massachusetts House of Representatives

Mayor Setti Warren
City of Newton

Representative Carl Sciortino
Massachusetts House of Representatives

Michael Lynch
City of Boston

Representative Denise Garlick
Massachusetts House of Representatives

Doug Sears
Selectman, Town of Tewksbury

Representative Thomas Stanley
Massachusetts House of Representatives

Patrick Mehr
Lexington Electric Utility Committee

Representative Paul McMurtry
Massachusetts House of Representatives

George Woodbury
Department of Public Works, Lexington

Representative Kathi-Anne Reinstein
Massachusetts House of Representatives

Town of Bedford

City of Gloucester

Joseph Zukowski
Verizon Communications

Milford Board of Selectmen

Joseph Newman
National Grid

Vincent Piccirelli
Town Councilor, Watertown

Mark Reed
NSTAR

William Keegan
Town Administrator, Dedham

David Knowlton
City Engineer, Salem

Anthony Del Gaizo
Town Engineer, Needham

Tom Reynolds
Department of Public Works, Marshfield

Michael Valenti
Pembroke/Massachusetts Highway
Association

The Massachusetts Oil Heat Council

Massachusetts Municipal Association

Subcommittee Staff

Christopher Eicher
Joint Committee on Telecommunications, Utilities and Energy

Liam Holland
Joint Committee on Telecommunications, Utilities and Energy

Elizabeth Mahony
Office of Senator Benjamin Downing

Scott Kjellberg
Office of Representative Kate Hogan

MASSACHUSETTS GENERAL LAWS, CHAPTER 164, SECTION 34B

A distribution company or a telephone company engaging in the removal of an existing pole and the installation of a new pole in place thereof shall complete the transfer of wires, all repairs, and the removal of the existing pole from the site within 90 days from the date of installation of the new pole; provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than one year, said company shall be required to remove such pole within six months from the date of installation of the new pole. The owner of such pole shall notify all other users of the starting date of such removal and installation work at least 48 hours prior to the commencement of such work, and said owner shall require all other users to remove their wiring and other attachments from the poles in a timely manner.

EXECUTIVE SUMMARY

This legislative session, there are 14 separate pieces of legislation relating to the issue of double poles under review in the Joint Committee on Telecommunications, Utilities and Energy. The term "double pole" refers to the situation when two utility poles are erected side by side as the electric, telephone, cable and other wires from one pole are transferred to the other. Double poles are generally created when repairs or upgrades requiring a new pole are made to utility or communications equipment, or during road construction projects when utility poles must be relocated. The various bills in the Committee seek to decrease or eliminate the prevalence of double poles across the Commonwealth through various means, including fines against utility companies for the failure to remove poles in a timely fashion.¹

There are now an estimated 30,000 double poles in Massachusetts.² State and local officials have attempted to work with pole owners for the last fifteen years to reduce the number of double poles. In 1997, the Legislature enacted, as part of the Electric Industry Restructuring Act, Chapter 164, Section 34B, which required double poles to be removed within 90 days. However, the statute does not include a specific enforcement mechanism, and had little effect on reducing the number of double poles. In response to the increasing numbers of double poles in the Commonwealth, the Department of Telecommunications and Energy (DTE), now divided into the Department of Telecommunications and Cable (DTC) and the Department of Public Utilities (DPU), began an investigation into the lack of progress in double pole remediation in 2002.

DTE found that a lack of communication between pole attachees and pole owners made remediation difficult to complete. As a result, the DTE accepted the pole owners' offer to institute an online database system known as Pole Lifecycle Management (PLM), managed by InQuest Technologies, Inc., to coordinate pole related workflow activities between pole owners and pole attachees. Unfortunately, in the years following the implementation of the PLM system, the total number of double poles has failed to decline. While pole owners have removed many older poles, numerous road projects and infrastructure upgrades have resulted in even more double poles in Massachusetts.

