



CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
Northampton, Massachusetts

Roll Call

A special meeting of the City Council (a public hearing on Eversource petitions for installation of 11 telemetry cabinets and a regulator station) was called to order by Council President Jim Nash at 6 p.m. Upon a roll call, the following City Councilors were present:

- | | |
|--|--|
| At-Large Councilor Marissa Elkins | At-Large Councilor Jamila Gore (7:30 p.m.) |
| Ward 1 Councilor Stanley Moulton, III | Ward 2 Councilor Karen Foster (before 8pm) |
| Ward 3 Councilor James Nash | Ward 4 Councilor Garrick Perry |
| Ward 5 Councilor Alexander Jarrett | Ward 6 Councilor Marianne LaBarge |
| Ward 7 Councilor Rachel Maiore (7:27 pm) | |

Announcement that Meeting Audio/Video Recorded

Council President Nash announced that the meeting was being audio/video recorded.

Public Hearings
Public Hearing on 11 Eversource Petitions to Install Telemetry Cabinets at various locations throughout the city and 23.280 Eversource Petition to Install Regulator Station on Prospect Street @ Trumbull Road

Public Hearings
Public Hearing on 11 Eversource Petitions to Install Telemetry Cabinets at various locations throughout the city and 23.280 Eversource Petition to Install Regulator Station on Prospect Street @ Trumbull Road

Councilor Nash read the legal notice advertising the hearing.

Councilor LaBarge moved to open the public hearing. Councilor Moulton seconded. The motion passed unanimously 6:0 by roll call vote with Councilors Foster, Gore and Maiore absent.

Eversource Lead Engineer Bryan Meccariello presented the petitions. On October 7, 2020, as part of an agreement for Eversource Energy to buy NiSource, Inc. and Bay State Gas, the Massachusetts Department of Public Utilities (DPU) issued an order approving a settlement agreement. As part of the settlement agreement, Eversource Energy agreed to conduct a safety assessment to evaluate the safety and condition of the EGMA system following the sale. Area of focus #24: SCADA & Gas Control System Assessment focused on the awareness and control of the gas distribution network to bring the SCADA and gas control system up to the level of industry best practices. The telemetry cabinets monitor the inlet and outlet pressure at existing regulator stations and indicate the position of over-pressure protection devices, Mr. Meccariello explained.

Mr. Meccariello showed examples of existing cabinets at various locations. Eversource will run power from the cabinets to the nearest electric company utility pole or manhole. He described the dimensions of the cabinets as follows: 5 ¼' high by 2' wide with a 7 ¼ inch depth. To install, after digging temporary trenches for insertion of the equipment and gas and electric lines, contractors will install the equipment and then restore the sidewalk and disturbed area to its original condition.

He reviewed the proposed locations where the cabinets are to be installed.

Councilor Nash opened the floor to councilors for general questions. He asked if gas runs through the cabinets or if there are just electronics inside to monitor what's going on.

Gas does run up to the cabinets, Mr. Meccariello confirmed. There are pressure transmitters inside the cabinets, he noted.

Councilor Jarrett said he notices the yellow poles. What happens if someone crashes into the cabinet and it breaks open? He asked.

There are excess flow valves on the inlet side of the stations so, if they were to be severed, it would interrupt the flow of gas, Mr. Meccariello said. More than likely they would shut the gas off to the station if that were to happen.

Councilor Moulton said he was a little confused by the answer, which did not seem definitive enough. He asked what kind of alarm is connected to the fire department, gas company, etc. to respond to a breakage in the equipment.

All of the cabinets will be monitored 24/7 by Eversource's gas control department. Any change in pressure outside of the normal threshold would trigger them to send a technician and call the fire department. Two to three people monitor the system at all times, he assured.

Councilor LaBarge mentioned having an issue with gas because of the general preference for clean energy. She asked how many customers in Northampton have gas.

Mr. Meccariello said the figure he last remembered seeing for Northampton was close to 5,000 customers/meters (both commercial and residential).

Councilor Nash opened the floor to general questions from the public.

