

CITY OF NEWTON
IN BOARD OF ALDERMEN
PUBLIC FACILITIES COMMITTEE AGENDA

WEDNESDAY, OCTOBER 19, 2011

7:45 PM
Room 209

ITEMS SCHEDULED FOR DISCUSSION:

- #266-11 NATIONAL GRID petitioning for a grant of location to install and maintain 80' ± of 4" gas main in RUANE ROAD from the existing 4" gas main at 74 Ruane Road in an easterly direction to #69 Ruane Road. (Ward 3) [09/12/11 @ 11:59 AM]

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

- #245-10 ALD. SCHNIPPER AND SANGIOLO requesting discussion with National Grid regarding the possible damage to trees as a result of gas leaks. [09/01/10 4:00 PM]

- #280-11 ALD. SALVUCCI requesting an amendment to Section 26-51 of the City of Newton Ordinances, 2007 – Public way improvements constituting specific repairs, to add the following design change test to paragraph 9a): “or any adjustment of the curbing that causes an intrusion into the roadway.” [09/20/11 @ 10:38 AM]

Public hearing continued from September 21, 2011:

- #259-11 NextG NETWORKS OF NY, INC. petitioning for a grant of location to install 295' ± of underground conduit in SUMNER STREET on the easterly side approximately 58' from Alden Street in a southerly direction to the intersection of Rice Street and attach aerial fiber and related equipment to existing utility poles at the following locations:

Aerial Locations

Centre Street - 2,140' of aerial fiber attachment to exiting poles
Alden Street - 485' of aerial fiber attachment to existing poles
Sumner Street - 2,460' of aerial fiber attachment to existing poles
Ward Street - 1,050' of aerial fiber attachment to existing poles
Westbourne Road – 790' of aerial fiber attachment to existing poles
Everett Street 935' of aerial fiber attachment to existing poles
Dalton Road – 435' of aerial fiber attachment to existing poles
Grant Avenue – 530' of aerial fiber attachment to existing poles
Beacon Street – 1,925' of aerial fiber attachment to existing poles
Langley Road – 530' of aerial fiber attachment to existing poles
Braeland Avenue - 1,095' of aerial fiber attachment to existing poles
Cypress Street – 410' of aerial fiber attachment to existing poles
[07/28/11 @ 3:36 PM]

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, contact the Newton ADA Coordinator Trisha Guditz at 617-796-1156 or tguditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting.

REFERRED TO PUBLIC FACILITIES AND PROGRAMS & SERVICES

- #8-09 ALD. HESS-MAHAN LINSKY, ALBRIGHT, FREEDMAN, MANSFIELD, JOHNSON, HARNEY & VANCE proposing an ordinance requiring that the installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. [12/30/08 @9:55 AM]
PROGRAMS & SERVICES APPROVED 7-0 on 03/09/11

- #279-11 ALD. YATES requesting a report from the Chief Administrative Officer as to when the topsoil stored at the Department of Public Works Elliot Street Yard will be used at the Newton North High School fields. [09/26/11 @2:37 PM]

- #385-07 ALD. SCHNIPPER AND GENTILE updating the Public Facilities Committee on the progress of the Newton North High School Project. [11/21/07 @ 10:23 AM]

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

- #130-11 PAUL COLETTI, ALD. SANGIOLO, DANBERG, & JOHNSON requesting Home Rule Legislation to create a Capital Preservation Fund for the City of Newton modeled on the Community Preservation Fund to address the capital needs of the City. [04/11/11 @9:42 PM]
FINANCE VOTED NO ACTION NECESSARY 7-0 on 10-12-11

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

REFERRED TO PROG & SERV, PUBLIC FACIL. AND FINANCE COMMITTEES

- #367-10 HIS HONOR THE MAYOR requesting authorization to appropriate an amount not to exceed five million dollars (\$5,000,000) from bonded indebtedness for the following:
(B) installation of up to six modular classrooms at five elementary schools as well as the addition of permanent classrooms and renovations to the core of F.A. Day Middle School. [11/29/10 @ 3:23 PM]
Note: Seventy-five thousand dollars (\$75,000) of the \$5 million was approved on December 20, 2010 for site plan design work for modular classrooms at Horace Mann, Zervas, and Burr Elementary Schools and \$923,375 for installation of one modular classroom at Burr Elementary School, one modular classroom at Horace-Mann Elementary School, and two modular classrooms at Zervas Elementary School was approved on July 11, 2011.
367-10(B2) – \$4,001,625 for renovations to the core of F.A. Day Middle School and sprinkler systems –HELD
- #239-11 ALD. ALBRIGHT, CROSSLEY & LINSKY requesting a discussion with Public Buildings Department and School Committee regarding modular classrooms that includes the, the location, the age, the condition and the number of modular classrooms. [07-12-10 @ 3:19 PM]
- #174-11 ALD. DANBERG AND BLAZAR requesting a raised device on Cypress Street near Bow Road recommended by the Traffic Engineer and approved by the Traffic Council (TC22-11) on May 26, 2011. [05-27-11 @ 10:53 AM]