In the December, the Chairs of the Joint Committee on Telecommunications, Utilities and Energy created a special subcommittee to examine the reasons for the lack of progress in this matter and to develop recommendations for a plan to improve the remediation and removal of double poles. To accomplish its task, the subcommittee met with stakeholders from across the state. This report examines the history of double poles in the Commonwealth, assesses previous attempts to reduce the amount of double poles, offers recommendations designed to address the twenty year backlog of double poles, and to foster the creation of effective approaches for double pole removal into the future.

¹ House Bills 876, 884, 886, 1755, 1764, 1769, 2609, 2619, 3057, 3059, and 3380; Senate Bills 1654, 1649

² There are 27,830 according to Verizon's Semi-Annual Double Pole Report, 10/31/11, D.P.U. Docket 03-87. Many double poles remain unidentified by pole owners.

SUMMARY OF RECOMMENDATIONS

I. Create a Double Pole Remediation Advisory Council (DPRAC)

An advisory council, co-chaired by both the Department of Public Utilities (DPU) and the Department of Telecommunications and Cable (DTC), should be convened to determine how the Commonwealth can best address the proliferation of double poles. The Council should consist of stakeholders, including municipalities, pole owners, pole attachees, and other relevant representatives. The Council should issue a report, with its recommendations, by December 31, 2012 outlining industry best practices, regulatory improvements and necessary legislative changes to accelerate the removal of double poles.

II. Require All Pole Owners and Attachees to Participate in the Pole Lifecycle Management Database

Currently, many pole owners and attachees do not participate in the PLM Database. In order for a pole management system to function effectively, all parties must participate.

III. Inventory all Double Poles and Update the PLM Database

Many existing double poles are not itemized in the utility-administered database. Inaccuracies in the database also develop when attachees or pole owners fail to provide notice when they move their attachments, set a new pole, or remove a double pole. One administrative failure may lead to a double pole that remains in place for many years. The effect of occasional update failures over many years has led to numerous inaccuracies in the database. Insuring the accuracy of the PLM database must occur before the Legislature or regulatory agencies can expect progress.

Ensuring database accuracy and comprehensiveness in the future may require a new, modern pole lifecycle management system, and more oversight.

IV. Require DPU and DTC to Promulgate Regulations Relative to Reducing the Amount of Double Poles in the Commonwealth

Thus far, the Departments have failed to adequately address double pole remediation. Promulgating regulations with input from the Double Pole Remediation Advisory Council will prioritize double pole remediation and may provide for necessary enforcement mechanisms.

V. Require Annual Reporting to the Legislature

DPU and DTC should issue annual reports describing double pole removal status, and current efforts being undertaken by its regulated companies to address backlogged double poles. Reports should continue until December 31, 2014, or until removal of all backlogged double poles has been completed.

INTRODUCTION

Utility poles may require replacement because of electric upgrades which the current pole cannot accommodate, construction projects or municipal road work that requires a new pole, or if a pole is no longer structurally sound. Double poles exist when a new pole is installed next to an existing pole in order to allow for the transfer of attached equipment (i.e. wires, streetlights, etc) from the existing pole. Each attachment must be transferred by the attachment's owner, the attachee, in an order contractually approved by the pole owner, before the pole can finally be removed. There are approximately 30,000 double poles in the Commonwealth and many have been in place for years.³ Before an effective long term solution for the removal of the backlog of double poles can be implemented, there must be a revised approach on the part of utilities, telecommunications companies, municipalities, and regulators. Presently, there is no protocol for double pole removal. Pole owners and attachees do not have to meet deadlines or avert future backlogs. For double pole remediation recommendations to function effectively, pole owners must partner with municipalities to develop and execute double pole removal protocols.

History

In 1997, as part of the Electric Industry Restructuring Act, the Legislature enacted a provision requiring an electric distribution company or telephone company to remove any double pole within 90 days of the installation of a new pole.⁴ The statute, however, contained no enforcement mechanism.