Deanna O'Connor, Chestnut Street, asked if the telemetry units give off any type of sound. Are they going to be aware of buzzing near the meters?

No. The device is pretty much like a household router, he said.

Mr. Meccariello proceeded to review the 11 individual locations where the telemetry cabinets are proposed to be installed.

Charles Dumont of Jackson Street expressed his understanding that there would be no additional above ground lines or equipment other than the cabinets, and Mr. Meccariello said that is correct.

Jojo Howlett of North Maple Street asked how many of the proposed installations are already in. He made it sound like it was just a proposal but both he and she know that at least one was already installed on North Maple Street, she said.

Two – North Maple Street and South Park Terrace, Meccariello said.

The truth is, they're not just proposed; they're already in, Ms. Howlett noted. As a homeowner, she was pretty surprised when she saw the permit application and the difference between it and what went in. She thinks the record should be clear about that.

Eversource has never in the past gone through the city council for gas work so they thought their normal process was sufficient, Mr. Meccariello said. They will now bring them all through the city council and go through the grant of location process. He apologized for what happened last year. They were going on past practice, which was incorrect. This is new for them and new for the city, he pointed out.

The permit indicated they were only putting in a platform, Jojo said. She asked if he was saying that Eversource never put in cabinets before.

Certain cities don't make them go through city council, he elaborated. They haven't really installed aboveground cabinets in Northampton before.

The permits weren't honest and didn't show an above ground structure, Ms. Howlett asserted. "That was an abuse of power," she claimed. It was really, really disturbing to her to walk outside her house and see that thing.

"My outrage is not unreasonable," she suggested.

DPW Director Donna LaScaleia provided some history and context. The city and Eversource work together as they do with National Grid, the phone company or other contractors for any excavations or alterations in the public right of way and also on private property, she explained. The DPW is the permitting authority for any and all excavations under 520 CMR, a law passed in MA after the tragic death of a young girl who fell into an uncovered trench. This is standard practice; they call them trench permits for short and her office issues hundreds of them a year.

The department does an engineering review, marks utilities and signs the permits. Sometimes she revokes a permit if people aren't doing what they are supposed to do.

Eversource and Columbia Gas's work is typically underground. In the past, they have typically submitted an application and the DPW has done an engineering review, marked utilities and issued a permit. Anytime National Grid wants to put in an above ground structure such as a new pole in the right of way, the city issues them a grant of location for which there is a petition process. After City Council issues a grant of location, the DPW issues the trench permit.

Eversource (the former Columbia Gas) typically does below grade installations so they typically submit trench permit applications. Last fall, Eversource submitted an application for work on North Maple Street. The application came to them in the form of a trench permit. DPW staff reviewed the application and from the documentation it was not apparent that the work was going to result in an above ground installation. Eversource has underground lines all over the city. The work the City Council is reviewing tonight is new and different in a way the city has not previously experienced. The installation on North Maple Street was actually the first of its kind in the city. (There were a couple of installations that had been in place since the 1970's such as the one on South Park.)

When it became apparent that the work was transitioning from below ground to above ground, it was then that they realized they needed to bring the petitions before the council for a hearing and public comment. Unfortunately, the installation on North Maple Street had already occurred because it was unclear what that installation was. Because these are new DPU regulations, the city had never gone through this process so the extent of the work was unclear.

They deal with National Grid for these petitions all the time and are now dealing with Eversource, she clarified.

Public Comment

Richard Abuza asked what format of telemetry the boxes use – radio frequency, cell frequency or internet frequency?

There are two different types, a primary hard fiber line with cell phone backup if they can get it or just cellular, Mr. Meccariello said.

Richard asked if Meccariello was talking about using Fios from Verizon. Meccariello said yes.

Mr. Abuza expressed his understanding that there is no Fios anywhere in Northampton.

If there is no Verizon fiber, they would go cellular, Mr. Meccariello confirmed. It is the normal amount of transmission one would expect from a personal cell phone.

Councilor Elkins asked if there would be any change to the permit application to ask specifically if any aboveground equipment is proposed. It seems like it would be fairly simple to add.

