

## COMMONWEALTH OF MASSACHUSETTS

## CITY OF CAMBRIDGE

IN RE: POLE AND CONDUIT COMMISSION

PRESENT:William Dwyer, Superintendent of Streets  
George Fernandes, City ElectricianSTAFF:

Elizabeth Lint, Executive Director

-- Held At --

Michael J. Lombardi Municipal Building  
831 Massachusetts Avenue  
Basement Conference Room  
Cambridge, Massachusetts

Tuesday, July 19, 2012

10:08 a.m.

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## PROCEEDINGS

10:10:15  
10:10:15  
10:10:17  
10:10:20  
10:10:25  
10:10:29  
10:10:29

ELIZABETH LINT: This is the meeting the Pole and Conduit Commission, Thursday, July 19, 2012. It's now 10:15 a.m. We are in the Michael J. Lombardi Building, 831 Massachusetts Avenue. Before you are Commissioners Bill Dwyer and George Fernandes.

10:10:37  
10:10:39  
10:10:41

GEORGE FERNANDES: The first item is the motion to approve the minutes from the meeting held Thursday, June 21st.

10:10:46

WILLIAM DWYER: Seconded.

10:10:50

GEORGE FERNANDES: All in favor?

10:10:52

WILLIAM DWYER: Yes.

10:10:52

(Discussion off the record.)

10:11:50  
10:11:51  
10:12:01  
10:12:04  
10:12:06

GEORGE FERNANDES: We have Comcast for Martin Street. Easterly from pole 38/5 @ the intersection of Avon Street, customer to install, distance of approximately 90 feet of conduit.

10:12:09

ELIZABETH LINT: Which one are you

10:12:11 on? Middle of page 2, 1100 Mass. Ave.

10:12:11 GEORGE FERNANDES: Oh, I'm sorry.  
10:12:18 1100 Mass. Avenue. Comcast, trench 43 feet in  
10:12:33 public way from existing manhole on Mount  
10:12:35 Auburn Street behind 1100 Mass. Ave., place  
10:12:39 one 4 inch PVC conduit, remove two sidewalk  
10:12:46 panels and restore.

10:13:02 Any questions?

10:13:03 WILLIAM DWYER: DPW has reviewed it,  
10:13:09 we're okay with everything. We just have the  
10:13:12 conditions and restrictions we usually have  
10:13:15 with the SPOF regulations and the city permit  
10:13:19 specifications.

10:13:32 GEORGE FERNANDES: Motion to approve?

10:13:34 WILLIAM DWYER: Seconded.

10:13:36 GEORGE FERNANDES: All in favor?

10:13:38 WILLIAM DWYER: Yes.

10:13:43 \* \* \* \*

10:13:43 GEORGE FERNANDES: Comcast, Bay State  
10:13:45 Road, for the following: Trench 5 feet in the  
10:13:49 public way, sidewalk from pole 50 on Bay State

10:13:53 Road to property line of 54 Bay State Road.  
10:13:56 The property owner will restore sidewalks to  
10:13:59 new condition.

10:14:01 ELIZABETH LINT: You skipped one.

10:14:01 WILLIAM DWYER: There's two for Bay  
10:14:01 State Road.

10:14:01 (Discussion off the record.)

10:14:10 ANTHONY VATALARO: Anthony Vatalaro,  
10:14:14 V-A-T-A-L-A-R-O.

10:14:22 GEORGE FERNANDES: So this is pole  
10:14:24 50, we previously approved the electric on  
10:14:31 this.

10:14:38 WILLIAM DWYER: Public Works has no  
10:14:39 issues, we've inspected it, the typical city  
10:14:44 specs, SPOF regulations and city permits.

10:14:48 GEORGE FERNANDES: Motion to approve?

10:14:50 WILLIAM DWYER: Seconded.

10:14:52 GEORGE FERNANDES: All in favor?

10:14:54 WILLIAM DWYER: Yes.

10:14:55 \* \* \* \*

10:14:55 GEORGE FERNANDES: Comcast, for the

10:14:57 following: Trench 5 feet public way sidewalk  
10:15:03 from 48 Bay State Road to property line of 42  
10:15:08 Bay State Road. Property opener will restore  
10:15:11 sidewalks to new condition.

10:15:25 WILLIAM DWYER: Exact same situation  
10:15:27 as the previous two, I believe.

10:15:33 ELIZABETH LINT: I already wrote it  
10:15:34 down.

10:15:36 WILLIAM DWYER: The same. We've  
10:15:37 inspected it, city permits and SPOF  
10:15:39 regulations.

10:15:39 GEORGE FERNANDES: Motion to approve?

10:15:42 WILLIAM DWYER: Seconded.

10:15:44 GEORGE FERNANDES: All in favor?

10:15:45 WILLIAM DWYER: Yes.

10:15:45 \* \* \* \*

10:15:49 GEORGE FERNANDES: Comcast for the  
10:15:53 following: From pole 79/9A on Blackstone  
10:15:58 Street, trench 70 feet in the public way to  
10:16:02 property line between 46 Blackstone Street and  
10:16:07 840 Memorial Drive.

10:16:14

WILLIAM DWYER: Do you want to pave the whole street, Anthony?