- #173-11 ALD. DANBERG AND BLAZAR requesting a raised crosswalk on Cypress Street in the vicinity of 280 Cypress Street, in association with modifications to the Bowen Elementary School entrance, as approved on May 26, 2011 in Traffic Council (TC20-11), and to be paid for through MassDOT's Safe Routes to School Infrastructure Program. [05-27-11 @ 10:53 AM]
- #172-11 ALD. CROSSLEY, FULLER AND SCHNIPPER requesting discussion with the Utilities Division of the Public Works Department regarding the identification of storm water inflow connections to the sewer system, so as to begin the process of systematically eliminating such illegal connections, including notifications to property owners, educational materials, requirements for corrective actions and technical and financial assistance that may be available from the City in order to facilitate removal of inflow connections. [05/26/11 @3:33 PM]
- #138-11 ALD. CROSSELY AND SCHNIPPER requesting a report from the Department of Public Works regarding the energy use and maintenance costs for the City's streetlights and gaslights and costs/payback associated with recommended energy efficiency measures. [04-21-11 9:08 AM]
- #124-11 ALD. CROSSLEY, DANBERG, ALBRIGHT, LAPPIN, SANGIOLO, AND SCHNIPPER requesting a discussion with the Public Works and Parks & Recreation Departments regarding emergency stockpiling of snow, tree limbs, and other storm-related debris to include the mapping of potential sites, priority use of the sites, and site preparation prior to use, for the purpose of assuring both effective City operations throughout the year, while protecting and preserving Newton's park lands. [03/29/11 @ 1:47 PM]

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

- #89-11 FINANCE COMMITTEE recommending that **Sec. 29-72(b) Same— Assessments upon owners of estates passed by new sewers.** of the City of Newton Rev Ordinances, 2007, be amended to increase the fixed uniform rates assessed upon owners of all estates passed by new sewers to rates that more accurately represent the estimated average cost of installing such sewers. [03-07-11 @9:30 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #60-11 HIS HONOR THE MAYOR requesting the budget for the Newton North High School construction project be amended by transferring funds from the owner's contingency line item to the construction manager at risk line item for the purpose of funding additional costs related to the demolition phase of the project. [02/10/11 @ 9:18 AM]

REFERRED TO PUBLIC SAF. & TRANS. AND PUBLIC FACILITIES COMMITTEES

- #41-11 ALD. JOHNSON, LENNON AND DANBERG requesting discussion of the elimination, except during snow emergencies, of the overnight parking ban which is in effect from November 15 through April 15. [01/18/11 @ 9:00 PM]

REFERRED TO PUBLIC FACILITIES, PROG&SERV AND FINANCE COMMITTEES

- #312-10 ALD. LENNON, LAPPIN, SCHNIPPER, SANGIOLO requesting a discussion with the School Committee on its plans to address space needs in the Newton public schools. [10-27-10 @ 11:07 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #311-10(A) HIS HONOR THE MAYOR requesting an appropriation in the amount of three million three hundred thirty-five thousand dollars (\$3,035,000) from bonded indebtedness for the purpose of funding the FY 2011 Capital Improvement Plan projects as follows: [11/29/ 10 @ 3:23 PM]

Architectural Design and Engineering/ Next Scheduled Fire Station \$400,000
A-2 - HELD 6-0 \$270,000 for final design bidding and construction admin on
12/08/10

REFERRED TO PUB. SAF. & TRANS., PUB. FAC. AND FINANCE COMMITTEES

- #311-10(B) HIS HONOR THE MAYOR requesting an appropriation in the amount of three hundred thousand dollars (\$300,000) from bonded indebtedness for the purpose of funding the Manet Road Emergency Communications Radio Tower Replacement, which is included in the FY 2011 Capital Improvement Plan. [11/29/10 @ 3:23 PM]

PUBLIC SAFETY & TRANSPORTATION APPROVED 7-0 on 12/08/10

- #244-10 ALD. SALVUCCI requesting discussion with the Utilities Director and the Public Works Commissioner regarding the possibility of installing second water meters for outside irrigation. [08/17/10 @ 12:18 PM]
- #223-10 ALD. YATES & ALBRIGHT requesting updates on the status of the reconstruction of the Needham/Newton Street corridor, which include details on the reconstruction funding, plans for the revitalization of the area, and plans for the implementation of transportation improvements. [07/15/10 @ 1:02 PM]
- #192-10 POST AUDIT & OVERSIGHT COMMITTEE requesting review of **Section 26-30 Licenses for café furniture on sidewalks** with the Commissioner of Public Works and the role of the Board of License Commission. [06/22/10 @ 2:08 PM]
- #116-10 ALD. CROSSLEY AND HESS-MAHAN requesting discussion regarding status of ESCO weatherization audit focusing on building envelope retrofits proposed for Phase II and Phase III and coordinating those efforts to inform decision making on related capital expenditures. [04/13/10 @ 7:24 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #53-10 ALD. FULLER, SCHNIPPER, CROSSLEY & BAKER requesting a Resolution to His Honor the Mayor requesting the implementation of new parking meter payment methods and/or parking meter systems to eliminate the sole use of coins. [02/09/10 @ 12:43 PM]