Despite this requirement, double poles continued to proliferate throughout Massachusetts after 1997. The pole owners argued that they were unable to remove the poles in a timely manner due to a lack of participation and communication with pole attachees. Cable companies, municipal departments, and alternative telecommunications companies all may attach equipment on utility poles. This equipment must be moved to the new pole before the original can be replaced. In the late 1990s and early 2000s, there was no communication system in place among all of these entities dedicated to equipment removal. An increasing number of double pole complaints from cities and towns prompted the Department of Telecommunications and Energy (DTE), now DTC and DPU, to open an investigation in 2002. As a result of this investigation, the pole owners agreed to use the Pole Lifecycle Management system (PLM), managed by InQuest Technologies, Inc. The PLM is an internet-based database which notifies each user electronically when it is time to transfer its equipment.⁵ Pole owners and all attachees, including municipal attachees, have access to the PLM database, if they choose to use it. The system was placed into service on February 23, 2003.

³ There are 27,830 according to Verizon's Semi-Annual Double Pole Report, 10/31/11, D.P.U. Docket 03-87. Many double poles remain unidentified by pole owners.

⁴ Section 196 of Chapter 164 of the Acts of 1997; M.G.L. Chapter 164 Section 34B

⁵ D.T.E.03-87 Report, 11/28/03

Responding to complaints from municipal officials, the Legislature passed a law in 2003 requiring DTE to issue a report containing recommendations and proposed legislation for the enforcement of the 90-day double pole removal requirement, including penalties and waivers.⁶ The law also required DTE to analyze whether local enforcement by ordinance or by-law was preferable to statewide enforcement of M.G.L. c. 164 Section 34B.

After taking comments from the pole owners, attachees, municipalities, and other interested parties, the DTE issued its report to the Legislature on November 28, 2003. The report provided the following conclusions⁷:

1. DTE recommended statewide enforcement of the 90-day double pole limit. (DTE must ensure uniform and efficient utility services to the public, compliance with different municipal requirements would increase utility costs and "Balkanize" responsibility that is now integrated, etc.).
2. Regarding penalties and waivers, DTE recommended against proposed legislation at the time of the report (2003). The report states that the DTE may recommend proposed legislation "after the PLM has had an opportunity to yield results that can identify the root cause of the double pole problem." The report reflected the view that until this unidentified time, penalties could not be properly targeted.
3. DTE recommended an amendment to M.G.L. c. 164 Section 34B apportioning some responsibility to the user/users in order to provide all parties with the incentive to promptly transfer their facilities.
4. Before adhering to a strict removal schedule, pole owners must address backlog poles:
 - a. As of October 2003, there were approximately 1,228,684 utility poles in the state. Pole owners report that, as of this date, there were approximately 25,686 double poles, of which 23,731 were jointly owned by Verizon and other pole owners. Verizon is solely responsible for setting and removing forty percent of all poles in Massachusetts, and thirty-three percent of the 25,686 were in Verizon's "sole-set areas."
5. In the report, DTE required pole owners to file a plan for eliminating the backlog of double poles as of January 2004 and to provide semi-annual reports on the status of double poles.

The utility filings on plans to eliminate double poles, as proposed by DTE's 2003 report, were first filed in January 2004. These reports contained information about how the pole owners planned to prioritize the elimination of double poles. NSTAR, for example, prioritized the backlog first, followed by removing pole sets in communities with the

⁶ Section 110 Chapter 46 of the Acts of 2003

⁷ D.T.E. 03-87 Report, 11/28/03

highest volume of double poles. The first of the semi-annual reports was filed by Verizon in September of 2004.⁸

In the summer of 2005, the DTE issued a memo and hosted a technical conference for the pole owners to discuss and formalize a standardized format for the semi-annual reports.⁹ As a result of this technical conference, the utilities agreed to all file separate summaries and Verizon would file the official semi-annual double pole report on behalf of all companies. The report would include a master list of all double poles by location and pole owner.¹⁰ The first of these joint reports was issued on December 1, 2005.¹¹

There has been no additional information available regarding further recommendations made or any analysis of the effectiveness of the PLM database, in the eight years since the original DTE report to the Legislature.