10:16:16

10:16:18

ANTHONY VATALARO: I do not. Thank you, though.

10:16:20

10:16:21

WILLIAM DWYER: Just thought I'd ask. I don't have any questions. Again, we are all set with this. DPW has no questions on this.

10:16:24

10:16:27

10:16:36

And Anthony, I'm going to assume that you'll bring this forward at the construction meetings on Monday morning as you have done in the past.

10:16:38

10:16:40

10:16:42

10:16:42

ANTHONY VATALARO: When it's scheduled, yes.

10:16:43

10:16:44

GEORGE FERNANDES: I'm going to request conduit for a fire alarm.

10:16:45

10:16:50

ANTHONY VATALARO: Okay. What size?

10:16:52

GEORGE FERNANDES: You can do a two-inch.

10:16:56

10:16:57

ANTHONY VATALARO: Two-inch?

10:17:00

GEORGE FERNANDES: Yes. Motion to approve.

10:17:11

10:17:12

WILLIAM DWYER: Seconded.

10:17:13

GEORGE FERNANDES: All in favor?

10:17:15

WILLIAM DWYER: Yes.

10:17:19

\* \* \* \*

10:17:19

GEORGE FERNANDES: NEON Communication

10:17:48

for the following: NEON would like to lease

10:17:51

approximately 2,702 of Verizon conduit in the

10:17:56

city of Cambridge, MA. NEON plans to install

10:17:57

a 24 count fiber cable along the leased path

10:18:02

that runs from Broadway at the intersection of

10:18:02

Inman Street southerly on Inman Street to the

10:18:07

intersection of Broadway. The fiber will

10:18:10

continue in Verizon duct easterly along

10:18:14

Broadway to the intersection of Prospect

10:18:18

Street where it will head north to the rear of

10:18:23

625 Massachusetts Avenue. Please see attached

10:18:26

Verizon license and diagram. The purpose of

10:18:26

the fiber cable will be to extend Neon

10:18:26

services to a tenant located on the second

10:18:30

floor of 625 Mass. Avenue in Cambridge.

10:18:38

So what you are asking is to seek the

10:18:43 lease agreement with Verizon?

10:18:47

TODD FARGNOLI: Correct.

10:18:47

For the record my name is Todd Fargnoli, F-A-R-G-N-O-L-I, I'm construction manager with NEON Communications.

10:18:52

10:18:57

Currently our network spans on Broadway in Cambridge, and we are looking to place a lateral at the intersection of Broadway and Inman, southerly on Inman to Mass. Avenue, easterly to Prospect and into No. 625 Mass. Avenue.

10:19:00

10:19:03

10:19:07

10:19:11

10:19:15

10:19:20

We are currently in the process of obtaining our license with Verizon. I have a copy of the license application which is in Phase 2, which the conduit path has been approved, and we now just has to submit a check for the make-ready work for Verizon to place inner duct within their conduit system.

10:19:23

10:19:26

10:19:28

10:19:33

10:19:37

10:19:41

10:19:45

So there will be no excavation. There will be no disruption to city streets.

10:19:48

10:19:51

We are just looking for permission to work

10:19:55 within the city streets, and stand two cable  
10:20:02 line trucks and kind of, you know, jump with  
10:20:05 them down the street as we are pulling our  
10:20:09 cable.

10:20:11 WILLIAM DWYER: Are those manholes in  
10:20:15 the street or the sidewalk?

10:20:16 TODD FARGNOLI: A good portion of  
10:20:18 them are in the street. So under police  
10:20:21 protection, obviously, we'll be performing our  
10:20:25 work.

10:20:30 WILLIAM DWYER: Even with the  
10:20:32 approval of the Pole and Conduit here, you  
10:20:37 still have to get permits from the electrical  
10:20:40 and DPW for blocking -- obstructing whatever  
10:20:43 you may be obstructing, whatever the case may  
10:20:46 be when that comes time.

10:20:48 TODD FARGNOLI: Okay. And where  
10:20:49 would we obtain the permits from?

10:20:51 WILLIAM DWYER: When that time comes,  
10:20:52 the electrical is down in the Fresh Pond area,  
10:20:55 the water department, and we're at 147

10:20:58 Hampshire Street.

10:20:58 JAY DUNN: And for the record, I'm  
10:21:02 Jay Dunn, D-U-N-N, from Waveguide, that's  
10:21:06 spelled W-A-V-E-G-U-I-D-E, and I'm working  
10:21:10 with NEON on the project.

10:21:14 George, I forwarded on the permit and  
10:21:16 the plan to you. We'll follow up with the DPW  
10:21:20 traffic plan as well when the time comes to do  
10:21:24 that work.

10:21:25 GEORGE FERNANDES: Any questions?

10:21:26 MOLLY MEACHAM: No questions. My  
10:21:29 name is Molly Meacham, M-E-A-C-H-A-M. I live  
10:21:34 on Green Street and I received a letter from  
10:21:36 NEON. My only concern was about excavation,  
10:21:40 but it sounds like this is working within the  
10:21:43 existing manholes?

10:21:44 GEORGE FERNANDES: Right.

10:21:46 TODD FARGNOLI: Right.

10:21:49 GEORGE FERNANDES: Would have been a  
10:21:50 whole different issue if it was excavation.