(B) Resolution to His Honor the Mayor requesting the implementation of new parking meter payment methods and/or parking meter systems to eliminate the sole use of coins –HELD 7-0 on 03/03/10

- #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]
- #175-09 PUBLIC FACILITIES COMMITTEE requesting monthly updates from the Department of Public Works on the Commonwealth Avenue project. [06-03-09 @ 10:30 PM]
- #126-09 ALD. LAPPIN requesting an update on the status of repairs and rental of the Kennard Estate. [04/17/09 @ 2:49 PM]
- #111-09 ALD. ALBRIGHT AND MANSFIELD requesting discussion of recent information (made available to the Land Use Committee) from NStar related to double poles, focusing on the 350 double poles waiting only for removal of wires or streetlights by the City of Newton.

REFERRED TO PS&T, PUBLIC FACILITIES AND FINANCE COMMITTEES

- #60-09 ALD. SANGIOLO, GENTILE AND HARNEY requesting the installation of traffic islands on CONCORD STREET to be funded with the Cabot, Cabot and Forbes Traffic Mitigation Fund for Lower Falls (Ward 4). [02/03/09 @ 1:01 PM]
- #457-08 ALD. LAPPIN AND SALVUCCI requesting discussion with NStar regarding the timely repair of City streetlights and the development of a standard response timeframe. [11/20/08 @ 12:51 PM]
- #208-08 ALD. GENTILE, SANGIOLO, SALVUCCI AND SCHNIPPER requesting a discussion on establishing a permanent Building Committee in the City of Newton. [05/16/08 @ 11:47 AM]
- #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. [08/07/07 @ 3:12 PM]

#54-07 ALD. SANGIOLO requesting discussion with the School Department and the Public Buildings Department about giving the School Department increased control over maintenance of school building facilities thereby allowing the School Department to have direct authority to deploy/hire staff to make necessary repairs to their school facilities. [02/09/07 @ 1:46 PM]

#155-06(2) ALD. BLAZAR on behalf of James A. Blackburn, 105 Wood End Road, Newton Highlands petitioning for laying out, grading and acceptance of WOOD END ROAD as a public way from the intersection of Mountfort Road westerly to the intersection of Nantucket Road, a distance of approximately 360 feet to the width of 45 feet. [05/18/10 @ 11:52 AM]

#152-06 PS&T COMMITTEE requesting discussion re Road Classification Design Types (as outlined by the Planning and Development Department) for future use as an overall management tool for the City.

#321-04(2) ALD. JOHNSON requesting a RESOLUTION to His Honor the Mayor requesting that he expeditiously as possible find funding to create traffic calming measures on Mill Street as requested by the Traffic Council.

Respectfully submitted,

Sydra Schnipper, Chairman

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 Public Works Department for a preliminary review before the applicant files the petition with the Board of Aldermen. 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.

Grant of Location Process:

1. Applicant submits completed Petition Form and required materials to Clerk of the Board's Office
2. Engineering Division of Public Works conducts preliminary review and provides written comments (estimated timeframe two weeks)
3. If there is no conflict, the Public Works Department files Petition Form with the Clerk of the Board. Petitioner has the right to file contested petition form to the Clerk of the Board.
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:

Shawna Sullivan, Committee Clerk, 796-1213
Lou Taverna, City Engineer, 796-1020

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 DEANIS REGAN Title PERMIT REPRESENTATIVE

Signature [Signature] Date 9-12-11

Person filing application

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

2011 SEP 13 A 10:25

RECEIVED
BY ENGINEERING DEPT.

15 SEP 12 1A 11:59
CITY CLERK
NEWTON, MA 02459

II. DESCRIPTION OF PROJECT: to be completed by petitioner

#266-11

- 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 80 FEET MORE OR LESS OF 4 INCH GAS MAIN IN RUANE RD. NEWTON FROM THE EXISTING 4 INCH GAS MAIN AT HOUSE # 74 EASTERLY TO HOUSE # 69 FOR A NEW GAS SERVICE

- B. Attach a sketch to provide a visual description of the project. If plans are attached, provide:

Title of Plan 69 RUANE RD. NEWTON Date of Plan 9-7-11

11 SEP 12 11:59
CITY CLERK
NEWTON, MA 02159

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department _____

Check One:

Minor Project ☐

Major Projects ☒

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:

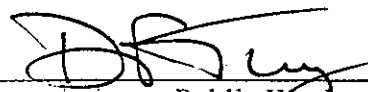
9/14/11

1. Street opening permit required from City of Newton
2. Notify Engineering 48 hours prior to work
3. Police detail required
- Laura M. Tarema 9/14/11

RECOMMENDATIONS:

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. All concrete sidewalk and apron panels damaged shall be replaced in kind and grade to City of Newton Specifications
5. Traffic shall be maintained.