In 2007, DTE split into the Department of Public Utilities (DPU) and the Department of Telecommunications and Cable (DTC). DPU was granted regulatory jurisdiction over energy companies and DTC was granted regulatory jurisdiction over telecommunications and cable companies. The Legislature did not address the issue of jurisdiction with respect to double poles. As a result, the two agencies collectively issued a memo in October 2008 in which they agreed to share jurisdiction. Copies of complaints sent to one agency are copied to the other agency. Disputes between pole owners and attachees are settled based on the "primary purpose of attachment." Attachments for communications purposes are resolved by DTC (with DPU having the right to intervene). Attachments for electricity distribution or electric/gas meter reading equipment are adjudicated by DPU (with DTC having the right to intervene). Semi-annual double pole reports are sent to each agency.¹²

DPU and DTC continue to receive semi-annual reports on double poles. Verizon submits a detailed report on behalf of every pole owner. This report lists the status of each individual double pole in the Commonwealth including the date of installation and the date of removal (if removed within the past six months). In addition, every single pole owner submits a summary report describing the company's progress addressing double poles.¹³

Methodology

The Subcommittee on Double Poles was formed in December of 2011 under the direction of the Chairs of the Joint Committee on Telecommunications, Utilities and Energy. The House Vice-Chair of the Joint Committee Chaired the Subcommittee, which was made up of four other members of the Joint Committee. The Subcommittee held 'stakeholder meetings' to bring together interested parties on all sides of the issue from across the geographic

⁸ D.P.U. Docket 03-87

⁹ D.T.E. Memo Re: Double Utility Poles Report, D.T.E. 03-87 – Notice of Technical Conference, 7/11/05

¹⁰ D.T.E. Memo Re: Double Utility Poles Report, D.T.E. 03-87 – Amended Joint Motion Approved, 9/1/05

¹¹ D.P.U. Docket 03-87

¹² DPU and DTC Memorandum Re: Memorandum of Agreement regarding jurisdiction over pole attachment and double pole disputes, 7/18/08

¹³ D.P.U. Docket 03-87

boundaries of the Commonwealth. These stakeholders included legislators, municipalities, pole workers, utility companies and the Department of Public Utilities.

The Subcommittee held three stakeholder meetings in January and one in February of 2012. The meetings included questions from all subcommittee members and suggestions for double pole reduction from each interested party. These suggestions ranged from levying fines, creating incentives, devoting more workers to double pole removal and increasing the enforcement capabilities of the relevant state agencies.

During meetings with stakeholders, the subcommittee focused on the following areas in order to ensure an effective approach to double pole remediation:

- 1. Removing double poles from the initial backlog of 2002:** There are still many poles from the original backlog that have not been removed, despite the Legislature's attempt to address this issue in 2002.¹⁴ When considering a remediation process, these poles should be the first considered for removal.
- 2. Removal of double poles created between 2002 and now:** There are currently over 27,343 double poles¹⁵, all of which must be addressed by pole owners and attachees. However, the total number of double poles must be estimated, because many are not identified in the PLM database. These poles should be considered for removal after those from the initial backlog.
- 3. Setting-up double pole remediation protocols:** Protocols and standards must exist regarding the future replacement and removal of poles to prevent even greater numbers of double poles moving forward.

Current Landscape

Since utilities in Massachusetts began using a common communication system for double pole tracking, they have successfully removed 32,185 double poles. During that time, electric upgrades, road projects, and other types of service expansions, have led to the creation of an additional 27,000 double poles.¹⁶

The PLM database information is often inaccurate or incomplete. The system depends on manual updates when a company moves their equipment. Although incidents of a pole owner or attachee failing to update the database after moving equipment on a pole may happen infrequently, years of database operation without an extensive inventory of double poles has resulted in significant delays in double pole removal, some of which linger for years. Large discrepancies between double pole data in reports filed with the DPU and DTC and data from inventories taken by individuals in certain municipalities are evidence of inaccuracies in the system.¹⁷ Failure of certain attachees to participate in the database also

¹⁴ 546 can be identified in the PLM system according to Verizon's Semi-Annual Double Pole Report, 10/31/11, D.P.U. Docket 03-87.