10:21:54 MOLLY MEACHAM: Good to know.

10:21:54

MALE AUDIENCE MEMBER: I came in a little late, so (inaudible), is this pole work being done?

10:22:04

10:22:05

10:22:06

TODD FARGNOLI: This is conduit work.

10:22:09

10:22:12

GEORGE FERNANDES: Instead of these cables, that's going to be placed in the existing conduit.

10:22:13

10:22:15

MALE AUDIENCE MEMBER: On Pearle Street there's no cable and conduit (inaudible) --

10:22:16

10:22:17

10:22:20

GEORGE FERNANDES: This is not on Pearle Street.

10:22:21

10:22:23

MALE AUDIENCE MEMBER: Because I'm on Pearle and I had gotten a letter also.

10:22:24

10:22:27

(Discussion off the record.)

10:22:27

GEORGE FERNANDES: We haven't brought that one up yet.

10:22:28

10:22:37

Okay. Motion to approve?

10:22:39

WILLIAM DWYER: Seconded.

10:22:41

GEORGE FERNANDES: All in favor?

10:22:43

WILLIAM DWYER: Yes.

10:22:48 JAY DUNN: Also, with the  
10:22:49 Commission's approval, once we obtain that  
10:22:51 license, we are more than happy to come back  
10:22:53 and provide the official license to you.

10:22:56 GEORGE FERNANDES: You'll have to  
10:22:58 send that in from Verizon.

10:23:05 ANTHONY VATALARO: Now, Cambridge is  
10:23:06 not typically an area that I have worked with,  
10:23:09 my counterparts generally handle Boston and  
10:23:12 Cambridge, and forgive me if I don't  
10:23:17 understand the process fully. But once I  
10:23:20 obtain this license from Verizon, are we going  
10:23:23 to be on the agenda for full approval of this  
10:23:26 petition? Or will we be allowed to -- once we  
10:23:30 obtain the permits that you aforementioned  
10:23:33 earlier, will we be allowed to move forward  
10:23:37 with our work?

10:23:40 GEORGE DWYER: You'll need to provide  
10:23:43 us a signed copy of the license -- of the  
10:23:44 agreement.

10:23:46 ANTHONY VATALARO: I just asked

10:23:46 because, you know, the Verizon licensing  
10:23:48 process is painstakingly slow, and our  
10:23:52 customer has been waiting for this service for  
10:23:54 six months and we pretty much told them that  
10:23:58 we are shooting for the end of July, early  
10:24:01 August completion. So if there is anything  
10:24:04 that --

10:24:04 GEORGE FERNANDES: Once they approve  
10:24:06 the conduit is good, they give you the go  
10:24:10 ahead, then you are free to go.

10:24:13 ANTHONY VATALARO: Thank you.

10:24:15 ELIZABETH LINT: So other than the  
10:24:17 permits from both departments --

10:24:20 GEORGE FERNANDES: We need the  
10:24:21 agreement from Verizon.

10:24:23 ELIZABETH LINT: Any other --

10:24:28 WILLIAM DWYER: No.

10:24:28 ANTHONY VATALARO: Thank you very  
10:24:30 much.

10:24:52 \* \* \* \*

10:24:52 GEORGE FERNANDES: Now, we have

10:24:54 Nstar.

10:25:01 SUSAN BARROSO: I'm Susan Barroso,  
10:25:01 B-A-R-R-O-S-O.

10:25:04 ARLETHA WADE: Good morning. My name  
10:25:10 is Arletha Wade, A-R-L-E-T-H-A, W-A-D-E. I'm  
10:25:17 here on behalf of Nstar this morning also.

10:25:24 GEORGE FERNANDES: So Nstar, the  
10:25:26 first item was continued from the previous  
10:25:28 meeting, and that is at Berkeley Street -  
10:25:32 Westerly at Berkeley Street, a distance of  
10:25:34 approximately 58 feet of conduit from pole at  
10:25:45 63/19. And Berkeley Place - Southwesterly at  
10:25:45 Berkeley Street, a distance of 285 feet of  
10:25:46 conduit. Install one new manhole.

10:25:54 SUSAN BARROSO: From what we need to  
10:25:56 understand is this is a public or private  
10:25:58 street?

10:26:02 WILLIAM DWYER: Berkeley Place is  
10:26:05 private and Berkeley Street is a public way.  
10:26:11 Berkeley Place is private. Okay. So Berkeley  
10:26:11 Street is private and Berkeley Place is

10:26:13 private.

10:26:13 GEORGE FERNANDES: So you have to go  
10:26:15 back to them and deal with Berkeley Place and  
10:26:18 see if you can get an easement from them.

10:26:18 SUSAN BARROSO: Okay.

10:26:24 GEORGE FERNANDES: And then the  
10:26:25 section on Berkeley Street would be public.

10:26:29 We still have to wait and see what  
10:26:35 you're going to do and what Verizon and  
10:26:40 Comcast are going to do.

10:26:44 Are you aware of that?

10:26:53 ANTHONY VATALARO: Yes. I'm trying  
10:26:56 to -- there is a pole line behind the odd side  
10:26:59 of street. So instead of trenching all the  
10:27:03 way from Berkeley Street, we are going to try  
10:27:06 to make a connection to that pole line.