IV. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:


Commissioner, Public Works

9/14/2011
Date

PETITION OF KEYSpan ENERGY DELIVERY FOR GAS MAIN LOCATIONS

#266-11

City of Newton / Board of Aldermen:--

The Keyspan Energy Delivery 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 80 feet, more or less of 4 inch gas main in Ruane Road, Newton.
From the existing 4 inch gas main at House # 74 Easterly to House # 69 for a new gas service.**

Submitted is a set of plans of said gas mains.

DATE September 12, 2011

BY _____
Francis X. O'Leary
Permit Representative

11 SEP 12 A 12:00
CITY CLERK
NEWTON, MA 02159

ORDER FOR GAS MAIN LOCATION

City of Newton / Board of Aldermen:--

IT IS HEREBY ORDERED that the locations of the mains of the Keyspan Energy Delivery 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 dated **September 12, 2011** 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 Keyspan Energy Delivery shall comply with all applicable provisions of law and ordinances of the **City of Newton** applicable to the enjoyment of said locations and rights.

Dated 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 # 144-8502-787514

**RETURN ORIGINAL TO THE PERMIT SECTION
KEYSPAN ENERGY DELIVERY
52 SECOND AVENUE, WALTHAM, MA 02451
RETAIN DUPLICATE FOR YOUR RECORDS**

FORM #1444, Rev. 90

Final Label Report

#266-11

SBL	Owner	Number	Street	Unit
32021 0006	CITY OF NEWTON		BERKELEY ST	
32021 0019	PALEY MARTIN L & SUSAN M	1525	COMMONWEALTH AVE	
32022 0004	BACHNER FRANK J & JANE D	35	MIGNON RD	
32021 0032	SIEGEL RONNIE Z	51	MIGNON RD	
32023 0001	KARELIS JEFFREY S & JOAN M TRS	10	RUANE RD	
32021 0020	VILLA CRISTINA CARTA	11	RUANE RD	
32021 0021	KWAN PETER P	19	RUANE RD	
32023 0017	BURAS MICHAEL A & HELEN K	24	RUANE RD	
32021 0024	MAGENCE YITZ	33	RUANE RD	
32022 0001	CHIN VICTOR F	40	RUANE RD	
32021 0025	LAMPERT AUDREY H & BRUCE G	43	RUANE RD	
32021 0026	HEIMLICH MICHAEL S & GALIT P	51	RUANE RD	
32022 0007	BATTAT DENISE F	56	RUANE RD	
32021 0027	GOLDMAN JERALD L & JULIA F	61	RUANE RD	
32021 0028	WHITE ALEXANDER C	69	RUANE RD	
32022 0006	BOYER ROBERT TR	74	RUANE RD	
32021 0029	ZEROUNIAN SARKIS & JULIA	85	RUANE RD	
32022 0005	KOLMAN BENET S & PAMELA B	90	RUANE RD	
32021 0030	TOYIAS ANN A L/E	93	RUANE RD	
32021 0031	TISHMAN SHARI	101	RUANE RD	

GAS LEAKS COULD LINK TO DEATH OF TREES

*369 incidents
cited by
advocate*

By Steve Annear
STAFF WRITER

Trees are dying all over the Garden City due to alleged gas leaks underground that limit the amount of oxygen roots need to keep them healthy and alive.

For example, a line of trees that runs along the sidewalk at Albe-marle Field, just several feet from the Gath Pool, is dead.

The branches, brown and ready to snap, are void of any leaves.

Bob Ackley said he has seen it a hundred times before.

He said it's from the gas slowly leaking underground, destroying the trees from the roots upward.

"This here is a crime scene," said Ackley, who was contracted by the city last year to survey similar alleged leaks in Newton. "This is insanity. This is crazy. This is total insanity."

So far, Ackley has identified 369 alleged leaks in the entire city since

GAS LEAK, page 14



STAFF PHOTO BY STEVE ANNEAR

Bob Ackley, owner of Gas Safety USA, uses a combustible gas indicator to detect levels of gas at a home in Waban. Brown grass remains where a tree once was. Ackley said the leaks underground have killed the grass and trees in Newton.

Utility disputes claims of widespr

GAS LEAK, from page 1
October of 2009.

He expects to find 50 more by the time he completes his investigation in October, and presents the data to the city.

Ackley's list of locations where there appears to be gas leaks includes addresses along Beacon Street, Commonwealth Avenue, Centre Street, Dedham Street, Waltham Street and hundreds of locations in between. Earlier this month, a TAB reporter spent several hours observing Ackley as he tested at least 10 different sites across the city.

At Gath Pool, the smell of gas was pungent in the air, as children walked past the recreational area during one of the hottest weeks in August.

As a young girl walked by with her mother, Ackley aggressively pushed a "bang bar" — a long, thin metal rod — into the ground, so he could test how strong the leak was with a combustible gas indicator.

Ackley started to count out loud, as the levels on the indicator increased every few seconds.