The DPW permit application is pretty clear that it is necessary to thoroughly describe the work, Director LaScaleia said. In fairness to Eversource, applicants appended a 20-pg. size 8 font construction drawing that, if picked through, showed a cabinet. Having a check box to indicate if anything is above grade could certainly improve the process on their end, she agreed.

She is having a hard time disagreeing with Jojo that it wasn't the most complete and accurate description of the work, Councilor Elkins shared. Chances are Eversource would have ended up with its permit and cabinet but they wouldn't have an unhappy constituent. As a consumer of Eversource, she is not happy that they are all on the hook for this lack of process.

Mr. Meccariello went through the 11 individual locations (near 215 South Street, Barrett Street @ Jackson Street, Bridge Road @ North Main Street, Chestnut Street @ Bridge Road, Elm Street @ North Elm Street, Hockanum Road @ Pleasant Street, Marshall Street @ Bridge Street, Hinckley Street @ Nonotuck Street, Maple Street @ Pine Street, North Maple Street @ Bardwell Street and South Street @ South Park Terrace) showing the street view and site plan for each petition. He spent the next hour addressing site specific questions and responding to concerns about the impact of the cabinets on the future development of private property.

Regarding the Chestnut Street @ Bridge Road petition, **Chestnut Street resident Julie Rosten** asked if it was possible to move the box across Bridge Road instead of installing it near their houses.

The preferred location is as close to the existing vaults as possible to reduce the possibility for damage or potential conflicts with other utilities, Mr. Meccariello explained.

Barrett Street @ Jackson Street

Councilor Moulton said he was out on Barrett Street Tuesday with two abutters. What Mr. Meccariello is showing tonight matches the markings on the ground. He expressed his understanding that the cabinet would be inside the sidewalk. (There was one diagram that showed it on the outer side on the tree belt, he noted.)

Mr. Meccariello said that is correct.

The property owner at Jackson and Barrett is concerned about future potential subdivision of her property, he related. What is Eversource prepared to do in the future if the property owner needs that space for a driveway and the cabinet is impeding it? Councilor Moulton asked.

His guess is that call would come from city engineers, Mr. Meccariello said. They don't have any rights to leave the cabinet where it is; it is just a grant of location. If the city wanted to install a new catch basin, Eversource would have to move the cabinet.

Councilor Moulton expressed his understanding that he was saying they would be prepared to move it in the future.

"If they [the city] want us to move it, we would have to move it," Mr. Meccariello said.

Councilor Nash asked if a driveway would be allowed at that location.

A second driveway is a zoning issue for which the Planning Board receives an application and issues a permit, Director LaScaleia clarified. For any of these places where there may be future development or a second driveway, it would go through the Planning Board. It is not for the city to say that Eversource needs to move this cabinet, she stressed. If there is a cabinet in a space that could potentially be occupied by the driveway, it is not something the city gets involved in.

There are two separate questions: is it legally permissible and is it physically possible. If it is a private party matter, it is not necessarily something the city would get involved in.

If a driveway is legally possible but not physically possible because a telemetry cabinet is in the way, he is concerned that, in the future, this might cause difficulty for a property owner in subdividing their property, Councilor Moulton shared. He is concerned about what they can do now in terms of a condition on the permit.

What Eversource is proposing to do is not uncommon, Director LaScaleia noted. Anytime a pole petition comes before the City Council, it is an aboveground thing that could potentially be in the way of something at a later date. In her professional experience, what generally happens if something owned by any utility is in the way and a property owner wants to cut a new driveway is a conversation between the property owner and the utility. It is not something the city wades into. Sometimes the abutter pays the utility to move something. It is not uncommon that there is a thing in the way.

Tracey Polachek of Chestnut Street, co-trustee of her husband (Daniel Polachek's) trust which owns the property, pointed out that the cabinet is proposed to be in the trees and not on the sidewalk. (The second co-trustee is the other Daniel Polachek, their son.) The location of the cabinet is 45 feet east of the Jackson Street intersection. The frontage on this parcel is 110 feet. "You're putting it right in the middle." They would request that they move it closer to Jackson Street or to #143 so as not to disrupt the entire frontage.