10:27:09 GEORGE FERNANDES: To a private  
10:27:10 property?

10:27:12 ANTHONY VATALARO: Yes.

10:27:14 GEORGE FERNANDES: You have to go  
10:27:15 look at that.

10:27:17 ANTHONY VATALARO: We've already  
10:27:19 touched base with No. 5 and they seem open to  
10:27:22 it, so we are in the paperwork stage right  
10:27:26 now. It looks promising.

10:27:29 GEORGE FERNANDES: Verizon?

10:27:31 SUSAN BARROSO: I think Verizon is --

10:27:35 ANTHONY VATALARO: I think they have  
10:27:36 conduit in the street and they are going to  
10:27:38 place a manhole over it and then do laterals  
10:27:41 to the house.

10:27:46 GEORGE FERNANDES: I haven't received  
10:27:48 anything from Verizon.

10:27:54 So we'll have a motion to continue?

10:27:57 WILLIAM DWYER: Seconded.

10:27:59 GEORGE FERNANDES: All in favor?

10:28:00 WILLIAM DWYER: Yes.

10:28:03 GEORGE FERNANDES: So we'll need  
10:28:05 Comcast and Verizon.

10:28:10 ANTHONY VATALARO: Right.

10:28:21 \* \* \* \*

10:28:21 GEORGE FERNANDES: The next is Nstar

10:28:31 for Sixth Street - Southwesterly, thence  
10:28:36 turning and running southerly, a distance of  
10:28:37 129 feet of conduit at pole 636/34.

10:28:52 SUSAN BARROSO: This one we are  
10:28:53 waiting for Verizon and Comcast --

10:28:57 ANTHONY VATALARO: What building is  
10:28:59 this?

10:29:07 WILLIAM DWYER: Sorry, did you say  
10:29:09 you needed to coordinate with Comcast and  
10:29:10 Verizon?

10:29:11 SUSAN BARROSO: We are waiting for  
10:29:12 them to apply.

10:29:15 GEORGE FERNANDES: I believe there is  
10:29:17 three poles coming out from Binney Street down  
10:29:21 Sixth to Rogers. So you have to take those  
10:29:27 back to pole 34, you have to feed from 34 and  
10:29:33 go underground from there.

10:29:37 ANTHONY VATALARO: That's not the one  
10:29:39 we are taking the fiber off of?

10:29:42 GEORGE FERNANDES: Probably, yes.

10:29:48 ANTHONY VATALARO: I don't believe I

10:29:50 have an official request from them to bring  
10:29:53 service in.

10:29:55 SUSAN BARROSO: This is just to  
10:29:58 remove poles on the street.

10:30:04 GEORGE FERNANDES: This is a new  
10:30:06 development going up there, housing unit, I'm  
10:30:07 sure they are going to want the service, but  
10:30:10 right now it's just removal of poles that have  
10:30:13 to come out.

10:30:14 ANTHONY VATALARO: What poles?

10:30:16 GEORGE FERNANDES: Probably 34,  
10:30:19 probably 36, 38, 40 (inaudible).

10:30:37 So we'll have to continue this.

10:30:41 Motion to continue?

10:30:42 WILLIAM DWYER: Seconded.

10:30:44 GEORGE FERNANDES: All in favor?

10:30:44 WILLIAM DWYER: Yes.

10:30:44 KRISTEN THOMLINSON: Can I ask you a  
10:30:44 question?

10:30:50 My name is Kristen Thomlinson and I  
10:30:51 represent ARA Alexander Real Estate that owns

10:30:56 225 Binney and the building next to it that's  
10:30:57 coming up right now.

10:30:59 And, yes, the feed into the new  
10:31:00 building will be off of Binney Street. And I  
10:31:03 think they are supposed to be coordinating  
10:31:07 with Comcast and Verizon to get that in off of  
10:31:11 Binney but for this -- so we are continuing  
10:31:15 it, or you guys are continuing it, because  
10:31:18 Comcast needs to put in their own permit?  
10:31:22 Just so I understand what's going on here.

10:31:24 GEORGE FERNANDES: Comcast -- anyone  
10:31:25 that's on that pole -- the poles are being  
10:31:28 removed, and anybody that is on those poles  
10:31:31 needs to reroute their service cables if there  
10:31:37 is anything on there. So they need to go out  
10:31:40 and look at it and make a determination.

10:31:44 KRISTEN THOMLINSON: I was under the  
10:31:47 impression that there wasn't any Verizon or  
10:31:49 Comcast on the poles. If there is not, do you  
10:31:52 need something official from either Verizon or  
10:31:54 Comcast? And do they put that in under the

10:31:57 Nstar permit?

10:31:58 GEORGE FERNANDES: They submit their  
10:32:00 own.

10:32:02 KRISTEN THOMLINSON: They submit  
10:32:02 their own. So they'll basically have to  
10:32:05 commit that "we don't have anything on there,  
10:32:06 and we're okay with this going underground  
10:32:06 because we have nothing on the poles," but you  
10:32:07 guys need to see that to approve the Nstar  
10:32:11 overhead --

10:32:11 GEORGE FERNANDES: Right.