"Fifty percent gas," he said, shaking his head with disapproval. "Seventy-five percent gas. Ninety percent gas. It should be zero! You have to be kidding me. I mean look at the little kids around."

According to Ackley, leaks from underground pipes dry out the roots of trees by displacing oxygen that the trees need for healthy root survival.

Ackley, who was hired as an unpaid surveyor by the city last year, is the co-founder of the Massachusetts Public Shade Tree Trust, a group created to represent cities and towns across the commonwealth to put an end to the gas leaks that are allegedly killing Massachusetts' urban and community forests.

The mission of the trust is to assist cities and towns in recovering financial damages from National Grid and other gas utility companies, said Ackley.

City Solicitor Donnalynn Kahn said Newton is in a nonfinancially binding agreement with Ackley, the Shade Tree Trust and attorney Jan Schlichtmann, giving them permission to survey and docu-

Trees by the numbers:

152: Number of dead trees removed by the city since January 2010*

51: Number of trees planted by volunteers not funded by the city

0: Number of trees planted with city funds.

*CAUSE OF DEATH TO BE DETERMINED

ment suspected natural gas leaks in a written report.

The report will help Newton officials make a decision based on those findings as to whether or not the city should get into a class-action suit with several other communities, including Brookline, Hingham, Revere and Saugus.

Ackley said in Newton, so far, there is roughly \$600,000 worth of damage to trees, caused by leaking pipes.

There is an additional \$200,000 in mitigation costs, he said, for tree replacement, pruning and fertilization.

He said each leak costs about \$3,000 to fix. To fix every leak in Newton would cost close to \$1 million, said Ackley.

"If there are systematic problems contributing to the downfall of any natural resources, then we need to know about it," said Mayor Setti Warren. "We are grateful for his work and for him volunteering his time to do this."

But compensation comes second to Ackley's goal of saving the Garden City's trees, he said.

"I am going to put a stop to it," said Ackley. "It gives me great pleasure to do something of that magnitude. Before I was a guy driving around in a truck, and now I'm working with cities, and I'm trying to change something."

For 30 years, Ackley worked for major gasoline utility companies, looking for leaks in communities all around the New England area, and in Connecticut.

"I made a great living running around as a contractor testing pipeline systems," he said. "But at the end of the day, what have you accomplished?"

Now, Ackley works "for the

people," and several communities, to put an end to utility companies neglecting gas leaks like the 375 he has found in Newton this year.

Ackley works with the Massachusetts Public Shade Tree Trust, and his own company, Gas Safety Inc.

But National Grid spokesman David Graves said there is nothing to support the accusation indicating any degree of widespread damage to trees due to underground gas leaks.

"Most of the trees dying is from exhaust from automobiles, road salt, insects, normal disease that strikes trees," said Graves. "Roots get cramped by trees near sidewalks and streets and they often die."

Graves said there is no material to prove there is vast damage being done to trees that are dying from leaks.

He said National Grid makes sites safe, and makes the repairs to reduce the amount of gas underground and in the air.

But Newton's director of urban forestry, Marc Welch, said he does think the leaks contribute to the death of Newton's trees.

"I would like to see the leaks be rectified, that's my main concern," said Welch. "I don't want to see the trees continue to suffer."

Welch said it typically costs the city \$500 to remove a dead tree, and Newton currently doesn't have money in its budget to replant them.

Ackley drove to Fuller Road in Waban, where a series of dead trees and shrubs lined the pavement outside a home.

Where the roots penetrated the earth at the base of the trees, the soil was solid and dry.

"The gas is right around these trees," said Ackley, jabbing at the dead ground with the tip of his boot. "This is just one of hundreds of locations."

Waban resident Buzz Dunker has been working with Alderman John Rice and Ackley, after an alleged gas leak destroyed a giant oak tree outside of his home on Southwick Road.

The odor of gas loomed by a faded patch of grass in Dunker's front yard.

"I have to believe that if it was



STAFF PHOTOS BY STEVE ANNEAR

Job Ackley, owner of Gas Safety Inc. and co-founder of the Massachusetts Shade Tree Trust, points out where tree limbs are dying on a tree in Waban. Ackley said the leaks underground are slowly killing the trees.

in immediate danger [the gas company] wouldn't want houses blowing up," said Dunker. "But the odor is bad — I just want the leak fixed, and I want them to stop killing the trees in Newton."

Graves said that National Grid "over-odorizes" the gas, so the smell is stronger than the leak may actually be.

"We put more mercaptan [in the gas] than is mandated by federal regulations, so you could be smelling less than 1 percent of gas," said Graves. "But we ask customers to call regardless, and we respond to every call."

Dunker said that he had called several times about the leak, and representatives from National Grid told him that they could not fix the leak because the road was recently paved.

Dunker said they told him he had to obtain a permit from the city, before any work could be done.

According to Tom Daley, Newton's commissioner of Public Works, if there is a leak, Dunker doesn't need to get a permit at all.

"The resident can't get the permit. The company has to do that," he said.