¹⁵ Verizon's Semi-Annual Double Pole Report, 10/31/11, D.P.U. Docket 03-87. Many double poles remain unidentified by pole owners

¹⁶ Joint Comments of Verizon, National Grid, and NSTAR, 2/21/12

¹⁷ Lexington Electric Utility Committee bi-annual survey of double poles.

slows the remediation process and can cause additional confusion. In addition, sometimes equipment is attached to poles without notification to the pole owner, which produces significant delays when a pole owner is attempting to replace a pole. There is currently no single, identified state agency with the authority or resources to seriously address all aspects of this issue.

Municipalities want double poles removed as soon as possible and many municipal officials have expressed a desire to create an enforcement mechanism for pole owners that they view as unresponsive. Faced with the persistent double pole problem, and without direction from the state or other organizations, municipalities have developed distinct individual approaches for double pole remediation. Some communities assign specific liaisons to contact utility companies directly to pressure pole owners to complete specific pole replacements. Others require double pole remediation as a prerequisite for municipal approval of other utility requests.

Utilities agree that there is an abundance of double poles in Massachusetts, but argue that this is a sign of progress. Increased road expansion projects as a result of the American Recovery and Reinvestment Act, increased development and more distributed generation requiring electricity upgrades, and the proliferation of competitive telecommunications companies with equipment attached to poles have improved quality of life for consumers, but these factors stimulate the growth of new double poles. Utilities agree that PLM needs to be updated or entirely reconfigured, but the update alone may not decrease the aggregate number of double poles. Pole owners prioritize work that resolves customer complaints or provides new customers, creating new revenue or protecting existing revenue. Otherwise, double pole removal is a necessary operating cost which generates no revenue, and therefore is a task of significantly less importance to owners.

Facing a need to complete pole replacement work quickly, the Massachusetts Department of Transportation developed a program where pole owners are granted double pole remediation revenue if the work is completed according to a designated schedule. When promised a source of revenue, pole owners have been significantly more likely to ensure complete pole replacement according to a reasonable schedule.

The Department of Public Utilities argues that backlogged double poles present no public safety threat, but DPU understands municipal official and citizen frustration. DPU and the Legislature have, so far, been unsuccessful at resolving the issue.

DPU stresses concern over unintended consequences of fines. Also, regulatory agencies lack authority to provide a financial enforcement mechanism for telecommunications company pole owners and attachees.

FINDINGS AND RECOMMENDATIONS

The Subcommittee recommendations were predicated on the following key findings and observations:

1. The Pole Life Management (PLM) database contains data that is incomplete and inaccurate and does not provide the information needed to effectively and efficiently locate and remove all existing double poles: A state-wide inventory is required before any system-wide plan can be effectively executed and decisions will have to be made regarding where and how to best keep and maintain the resulting data.
2. The Legislature should not seek to create specific statutory enforcement remedies, at this time, without the thorough involvement of all parties. This is a complex issue that is best addressed by experts at DPU and DTC with input from all relevant parties: those who are pole owners, users, and municipalities.
3. Shared jurisdiction of double pole remediation policy has proven to be demonstrably ineffective and inefficient. Any policy mandating double pole replacement will fail if companies are incentivized to ignore the policy and there is no enforcement mechanism. The Legislature will look to the Double Pole Remediation Advisory Council (DPRAC) for its recommendations, but ultimately, the responsibility to provide a coherent regulatory scheme for this issue remains with the Legislature or with executive agencies with broad regulatory authority.

Recommendations

Create a Double Pole Remediation Advisory Council (DPRAC)

The Double Pole Remediation Advisory Council (DPRAC) will assume responsibility for the further examination of the double pole issue. A Council is necessary because stakeholders with expert knowledge are best able to propose a strategy for the removal of double poles, and no state regulatory agency has sole jurisdiction over pole ownership and attachments. The members of the DPRAC will be as listed:

- 2 municipal representatives as appointed by the Massachusetts Municipal Association
- 1 representative from the Massachusetts Department of Public Utilities
- 1 representative from the Massachusetts Department of Telecommunications
- 1 representative for the Attorney General
- 1 representative from Verizon Communications
- 1 representative from the electric distribution companies
- 1 municipal light and power representative as appointed by Municipal Electric Association of Massachusetts
- 1 representative from the Cable Television Association (Comcast, RCN, etc.)