10:32:12 KRISTEN THOMLINSON: Thank you.  
10:32:20 And if I can ask one more question.  
10:32:22 Does Nstar coordinate that or is that  
10:32:26 something that I should try and have our civil  
10:32:28 engineer --

10:32:28 GEORGE FERNANDES: You should have  
10:32:29 your civil engineers do that.

10:32:48 \* \* \* \*

10:32:48 GEORGE FERNANDES: So the next is  
10:32:50 Martin Street - Easterly from Pole 38/5 at the

10:32:55 intersection of Avon Street. Customer to  
10:32:57 install a distance of approximately 9 feet of  
10:33:01 conduit.

10:33:10 SUSAN BARROSO: They have an overhead  
10:33:11 service and are upgrading to underground.

10:33:15 WILLIAM DWYER: No issues. DPW  
10:33:17 inspected it and city specs, permits and SPOF  
10:33:23 regulations.

10:33:33 GEORGE FERNANDES: I have no problem  
10:33:35 with it. So motion to approve?

10:33:39 WILLIAM DWYER: Seconded.

10:33:41 GEORGE FERNANDES: All in favor?

10:33:42 WILLIAM DWYER: Yes.

10:33:59 \* \* \* \*

10:33:59 GEORGE FERNANDES: Nstar for the  
10:34:00 following - Easterly at Albany Street  
10:34:02 approximately 38 feet of conduit at manhole  
10:34:06 C560. Albany Street - northeasterly at Mass.  
10:34:11 Ave. a distance of 486.08 feet of conduit.  
10:34:15 Installing two new manholes, manhole 29515 and  
10:34:20 manhole 29516.

10:34:24 Franklin Street - Southerly, then  
10:34:27 turning and running southeasterly, then  
10:34:28 turning and running southeasterly, then  
10:34:30 turning and running easterly, then turning and  
10:34:32 running southeasterly, approximately 274 feet  
10:34:35 southeast of Brookline Street. A distance of  
10:34:40 317.03 feet of conduit at manhole 3239 and  
10:34:47 manhole 3232.

10:34:57 WILLIAM DWYER: A lot of that's  
10:34:59 finished.

10:35:00 SUSAN BARROSO: This is for the two  
10:35:01 buildings that are coming up?

10:35:06 GEORGE FERNANDES: Right. That's  
10:35:06 Main Street and also --

10:35:08 SUSAN BARROSO: There is a north  
10:35:11 building and a south building, and this one is  
10:35:14 for north, I think. Then in the same parking  
10:35:18 lot there will be another building coming up.

10:35:26 WILLIAM DWYER: On page 103 of the  
10:35:28 plan at the intersection of Albany and Mass.  
10:35:33 Avenue -- I have a smaller one (indicating) --

10:35:36 but you have manhole or chamber 593, is there  
10:35:41 a chance you can look at -- I guess I'm under  
10:35:44 the assumption there is no available conduit  
10:35:47 for you folks to look into and use?

10:35:50 SUSAN BARROSO: Correct.

10:35:53 WILLIAM DWYER: Given that, if I have  
10:35:56 the right chamber, MHC593, that is one of your  
10:36:00 existing chambers?

10:36:03 SUSAN BARROSO: Yes.

10:36:03 WILLIAM DWYER: What I'm trying to do  
10:36:04 is get you off Mass. Ave. because it's been  
10:36:06 recently paved in the last few years. Is  
10:36:09 there any chance you can look and start your  
10:36:11 process from 593 Albany Street as opposed to  
10:36:17 560? That way you would be off Mass. Avenue  
10:36:21 and won't be disturbing a fairly newly paved  
10:36:26 street and you won't have the traffic or the  
10:36:28 work zone issues that you have got to  
10:36:32 encompass.

10:36:34 ARLETHA WADE: On page 3, sir?

10:36:37 WILLIAM DWYER: What I have is sheet

10:36:38 1 of 3, plans for Albany Street, Cambridge.  
10:36:42 That one. I believe it's the top sheet.

10:36:48 You dig at 560, and slide down to  
10:36:52 your right a little bit to 593. I'm not sure  
10:36:55 what's available there, but just as an  
10:36:57 observation.

10:37:09 And then you come right across the --  
10:37:16 you cross the street, run down to almost the  
10:37:20 curb line on the east side of the street, and  
10:37:23 then you cut back to the west side of the  
10:37:25 street again. There might be a corridor there  
10:37:33 where you have an abandoned sewer line there.  
10:37:37 There may be a conduit right over that sewer  
10:37:37 -- there may be a corridor right over that  
10:37:40 sewer line where it's abandoned, and you can  
10:37:42 stay on that side of the street. You can give  
10:37:44 that a look.

10:37:44 NAT WYSOR: Excuse me a moment, if I  
10:37:44 can interject.

10:37:51 I'm Nat Wysor, N-A-T, W-Y-S-O-R. I  
10:38:02 represent the building's owner at 610 Main

10:38:05 Street. These sketchers were originally done  
10:38:08 back in January and they had a proposed route  
10:38:12 that came in along Main Street. It was then  
10:38:17 revised in May to come to take the Mass.  
10:38:21 Avenue route because it was deemed that the  
10:38:23 alternative routes simply didn't exist.