Daley said the leak might not be considered urgent, according to National Grid's standards.

Ackley said gas leaks are separated into three categories; grade

1, being the most urgent; grade 2, meaning it's not hazardous at the time of detection but poses a future hazard; and grade 3 — it's nonhazardous at time of inspection and is expected to remain nonhazardous.

Dunker's was a grade 3.

"Typically we would know about [the leaks]," said Daley. "Believe me, if it's a grade one it's an emergency. If it's an emergency, then it's an emergency. The lower-grade stuff is more their call."

However, according to Ackley, a serious leak at the intersection of Washington and Waltham streets, right across from the West Newton Cinema, there was a grade 1 leak that had not been fixed after several calls to National Grid, as of Aug. 19.

"There was 7 percent gas in a telephone manhole over there," said Ackley, pointing to the spot from his car. "I have turned it in three times."

When Ackley crossed the busy road to take a fourth reading, the gas was at 8 percent.

"This is at an explosive level right now. I will call it in again. You can smell it," he said. "It absolutely runs a risk of blowing off a manhole cover."

In Salem in early August, police reported damage to several windows and doors along with

damage to brick sidewalks from manhole covers in the vicinity that exploded.

Three cars also received damage to lights and windshields, according to reports.

"This is a serious issue," said Ackley.

Ackley said in a manhole, the gas is in a confined place and can explode if exposed to a spark from underground wires. Sites like that on Dunker's lawn and at Ablemarle don't pose the same threat because there is no ignition and the gas is in an open space underground.

According to National Grid, in Salem, an underground electrical failure caused the manholes to explode, and although the investigation is ongoing, the company has ruled out natural gas as a cause.

But Ackley called in the leak on Waltham Street again.

"Most cities and towns don't know anything about it," said Ackley. "The gas companies are criminals and they should be fixing these leaks."

To find out more about gas safety and its effect on the environment, visit www.gassafetyusa.com.

Steve Annear can be reached at sannear@cnc.com.

Date sent: Thu, 23 Sep 2010 09:14:54 -0500 (CDT)
From: sydra_schnipper@verizon.net
To: ssullivan@newtonma.gov
Subject: Fwd: Fw: 384 Waltham Street gas leak

Sep 22, 2010 09:26:59 PM, gswiston@comcast.net wrote:

>Dear Sydra,
>
>Please find below, this note that I received from a West Newton resident.
>I have a growing concern about these gas leaks that are killing our trees
>and perhaps not has harmless to people as originally implied?
>
>I know that you are speaking with National Grid about these leaks ... but
>after the disaster in California, I am hoping that we can get a faster
>response?
>
>I think the attention this resident is getting (or more accurately not
>getting) is just not acceptable given the potential danger of the situation.
>
>Thanks!
>Greer
>----- Original Message -----
>To: <gswiston@comcast.net>
>Sent: Wednesday, September 22, 2010 8:40 AM
>Subject: 384 Waltham Street gas leak
>
>
>thank you Greer - there were two firefighters here a few minutes ago looking
>
>at the markings on the street - don't know if they smelled anything. I
>reported the gas leak to National Grid some months ago but no one ever
>called me back. It first came to my attention when a passerby knocked on my
>
>door and said she smelled gas. then the tree on the berm died - which the
>National Grid inspector said was likely from the gas leak. The street is all
>
>marked up in front of my house and he said the "yellow markings" are
>the
>serious ones - indicating it should be a high priority - that was a month
>ago.
>Periodically, when the winds shift, it gets really bad. One day I walked
>into my front hallway and the gas smell was overpowering - clearly the
>winds had blown it right into the house - all I could think of was: what if
>
>I had lit a candle? - the house would likely have blown up. National Grid
>sent me a postcard

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 Public Works Department for a preliminary review before the applicant files the petition with the Board of Aldermen. 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 Public Works Department
2. Public Works Department conducts preliminary review and gives written comments to the applicant
3. Petitioner files Petition Form with 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 NextG Networks of NY, Inc.

Address 131-05 14th Avenue

College Point, NY 11356

Phone Number 781.437.8127

Fax Number 866.379.9457

Contact Person Peter Heimdahl

Title Senior Director of Government Relations

Signature 

Date 7-27-11

Person filing application

If a telecommunications company, indicate how certified by the Department of Telecommunications and Energy: NextG Networks is registered with the Massachusetts Department of Telecommunications and Cable as a common carrier (see active link to registration in attached letter).

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.

Please see attached letter for project description, location (see plans), proposed time frame for completion, materials (see plans), benefit to the City, project mitigation, street reconstruction plan with estimate for completion. NextG will abide by all applicable City regulations pertaining to construction and restoration.