- 1 representative from the telephone pole workers union
- 1 representative from the utility workers union

The DPRAC will have until December 31, 2012 to issue a report with recommendations and strategies in the following areas.

Double Pole Remediation Schedule

The DPRAC report should prepare a strategy outlining the removal of new and backlog double poles. Backlog poles should be analyzed by date of installation. Double poles that were set prior to January 31, 2004, the backlog date for the DTE's past investigation into double poles, should be prioritized for immediate removal. Double poles that have been set between January 31, 2004 and the present should have a target elimination deadline of December 31, 2014, or two years from the date the Council issues its final report.

The council should determine if the ninety day statutory deadline for pole replacement is unreasonable. It may take multiple weeks for each attachee to transfer its equipment from one pole to another, even under ideal circumstances. While companies are expected to remove double poles within the ninety-day timeframe, a double pole may be considered longstanding if it becomes one year old. The Council should prepare a strategy to prevent the occurrences of longstanding double poles in the future. In doing so, the Council should consider reasonable schedules for each attachee to transfer its equipment on a pole.

The report should include a plan for immediate removal of double poles that have been in place prior to January 31, 2004,

PLM Database

The council should review the PLM database and suggest measures to ensure its comprehensiveness, accuracy, and accessibility by all pole users and municipalities. This system must include a complete list of all double poles in Massachusetts, along with their owners and users, and be capable of issuing notifications for each user when they are required to remove their equipment from a double pole. The Council must identify the proper information system to use for all pole owners, attachees, and other municipal officials. The system must allow for coordination among pole owners and attachees for moving equipment, but it must also be an effective resource for municipal officials. Municipal officials must be able to access the system to respond to double poles complaints from residents and public safety officials. Regulatory agencies must have access to the database to ensure that pole owners respond to double pole complaints from municipal officials.

An accurate, extensive and complete inventory must be taken on every double pole in the Commonwealth to ensure the accuracy of the new database to be completed by a date certain. The Council should recommend the best method of conducting such an inventory.

The Double Pole Remediation Advisory Council should also propose recommendations to identify companies and municipalities that have attached equipment to poles without giving notice to the pole owner and to ensure that the identified attachees obtain the necessary licenses to be attached to poles.

Regular Communication between Municipalities and Pole Owners

The Council's analysis should include strategies from improved communication between municipal officials and pole owners to address double pole remediation.

Penalties and Enforcement

At its discretion, the DPRAC may recommend a fine system or other enforcement mechanism to DPU and DTC in its report. The council should consider fining pole owners if they fail to respond to formal municipal demands to remove longstanding double poles, or poles that must be removed to meet a construction schedule, but may recommend any enforcement mechanism it considers appropriate and necessary. The council may consider fining attachees in addition to pole owners, if they fail to move equipment in a reasonable period of time; however, it is unclear whether federal law allows states to fine companies with equipment attached to poles.

Pole Lifecycle Management Database Access

The Subcommittee strongly recommends that all municipalities, pole owners and attachees have access to and be required to take part in the database. All pole owners and municipal officials should know what organizations have equipment attached to a pole and which company is responsible for moving equipment at any given time. A lack of communication and cooperation has been a significant problem, so maximizing communication and cooperation is paramount for a successful double pole removal policy.

Enforcement Mechanisms

It is important for the DPRAC to create realistic and appropriate penalty mechanisms, and DPU and DTC must have enforcement authority. In the last fifteen years, lack of enforcement has resulted in lethargic response by pole owners and attachees in replacing poles and moving equipment. There must be consequences for pole owners and attachees to act efficiently.