10:38:27 So I guess what I'm saying is that  
10:38:32 we've been down the alternate path before, and  
10:38:36 my understanding is Nstar has pretty well  
10:38:39 scrubbed the Main Street side as well as the  
10:38:43 Mass. Avenue side. And so we've been told by  
10:38:47 Nstar that there is simply no other pathway  
10:38:51 other than the one that is proposed.

10:38:58 GEORGE FERNANDES: Well, there is  
10:38:59 always more than one-way to get there.

10:39:01 WILLIAM DWYER: I see one right here,  
10:39:04 so that's a possibility. I know they are  
10:39:06 trying to get it designed and get it together  
10:39:10 for you so you can expedite. But I know, too,  
10:39:13 what we've gone through with the intersections  
10:39:16 of Mass. Avenue and Albany and other

10:39:19 intersections with Mass. Avenue.

10:39:22 So is there any other coordination  
10:39:24 that needs to get done with any other  
10:39:27 utilities companies such as Comcast or Nstar  
10:39:32 -- I'm sorry -- Verizon?

10:39:35 NAT WYSOR: No, that comes in from  
10:39:38 the north.

10:39:39 GEORGE FERNANDES: You're going to  
10:39:41 use level 3?

10:39:41 NAT WYSOR: Correct.

10:39:45 GEORGE FERNANDES: Which is on Albany  
10:39:47 Street.

10:39:48 NAT WYSOR: Correct. But that comes  
10:39:50 in on the other side of Portland Street.

10:39:58 GEORGE FERNANDES: So that manhole  
10:40:00 560, you are touching that?

10:40:00 THE COURT REPORTER: I'm sorry, I  
10:40:02 just can't hear you.

10:40:03 SUSAN BARROSO: Yes, they are coming  
10:40:05 in with conduits (inaudible) --

10:40:09 GEORGE FERNANDES: So that's in the

10:40:14 sidewalk, though?

10:40:16 SUSAN BARROSO: That's what I  
10:40:17 thought, yes, it's on the sidewalk.

10:40:38 GEORGE FERNANDES: So you're crossing  
10:40:40 over because you're trying to get the new  
10:40:44 manhole in there. I presume you don't have  
10:40:47 space. If they can stay on the sidewalk.

10:40:58 Well, I think we need to continue  
10:41:07 this and review it.

10:41:27 WILLIAM DWYER: One thought I had  
10:41:28 just looking at the plans, it's probably going  
10:41:31 to need some test pits to be done out there.

10:41:34 NAT WYSOR: Our assumption is Nstar  
10:41:37 has already conducted some test pits. I know  
10:41:40 they have further down Albany Street, but I  
10:41:40 can't speak to what they have done at the  
10:41:43 corner of Albany and Mass. Avenue.

10:41:45 GEORGE FERNANDES: Well, this isn't  
10:41:47 the corner, it's coming down Albany Street.

10:41:55 NAT WYSOR: Correct. So you're  
10:41:57 saying test pitting in the location of the

10:42:00 manholes?

10:42:01 WILLIAM DWYER: Just looking at the  
10:42:11 plans, it seems congested. My experience has  
10:42:11 been that many times with something like this  
10:42:11 you take some assumptions, you have to, I  
10:42:12 guess, but there is also the first thing  
10:42:15 that's got to be asked by that project when  
10:42:17 they come to a meeting, on the Monday morning  
10:42:20 construction meeting. They have to ask: When  
10:42:23 are you going to schedule your test pits to  
10:42:25 see if you can get this conduit down to where  
10:42:27 you need to in the chambers. They have to  
10:42:28 come to us -- actually, the contractor may  
10:42:31 come to us saying, "What we need to do prior  
10:42:33 to installation of the lines is to dig some  
10:42:36 test pits to see if we can fit the chambers."

10:42:40 Has that been done? Do you know for  
10:42:42 a fact that these chambers can be located  
10:42:46 where they are proposed from Nstar? And maybe  
10:42:49 they have looked into it.

10:42:52 NAT WYSOR: They have. Again, this

10:42:54 is Nstar's responsibility to deliver from  
10:42:57 there. I can tell you that from between the  
10:43:01 storm water work, the sewer work, as well as  
10:43:07 some test pits, that Nstar has done closer to  
10:43:11 our property line. Everything in that  
10:43:14 immediate vicinity, we know exactly what we  
10:43:19 are dealing with in that end of Albany Street.  
10:43:21 I can't speak to what Nstar has done closer to  
10:43:25 Osborne.

10:43:29 WILLIAM DWYER: They can start from  
10:43:30 one -- a manhole down the street, whether it  
10:43:33 be 200 feet or whatever it may be, that's less  
10:43:37 excavation in the street, that's probably a  
10:43:40 little on your end might be better financially  
10:43:44 for you folks, and the other thing is plus the  
10:43:46 impact on the public, if you can limit the  
10:43:51 excavation.

10:43:53 NAT WYSOR: It's in everybody's best  
10:43:56 interest to limit the excavation. What I'm  
10:43:59 saying is, we have been at this for over a  
10:44:01 year and we've been told that this is the

10:44:03 route.

10:44:04 So if Nstar hasn't successfully  
10:44:08 demonstrated to you guys that there is no  
10:44:10 alternate route, then that's something that we  
10:44:13 need to do immediately.