Mr. Meccariello said they could slide it down but he would have to run it through engineering. They could easily work so it is not directly in the center.

Regarding the existing pressure regulating station, Councilor Jarrett asked if that is something that also would have to be moved if a driveway were installed in the future.

They'd have to see where the driveway was proposed. Currently, they have no stations in driveways, Meccariello said.

Councilor Nash advised fellow councilors that they have the option to approve the petitions, not approve them or table them to a future meeting. In a case where the property owner and Eversource are planning to meet and come to an agreement, an amendment could be considered at a future meeting, he suggested.

Ms. Howlett said she really appreciated Director LaScaleia's help. She is confused about the idea that if something were to be moved it would be between her and Eversource. She certainly doesn't like the idea that she would have to go up against Eversource. She feels very much like her petition is unresolved and would ask councilors to table a decision it. Given that there is a Planning Board process, she would hope part of the commitment from Eversource would be to not oppose anything she as property owner was proposing to do. She wants a driveway on North Maple Street, she advised. They put the cabinet 64 feet from the center and she doesn't want Eversource to show up and say they don't want the Planning Board to grant a permit.

It being 7 o'clock, Councilor Nash welcomed people showing up for the regularly-scheduled City Council meeting. He explained that they were still in a public hearing and had a few more items to get through. Once they finish they will move into the regular council meeting.

North Maple Street @ Bardwell Street

Councilor Nash asked Director LaScaleia to review the DPW's recommendation.

When this was brought to her attention by Ms. Howlett, Director LaScaleia said she realized the DPW needed to find a path forward consistent with city policies and practices that would alleviate some of the undesirable consequences of the cabinet's premature placement. She sought to make clear in the memo that, in the event of future development where the cabinet is in conflict with a future driveway, the DPW's recommendation is that Eversource commit to its relocation. There is limited frontage here and possible sightline problems with the cabinet and a future driveway.

This was her attempt to right the situation, if you will, she explained.

Councilor Nash expressed his understanding that the DPW's recommendation is that Eversource agree to move the cabinet in the event of a future conflict.

To be clear, in general when it reviews trench permits, the DPW is looking for conflicts with city utilities, Director LaScaleia clarified. In this case, based on the sequence of events, she thinks it would be wrong not to mention that the cabinet may have a negative impact on the property owner moving forward. In a perfect world where a public hearing had been held, the abutter would have come to the hearing and testified to the potential conflict, but this did not happen.

Councilor Nash asked if Eversource would be agreeable to moving the cabinet in the future at Eversource's expense if Ms. Howlett wanted it moved because she was putting in a driveway.

For this location, yes, Mr. Meccariello said.

Ms. Howlett said she appreciated that. She intends to file for a permit with the Planning Board in the next few months. This is absolutely not speculative; it is absolutely going to happen. She has a 91-year old mother and lots of other good reasons to convert her home to include an accessory dwelling unit (ADU).

She sought to clarify the details of the commitment, such as how long it would take to move the cabinet at no cost to her if she got a permit.

They would have to work with engineering and the planning group to determine where they could move it to and otherwise work with the city to obtain a new grant of location, Mr. Meccariello said. They have a crew that could easily get out there, he noted.

Ms. Howlett said she just wanted to make sure they have a good faith agreement.

It sounds like Eversource is agreeable to working with Ms. Howlett on moving the cabinet, Councilor Nash observed.

Mr. Meccariello reviewed the remaining project locations.

Chestnut Street @ Bridge Road

With respect to the proposed telemetry cabinet on Prospect Street, **Corrie Tamburro** told the council in no uncertain terms that a "five-by-five-by-three monstrosity" right at their property line does bother them. She asked how it is to be connected to the telephone pole and who she needs to contact to better understand the whole proposal. Her first thought is that they don't have much land or a lot of frontage in their front yard to begin with. It is going to lower the value of their real estate if they ever do want to sell the property, she suggested.