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

Title of Plan MPC1045AMANTN Strand Map-New Nodes Date of plan 7/14/2011

Node 4D-01, Node 4D-02, Node 4D-03, Node 4D-04, Node 4D-05 all dated 7/5/2011

Sumner St at Commonwealth Ave (excavation detail) dated 4/29/11

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:

8/25/11
1. Street opening permit required from Newton DPW
2. BM permit required from MWRA
3. Notify Engineering 48 hours prior to work
4. Visual impact to neighborhood at Pole sites of 0.5 and 0.4
5. Crossing large diameter MWRA and City of Newton water mains on Commonwealth Ave & Sumner St
6. Police detail required

RECOMMENDATIONS:

1. 30" minimum cover on all trenches
2. Backfill shall be excavatable slowable fill.
3. Bituminous concrete roadway shall be replaced in kind to City of Newton specifications
4. Bituminous concrete sidewalk and curb damaged shall be replaced in kind and grade to City of Newton specifications
5. BM permit required to cross MWRA water main(s) on Commonwealth Ave.
6. Exercise extreme diligence in crossing all large diameter water mains
This permit shall be reviewed by the City of Newton Law Department.
8. Traffic shall be maintained on both Commonwealth Ave and Sumner St.

V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:

ALL EQUIPMENT MUST COMPLY WITH FCC REGULATIONS, AND MUST NOT INTERFERE WITH ANY EXISTING COMMUNICATION EQUIPMENT.

Commissioner, Public Works

Luis M. Tavano

8/29/11

Date

UTILITY POLES ARE OWNED BY NSTAR ELECTRIC + VERIZON. PERMISSION MUST BE GRANTED BY THEM TO INSTALL EQUIPMENT ON THEIR UTILITY POLES.

Street	Starting Pole	Starting Address	Ending Pole	Ending Address	Footage
Centre St	P.73/39	920 Centre St.	P.73/54	1035 Centre St.	1,740'
Alden St	P.10/4	18 Alden St.	P.10/1	2 Alden St.	485'
Sumner St.	P.413/1	7 Sumner St.	P.413/28	211 Sumner St.	2,755'
Langley Rd.	P.229	765 Beacon St.	P.229/12	85 Langley Rd.	530'
Braeland Ave.	P.141/9	24 Braeland Ave.	P.141/1	74 Braeland Ave.	1,095'
Cypress St.	P.1330/5	37 Cypress St.	P.1330/1	1294 Centre St.	410'
Centre St.	P.73/80	1294 Centre St.	P.73/84-1	1330 Centre St.	400'
Everett St.	P.181/1	57 Everett St.	P.181/8	1 Everett St.	935'
Dalton Rd.	P.177/5	83 Dalton Rd.	P.177/2	62 Dalton Rd.	435'
Grant Ave.	P.179/27	1 Everett St.	P.179/32	351 Grant Ave.	530'
Beacon St.	P.31/57	686 Beacon St.	P.125/30	550 Beacon St.	1,925'
Ward St.	P.186/14	436 Ward St.	P.186/24	362 Ward St.	1,050'
Westbourne Rd.	P.459/1	7 Westbourne Rd.	P.180/1	155 Eastbourne Rd.	790'

* Includes 295' of underground construction

#8-09 DRAFT FOR DISCUSSION 9/16/2011

Insert a new Section 2-205 as follows:

Sec. 2-205 Installation of synthetic in-filled turf athletic fields on city-owned property.

The installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. The department responsible for the project, in conjunction with the city's chief procurement officer, shall make the determination of the maximum extent feasible for installation in any particular site. The determination shall take into account the best available technology, cost effectiveness, public health and safety, and environmental risks and benefits, and shall consider each proposed installation in light of site conditions, engineering feasibility, commercial availability, public safety, environmental impact and cost. Cost, however, shall not be the overriding factor in determining maximum extent feasible, and a determination of cost shall include consideration of projected life cycle costs including maintenance, repair, replacement, recycling and/or disposal costs over the estimated useful life of the installation.

The committee voted to create the _parens 2 docket item so that a discussion with the administration and department heads can be held. Ald. Linsky moved approval of this item. The Committee voted 4-3 on the issue.

REFERRED TO PUBLIC FACILITIES COMMITTEES AND PROG AND SERV

#8-09 ALD. HESS-MAHAN, LINSKY, ALBRIGHT, FREEDMAN, MANSFIELD, JOHNSON, HARNEY & VANCE proposing an ordinance requiring that the installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. [12/30/08 @ 9:55 AM]
APPROVED 7-0

NOTE: Commissioner DeRubeis joined the table to discuss the item. He informed the Committee that the Parks and Recreation Commission discussed this issue at their meeting in January. Mr. DeRubeis relayed that there was some confusion from the Commission as to why this is coming up now, whether the material we are using right now is toxic, and what the language “maximum extent feasible” is supposed to imply.

Ald. Hess-Mahan addressed these concerns. This issue came to the forefront at a time when both high schools were installing new turf with some infill. There have been lots of studies done on whether there are health and environmental effects from the materials used in synthetic fields. Until recently, the grass installed by these companies was contained lead; the public requested companies offer lead-free grass, and companies responded by developing alternative materials.. The infill that is used is composed of crumb rubber which is filled with many different, potentially dangerous, materials including cyanide. Within 10-15 years, the infill and/or turf of our recently installed fields will need to be replaced. Companies will make adjustments if that’s what the market demands of them, and there are currently options on the market that are of less consequence than what we’ve seen in the past.