10:44:15 GEORGE FERNANDES: They have not.

10:44:17 WILLIAM DWYER: The service provides  
10:44:19 your primary permanent power to the building?

10:44:22 NAT WYSOR: Correct.

10:44:24 WILLIAM DWYER: So what's going on  
10:44:25 there now with the construction, you have  
10:44:25 adequate power right now to work?

10:44:28 NAT WYSOR: We have temporary power.  
10:44:30 We are going to be ready for permanent power  
10:44:34 next month. The vault is built, the  
10:44:38 structural steel is topped out. There is  
10:44:39 going to come a time when we'll be relying on  
10:44:42 the permanent power in order to supplement the  
10:44:47 temporary service. Because, as we stated  
10:44:50 earlier, there is a north building garage that  
10:44:50 is being constructed.

10:44:56 So starting in September, we'll have  
10:44:58 a man hoist as well as a tower crane in  
10:45:01 addition to the permanent elevators coming  
10:45:04 online.

10:45:05 So, again, this process was  
10:45:09 originally -- the sketches were originally  
10:45:12 delivered from Nstar in January. And any  
10:45:20 delays beyond getting this work done in the  
10:45:24 immediate future is going to have some very  
10:45:28 negative ramifications for the project.

10:45:38 WILLIAM DWYER: What can Nstar do?

10:45:41 SUSAN BARROSO: I can have someone go  
10:45:43 in and see about the test pits. I don't know  
10:45:46 if they have done them or not.

10:45:48 GEORGE FERNANDES: I think you need  
10:45:50 to meet with someone to tell us why they are  
10:45:52 doing this. And do they know for a fact that  
10:45:55 there is no room in a route that should be  
10:45:58 going on versus crossing the street over  
10:46:01 crossing the street again and so on and so  
10:46:04 forth?

10:46:04

SUSAN BARROSO: I'm not sure.

10:46:07

Because I know Bill said there was an abandoned sewer on the other side, right?

10:46:09

10:46:10

10:46:11

10:46:14

10:46:18

GEORGE FERNANDES: Well, if you're not in the sidewalk, so my question is: Why not? What's in the sidewalk that's not allowing them to be there?

10:46:20

10:46:29

10:46:32

WILLIAM DWYER: I hope things work out for you on Franklin Street, you will have your issues up there, too.

10:46:34

10:46:38

10:46:41

If everything were to go forward today, still wouldn't be doing some excavation late in August, from what I can see here.

10:46:44

10:46:48

10:46:49

I think this may behoove this part of the project and, again, the public to just take another look at it and see if they can shorten the excavations up.

10:46:54

10:47:02

SUSAN BARROSO: On Franklin Street you were fine with it.

10:47:05

10:47:05

WILLIAM DWYER: I'm sorry?

10:47:06

SUSAN BARROSO: Franklin Street is

10:47:08 okay. But then you are looking at Albany --

10:47:13 WILLIAM DWYER: That came out at me  
10:47:15 at Albany pretty quickly after I first looked  
10:47:19 at it.

10:47:19 GEORGE FERNANDES: This should have  
10:47:22 been two applications, Franklin and Mass.  
10:47:28 Avenue -- I'm sorry -- Albany Street.

10:48:05 Well, I think we need to review  
10:48:07 things.

10:48:08 WILLIAM DWYER: Even on Franklin  
10:48:10 Street at manhole 3239, it seems like you have  
10:48:13 an awful lot coming out of there. Are you  
10:48:16 going to be able to handle the extra conduit  
10:48:19 and cable that's coming out of that manhole?  
10:48:23 It looks like, if you have four or five lines  
10:48:26 coming out of there already. I mean, it's on  
10:48:26 the plans so we have to assume that your  
10:48:28 engineers looked at that and it can be.

10:48:31 But sometimes we get into the  
10:48:34 situation and then it turns out you need to  
10:48:37 increase the size of manhole, so that means a

10:48:41 larger excavation. So you need to make sure  
10:48:44 these things have been looked at.

10:48:47 NAT WYSOR: So what's the process  
10:48:49 that you would recommend, Bill and George?  
10:48:53 Address this Monday morning or have a separate  
10:48:57 meeting with Nstar's crews that will be  
10:48:59 performing the work? Our understanding is  
10:49:01 that these sketches don't even get issued to  
10:49:11 us until the pathway has been verified.

10:49:11 GEORGE FERNANDES: Here's the issue.  
10:49:11 So they have this project, sizable, there has  
10:49:11 been no dialogue between myself nor you prior  
10:49:15 to submitting it.

10:49:18 So they pick a pathway and they find  
10:49:21 out whether the pathway is any good or not,  
10:49:25 that's No. 1. And No. 2, you have to test the  
10:49:28 pathway. So those are the questions.

10:49:31 SUSAN BARROSO: I know our inspector  
10:49:34 was out there. First, I believe, was the  
10:49:37 conduit and the manholes involved. And then  
10:49:39 the inspector went out there and this is the

10:49:42 path that he picked.

10:49:44 WILLIAM DWYER: What do you mean, the  
10:49:46 second route?