She wants to find out how to very respectfully protest the location of the box. A neighbor suggested maybe putting it on Bridge Road where it would be less of an intrusion on someone's house.

In response to her request for a contact, Mr. Meccariello shared his business phone number.

Mrs. Tamburro requested specifically that moving the box to a different location be considered.

The location Mr. Meccariello pointed out on the Google street view is not the location shown on the plan attached to the agenda, Councilor Jarrett noted. He asked for clarification.

After reviewing the location with city engineers, it did change slightly, Mr. Meccariello reported.

Councilor Nash said it looks like he needs to resubmit since the plan before them is slightly different. He asked if in the meantime it would be possible for him to meet with Mrs. Tamburro and review and reconsider the plan.

Mr. Meccariello said he could try. The revised location is between the stockade fence and the sidewalk instead of between the street and the sidewalk, he confirmed.

She would request that the box be moved to a location like the neighbor suggested on Bridge Road, maybe to the right of the Fitzgerald Fence building, Ms. Tamburro said. This whole corner is already small and crowded.

Councilor Maiore joined at 7:27 p.m.

Councilor Foster joined sometime after roll call.

Councilor Jarrett said he would be happy to talk to her as her ward councilor.

As a point of order, this petition seems not to be properly before them, Councilor Elkins said.

Councilor Gore joined at 7:30 p.m.

Ms. Howlett said she calls it a green porta potty surrounded by popsicle sticks. "This is not attractive," she claimed. She asked about some sort of beautification, such as painting it, disguising it or putting flowers around it. That would go a long way.

Mr. Meccariello said they're open to that as long as the vents and stickers remain visible. In Springfield, a group is going to paint murals on them. He doesn't think there is any objection to beautifying it.

Richard Abuza reiterated that Chestnut Street is a very tight location. He also suggested they not presuppose what is too much for Eversource to do to accommodate their concerns.

Marshall Street @ Bridge Street

With regard to the cabinet on Marshall Street, Councilor Nash asked why it was not being installed next to the existing cabinet.

Mr. Meccariello said it was because the new cabinet has electrical communications equipment inside it and they do not want it next to the gas piping in the existing cabinet.

Hinckley Street @ Nonotuck Street

Referring to the Hinckley Street petition, **Laura Reinhard** of **22 Nonotuck Street** said her curb cut and frontage (159 feet) is actually on Hinckley Street. One of the utility poles is one she petitioned to have put in because her intention is to have all of her power lines moved underground. The existing pole on her property is tilted and has been damaged by trees in the past. She would like to make sure this box not going to impede her sight line as she exits her property. It will be to her left as she leaves her driveway, which is the most dangerous direction, so she wants to make sure she is not losing critical sight of oncoming traffic. Because the pole was put in with the intention for her to run her lines at her own expense from her house to the pole, she also wants to make this sure does not impede her ability to do this.

Mr. Meccariello agreed to meet with her on site.

Prospect Street @ Trumbull Road (regulator station)

The Prospect Street location is for a new full regulator station consisting of three underground vaults and two aboveground cabinets, Meccariello presented. This location was added in preparation for proposed work on Main Street. Eversource is moving an existing regulator station at State and Finn Streets to this location, allowing it to retire the older station.

Councilor Nash expressed his understanding that there will be metal panels covering the underground vaults and metal cabinets and bollards aboveground. This triangle of property is actually a lovely little green space. He asked if shrubs could be installed around the cabinets.

They don't like to plant shrubs because they have to maintain them but if the city wanted to maintain them, they would more than likely be willing to put some in there.

There being no further questions or comments, **Councilor Jarrett moved to close the public hearing. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.**

The public hearing was closed at 7:57 p.m.

Recess

Recess

The council recessed briefly at 7:58 p.m. At 8:04, the council reconvened.