Synthetic turf is desirable because you can run sports programs on them practically year round; you don’t have to wait for fields to dry, or worry about seeding, or cutting; the maintenance costs are less, but if we’re going to use this material we need to be responsible and make sure we are selecting material with the least health and environmental consequences. We just don’t know what the health effects are with the material that has been used to date. The other problem with these materials is disposal. They cost more to dispose because they have to be sent to a landfill. Using the material we have now could have health and environmental concerns at both ends. The reason to include the phrase “maximum extent feasible” was not meant to create a standard that no one can meet, or to make it so expensive that it’s impossible to execute. Rather, the purpose of that language is to insist on selecting the fields that have the least impact on the environment and people’s health. All that said, what’s already been installed would be grandfathered in.. However it is necessary that we ensure that only the materials with the least consequences to the environment and to the public health are considered and installed in the future.

Ald. Hess-Mahan closed by stating that when NNHS on Lowell Ave was built, the City made the decision to save \$50,000 by putting asbestos into the building instead of another fire retardant material. It would have saved the City a lot of money in the long

run to have made a different choice, but at the time it was assumed that asbestos wasn't a dangerous material. Ald. Hess-Mahan added that another material contained in the infill is BPA, a chemical similar in structure to a hormone, which can cause reproductive tract issues, especially in boys. This creates much concern that developing children are running and playing on these fields. He stressed that we have to make sure that the products we use are safe.

Commissioner DeRubeis assured Ald. Hess-Mahan that while there were some questions raised by the Commission, there was not strong resistance and he doesn't see that there would be any push back from the Commission if the Board was to go forward with this.

Ald. Linsky shared that when the Newton South fields were installed a number of people were concerned but knew that we had to go ahead, however reluctantly, with the installation. He further remarked that he believes the City missed an opportunity with the new Newton North field. If the City had installed a different material for North, we could have compared the two fields. He strongly stated that the Committee feels seriously about this and that our next field should advance itself on better technology.

Ald. Johnson agreed with Alderman Linsky that we had an opportunity with Newton North that we didn't take. Technology is changing and a lot of what we do today won't be acceptable tomorrow. She stated that every year there is new technology and new studies that come out; we need to stay current, more current than we have in the past.

Former Ald. Mansfield was present at the meeting and stated that the Board of Newton Conservators, for which he is a member, discussed this item informally earlier that evening. They think that this is very important issue and one that is central to the issue of sustainability. He relayed that if they were asked to take a formal vote they would support it. He also opined that the word "maximum" should remain in the proposed language since even if there are budget concerns, the word maximum would apply to the amount that the city would be able to afford. It becomes a relative term.

Ald. Fischman was concerned that the language was constraining to the point that it would work against us. He also suggested that adopting language now, after installing the fields at North and South, might be construed as an acknowledgement that the fields for North and South were not the best choices. The Board as a whole approved North and South. Ald. Fischman was concerned that by adopting this, the City will open itself up to litigation, since it acknowledges that something went afoul with the North and South fields.

Ald. Hess Mahan explained that his primary concern is that going forward we make sure we get it right. South had been forced to wait a long time, and we were able to make some changes by installing a safer rubber infill. Regarding the issue of liability, there is no inoculation to lawsuits. People can sue but it doesn't mean they will win. What this language does is acknowledge that going forward we will look at the safest and most environmentally friendly alternative. Ald. Fischman suggested adding a few words to preface the language of the ordinance, or a statement of intent. Ald. Hess-Mahan wouldn't be averse to including a statement of intent, but would like to keep it as simple as possible.

Ald. Linsky added that there is a general principal that the law provides where that even if this is viewed as taking corrective action, you may do so without the flipside

of admission. If you didn't have that as a principal, no one would ever take corrective action.

Ald. Merrill voiced his support for the change and moved approval of the item. The Committee voted unanimously in favor of the motion.

Respectfully Submitted,

Amy Sangiolo, Chairman

Requirement that installation of synthetic in-filled turf athletic fields on city-owned properties use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible.

The installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible.

“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account estimated cost, effectiveness, environmental, safety, public health, legal and technological factors.

“Maximum extent feasible” means no prudent, practical, and feasible alternative exists, taking into account the best available technology, cost effectiveness and other competing issues such as safety, public health, and environmental risks and benefits. In determining what is the maximum extent feasible, the City shall consider, at a minimum, effectiveness, engineering feasibility, commercial availability, safety, environmental impact and cost. Cost shall not be the overriding factor in determining “maximum extent feasible,” and must include consideration of projected life cycle costs, including, but not limited to, maintenance, repair, replacement, recycling and/or disposal costs over the estimated useful life of the installation. “Maximum extent feasible” is intended to be a flexible standard that may vary depending on consideration of the factors listed above and site conditions for each specific installation.