



## CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

April 23, 2018

### REPORT OF THE PUBLIC UTILITIES AND PUBLIC WORKS COMMITTEE

Attendee Name	Title	Status	Arrived
William A. White Jr.	Chair	Present	
Jefferson Thomas ("J.T.") Scott	Vice Chair	Present	
Lance L. Davis	Ward Six Alderman	Present	

Others present: Alderman Mark Niedergang, Rich Raiche - Engineering, David Shapiro - Law, Annie Connor - Legislative Liaison, Charles Sillari - Clerk of Committees.

The meeting took place in the Committee Room and was called to order at 6:06 PM by Chairman White and adjourned at 6:43 PM.

#### Approval of the April 2, 2018 Minutes

<b>RESULT:</b>	<b>ACCEPTED</b>
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#### 204486: Proposing an Ordinance for the management and elimination of natural gas leaks.

The proposed Ordinance was modeled on an Ordinance enacted by the City of Boston. Mr. Shapiro informed the Committee that National Grid had filed a lawsuit against the City of Boston, claiming that the Ordinance was illegal under the doctrine of "preemption." Preemption prohibits a municipality from enacting laws on matters on which the state exercises control. A judge had issued an injunction against the City of Boston from enforcing the Ordinance, pending final trial. Two areas of the Boston Ordinance that were not enjoined was the collection of data and the ability to recover for trees that were damaged by gas leaks.

Because of the pending litigation on a similar ordinance, the Committee determined that further research was necessary before moving forward on the proposed ordinance. Chairman White and Alderman Davis asked that the Law Department look into the state law that was passed in 2016 as well as existing state laws to determine the powers that a municipality has to regulate natural gas transmission. The Committee also asked Attorney Shapiro to review in detail the injunction ruling in the Boston case and to review the proposed ordinance in light of that ruling and state law.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**205009: That the City Engineer not issue any street opening permits for gas work by Eversource, excluding emergency work, until an adequate description of the work to be performed is prepared by Eversource in coordination with the Director of Engineering, prior to the issuance of any such permits.**

<b>RESULT:</b>	<b>WORK COMPLETED</b>
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**203867: That the Mayor's Office, working with the Director of Engineering, report to this Board on improving Eversource's communications with, and responsiveness to, this city's residents, concerning gas meter replacement, street construction and utility work.**

Mr. Raiche provided the committee with copies of a Right of Way Occupancy Request Form and explained how the city schedules a weekly meeting with the contractors to keep his department informed about the locations and progress of ongoing projects and their impact on the City. Mr. Raiche also provided the members of the Committee with the standard communication that Eversource will send to all neighborhoods impacted by its work. Alderman Niedergang expressed concern about communications by utility companies being translated and he would like to know how that is being handled. Ms. Connor said the city will work with an outside consultant for translation needs and Alderman Scott suggested that the notice itself should direct residents to translation services. As a result of the discussion involving the notice and request forms, the Committee determined that work was complete on this item as well as 205005.

Alderman Niedergang also stated that constituents are concerned about clearing ice and snow from gas meters, adding that he is skeptical about the need for moving gas meters to the outside of houses. Chairman White reminded the Committee that the Committee had addressed that issue at a prior meeting as far as the right of Eversource to require outside meters and that an Order could be submitted to see if assistance could be provided to disabled or senior residents in shoveling out gas meters.

<b>RESULT:</b>	<b>WORK COMPLETED</b>
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**205677: Director of Engineering responding to #205009 re: withholding certain street opening permits for Eversource gas work until communications improve.**

<b>RESULT:</b>	<b>WORK COMPLETED</b>
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**Handout:**

- Right of Way Occupancy Request Form (with 203867)