10:49:47 SUSAN BARROSO: Like he said, in  
10:49:49 January it was a different sketch issue, a  
10:49:52 different way --

10:49:52 (Multiple voices at the same time)

10:49:52 WILLIAM DWYER: So the second area --  
10:49:52 okay.

10:49:54 SUSAN BARROSO: And then the  
10:49:55 inspector went out there and he said that this  
10:49:58 is the best and the cheaper way to do it. But  
10:50:01 I'm not sure of every single manhole --

10:50:09 GEORGE FERNANDES: My issue is, for  
10:50:11 whatever reason in doing it, is crossing the  
10:50:14 street.

10:50:16 SUSAN BARROSO: On Albany.

10:50:20 GEORGE FERNANDES: They are doing it  
10:50:21 on Franklin Street, too, they're going from  
10:50:21 one side to the other to the other. Why?  
10:50:25 Now you are crossing everything. What are you

10:50:31 doing it, I don't know.

10:50:35 WILLIAM DWYER: I suppose Monday, we  
10:50:36 could cross this bridge on Monday just to get  
10:50:39 things started if Nstar can have someone  
10:50:40 there.

10:50:41 NAT WYSOR: If it's the right people.  
10:50:43 I know we'll be there.

10:50:46 GEORGE FERNANDES: We need the  
10:50:48 engineers there.

10:50:50 NAT WYSOR: I can set something up  
10:50:52 separately.

10:50:54 WILLIAM DWYER: We can always set  
10:50:56 something up on-site. I'm going to assume  
10:50:59 that some of those streets have already been  
10:51:02 dig-taped already. I assume.

10:51:04 NAT WYSOR: Yes.

10:51:13 WILLIAM DWYER: So until then, I  
10:51:16 recommend a continuation.

10:51:17 GEORGE FERNANDES: Yes, so do I.

10:51:53 So we'll have to meet with Nstar on  
10:52:00 this.

10:52:00 So I'll make a motion to continue?

10:52:04 WILLIAM DWYER: Yes.

10:52:04 GEORGE FERNANDES: We can resolve it  
10:52:06 if the streets don't change.

10:52:10 WILLIAM DWYER: Make a motion for  
10:52:12 approval with contingencies.

10:52:17 GEORGE FERNANDES: So long as the  
10:52:18 streets don't change.

10:52:20 WILLIAM DWYER: Why don't we do that.  
10:52:23 And then, upon further review, we can move  
10:52:26 forward at that point.

10:52:46 GEORGE FERNANDES: So we have the  
10:52:48 motion to approve, providing that the route  
10:52:53 along Albany Street and Franklin Street does  
10:52:57 not change. We are not going on any other  
10:53:00 streets, otherwise you have to resubmit.

10:53:04 The motion to approve?

10:53:07 WILLIAM DWYER: Upon contingencies.  
10:53:10 We need another meeting, hopefully next week,  
10:53:14 and even be on-site with Nstar's engineers.  
10:53:19 And by then they will get the information, at

10:53:24 least on that one section of Albany Street  
10:53:28 near Mass. Ave., if they can shorten that up  
10:53:31 in any way.

10:53:32 And we'll review the Sydney Street  
10:53:35 and Albany Street plans and make decisions  
10:53:36 on-site and then bring it back to Elizabeth.

10:53:45 GEORGE FERNANDES: Motion to approve?

10:53:47 WILLIAM DWYER: Seconded.

10:53:49 GEORGE FERNANDES: All in favor?

10:53:51 WILLIAM DWYER: Yes.

10:53:54 ELIZABETH LINT: SPOF permits --

10:53:57 NAT WYSOR: Yes, at the end.

10:54:02 WILLIAM DWYER: Do you happen to have  
10:54:03 a card?

10:54:05 NAT WYSOR: I do.

10:54:41 (Off the record.)

10:54:41 WILLIAM DWYER: Will you be there on  
10:54:43 Monday?

10:54:43 NAT WYSOR: I can be.

10:54:47 ANTHONY VATALARO: Usually Moriarty  
10:54:50 represents us.

10:54:52

GEORGE FERNANDES: I cannot do

10:54:54

Monday.

10:54:58

WILLIAM DWYER: We'll meet with

10:54:59

Moriarty at the meeting and we'll coordinate

10:55:03

some of it at that point.

10:55:08

We are also missing a couple of

10:55:11

engineers on Monday, too, who would usually do

10:55:13

something like this. So that means you got to

10:55:14

deal with me.

10:55:18

GEORGE FERNANDES: Motion to adjourn?

10:55:21

WILLIAM DWYER: Seconded.

10:55:22

GEORGE FERNANDES: All in favor?

10:55:25

WILLIAM DWYER: Yes.

(Whereupon, the Hearing was adjourned  
at 11:00 a.m.)

## C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK, SS.

I, Evelyn M. Slicius, a Certified Shorthand Reporter and Registered Professional Reporter, the undersigned Notary Public, certify that:

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

I further certify that the testimony hereinbefore set forth is a true and accurate transcription of my stenographic notes to the best of my knowledge, skills and ability.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 30th day of July, 2012.

---

Evelyn M. Slicius  
Notary Public  
Certified Shorthand Reporter  
License No. 127193  
My Commission Expires:  
May 15, 2013

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