ORDERS FOR LOCATION OF TELEMETRY CABINETS AND WIRES

ORDERS FOR LOCATION OF TELEMETRY CABINETS AND WIRES

23.257 Eversource Petition to Install Telemetry Cabinet near 215 South Street

23.258 Eversource Petition to Install Telemetry Cabinet on Barrett Street at Jackson Street

23.259 Eversource Petition to Install Telemetry Cabinet on Bridge Road at North Main Street

23.260 Eversource Petition to Install Telemetry Cabinet on Chestnut Street at Bridge Road

23.261 Eversource Petition to Install Telemetry Cabinet on Elm Street at North Elm Street

23.300 Eversource Petition to Install Telemetry Cabinet on Hockanum Road at Pleasant Street

23.301 Eversource Petition to Install Telemetry Cabinet on Marshall Street at Bridge Street

23.302 Eversource Petition to Install Telemetry Cabinet on Hinckley Street at Nonotuck Street

23.307 Eversource Petition to Install Telemetry Cabinet on Maple Street at Pine Street

23.333 Eversource Petition to Install Telemetry Cabinet on North Maple Street at Bardwell Street

23.334 Eversource Petition to Install Telemetry Cabinet on South Street at South Park Terrace

By his count, there were three petitions (Barrett Street @ Jackson, Chestnut Street @ Bridge and Hinckley Street @ Nonotuck) where there were concerns and Eversource will be meeting with residents, Councilor Jarrett advised.

Additionally, for North Maple Street @ Bardwell Street, they discussed a recommended condition that Eversource agree to move the cabinet in the event a future permit is approved for a driveway at 66 North Maple Street.

His proposal would be to approve North Maple Street @ Bardwell Street with that condition and to approve all of the others except for the three mentioned.

Councilor Elkins said she liked Councilor Jarrett’s proposal. The only thing she would add is a condition that shrubbery be added to the site of the regulator station at the corner of Trumbull and Prospect Street.

Councilor Jarrett moved to approve 23.333 (Eversource petition for North Maple Street at Bardwell) with the condition that Eversource agrees to move the cabinet in the event of a future approved driveway permit by the owner of 66 North Maple Street.

He asked Director LaScaleia if that language was an appropriate way to frame the condition. In consultation with her, he adjusted the language slightly as follows: **“Eversource agrees to move the cabinet at their expense in the event a future approved driveway permit by 66 North Maple Street is found to be in conflict with it.”**

Councilor Jarrett so moved. Councilor Moulton seconded. The motion carried 6:0 by roll call vote with Councilors Foster, Gore and Maiore abstained.

23.280 Eversource Petition to Install Regulator Station on Prospect Street @ Trumbull Road

Councilor Elkins moved to approve 23.280 (Eversource petition for regulator station on Prospect Street at Trumbull Road) with the condition that Eversource add some shrubbery/landscaping.

Director LaScaleia stated that while she certainly supports beautification efforts, on the agenda tonight is a series of transfers for her department to deal with operations for parks and facilities due to some staffing shortages. It would not be advisable at this point to commit her staff to maintenance activities as she doesn’t have the personnel for it. Maintenance of anything at this location would need to be absorbed by Eversource, she suggested.

Councilor Elkins withdrew her condition and instead moved to approve as presented.

There is no sidewalk in this location presently but one of the things the DPW asked Eversource is to install the equipment so as to give the city the capability to install one in in the future, Director LaScaleia said.

Councilor Moulton seconded. The motion carried 9:0 by roll call vote.

Councilor Jarrett moved to approve the telemetry cabinet petitions besides the three mentioned earlier and the one approved with a condition: 23.257, 23.259, 23.261, 23.300, 23.301, 23.307 and 23.334. Councilor Moulton seconded. The motion passed unanimously 6:0 by roll call vote with three abstentions (Councilors Foster, Gore and Maiore).

Councilor Moulton moved to table the three petitions (23.258, 23.260 and 23.302) with resident concerns pending further discussion between Eversource and the abutters. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.

Adjourn

Adjourn

Councilor Perry moved to adjourn the special City Council meeting. Councilor Jarrett seconded. The motion passed unanimously 9:0 by roll call vote. The meeting was adjourned at 8:28 p.m.

Attest: _____, Administrative Assistant