Pole owners must face strict, yet reasonable deadlines; however, pole owners should not be held responsible for adhering to these deadlines during extraordinary events. The public safety threat associated with most double poles is minimal; therefore, pole owners should have some flexibility to divert resources for life threatening and other dangerous situations.

Reports to the Legislature and Municipalities

The DPU and DTC must also issue joint reports every year on the status of double poles in the Commonwealth to the Legislature and the report should be available to the public. DPU and DTC receive semi-annual double pole reports from the pole owners which detail the status of double pole remediation. Pole owners should also provide each municipality with a report listing all double poles in their municipality.

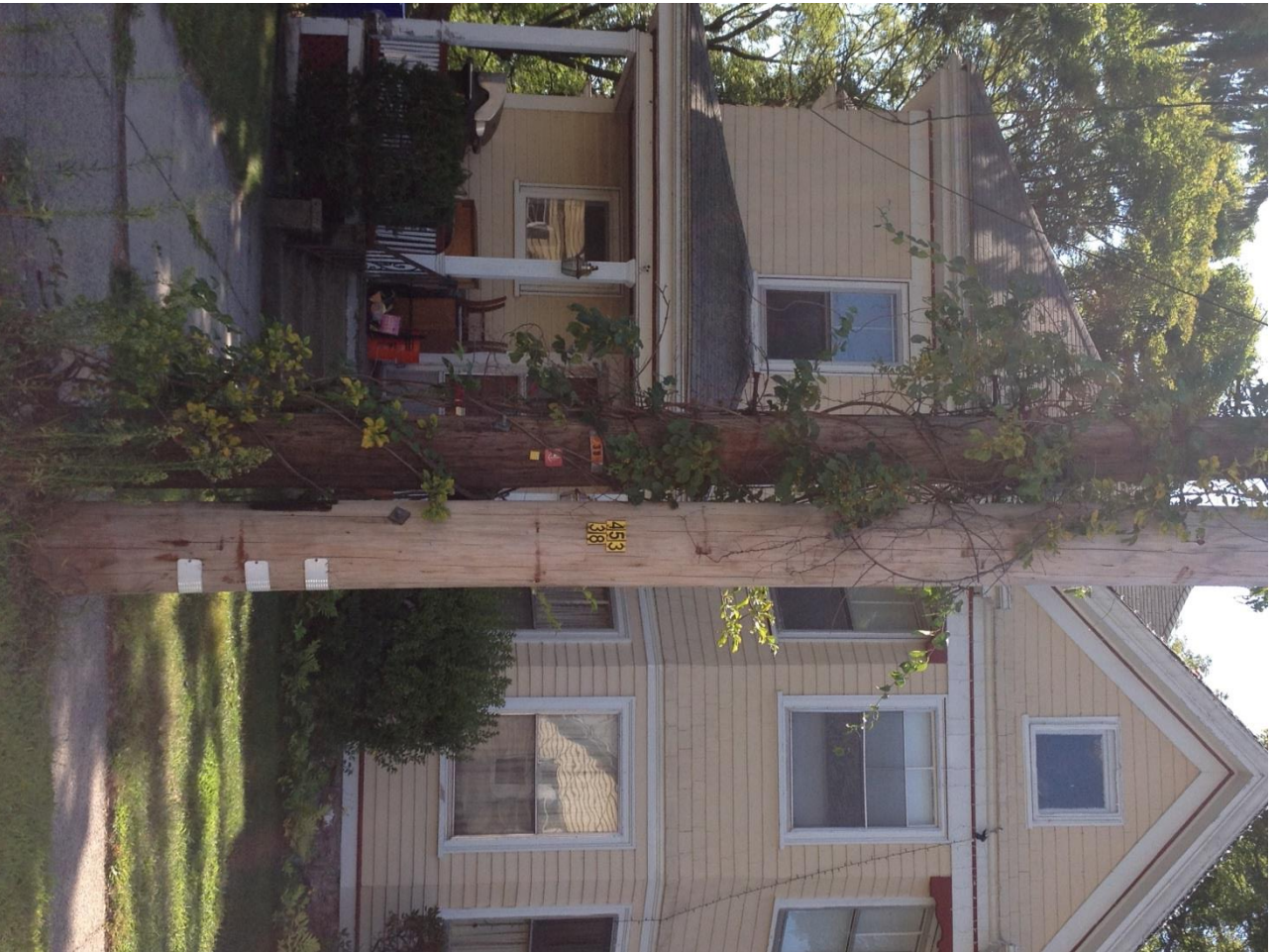
CONCLUSION

Double poles have been a concern in the Commonwealth of Massachusetts for over fifteen years. Under current law, pole owners have a responsibility to remove double poles within ninety days, but this schedule is not enforced and companies have no incentive to remove poles in a reasonable timeframe. Our current system is dysfunctional and has not reduced the number of double poles nor created a workable system for the future. It is the responsibility of all the involved stakeholders to resolve this problem.

The Subcommittee recommendations acknowledge that the Legislature may not be as well suited for the creation of specific solutions to this problem, certainly not to the extent that professional staff in the state's utility companies, municipalities and regulators may be. It does, however, recognize that the Legislature may well need to act and address this issue to ensure its resolution in a reasonable period of time. The Subcommittee recommendations aim to accomplish three main purposes:

1. Overhauling the current PLM database and taking an inventory of double poles. All pole owners and attachees involved in the removal of double poles must be held accountable for updating and correcting all information in the database;
2. Establishing deadlines and reporting requirements for double pole removal. The Subcommittee recognizes the importance of giving every stakeholder a voice at the table and believes that the Double Pole Remediation Advisory Council should have an opportunity to address these issues with all relevant parties as a predicate to further legislative or regulatory action;
3. Deferring to the DPRAC for recommendations on establishment of a financial disincentive structure (i.e., penalties, fines) for policy enforcement.

The Subcommittee accepts that it is the responsibility of pole owners to remove double poles in a timely fashion, but understands that difficulties with the existing database, attachees and municipalities has made achievement of this goal difficult. A new approach that focuses on better coordination and improved communication will lead to a resolution of the double poles issue, as both owners and attachees find efficient and cost effective ways to coordinate pole remediation and removal.



Double Poles In the Garden City

City of Newton

#328-14



Commonwealth Avenue



Note:

All Utility Poles are jointly owned
Maintenance is divided into territory.

The dividing line is Commonwealth Avenue

Stand alone Street light poles are owned &
Operated by the City.

North



Not to Scale

Double Pole Random Samples

August 26 2014

North of Commonwealth Avenue		South of Commonwealth Avenue	
1 Auburn Street	23/13	1 Beacon Street at Beethoven Ave	31/1440
2 Auburn Terrace	397/4	2 Beethoven Ave	170/25
3 Bacon Road	1224/1	3 Beethoven Ave at Beacon Street	170/26
4 Brookside Avenue at Washington St.	447/106	4 Beacon Street at Beethoven Ave	31/1440
5 Homer Street	212/19	5 Chestnut Street at Gordon Road	26
6 Jackson Street	227/18	6 Chestnut Street at Woodward Street	85/84
7 Nevada Street	308/24	7 Evelyn Road at Beacon Street	916/1
8 Watertown Street	450/10	8 Ferncroft Road	036/12
9 Watertown Street	450/23	9 Paulson Road at Ferncroft Road	6
10 Watertown Street	450/44	10 Wilde Road	463/2

Life of A Double Pole

A second pole is installed “temporarily” for various reasons to replace the original pole:

1. Pole rots out at base
2. New equipment and new wires are heavier thus need a bigger pole (diameter & height)
3. Pole gets hit...ouch
4. Underground construction requires pole to be rest or relocated
5. Age of pole

Once second pole is placed wires & hardware are transferred; Typically from top to down format

- 1st high voltage, followed by Secondary or lower voltage distribution
- Then come the telecommunication turn: telephone, fiber optic
- Then Cable TV
- Finally Fire Alarm Wires

As each Utility relocates their wires & hardware the pole is cut down to the next level & braced
For the next relocation of wires & hardware until it is all gone.

Q/A's