



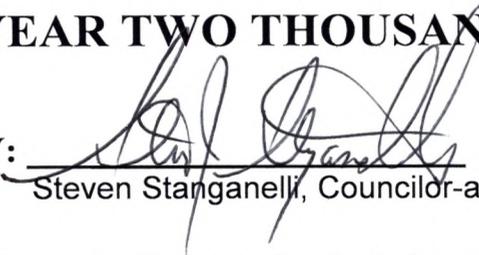
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AMESBURY CITY CLERK

**CITY OF AMESBURY
IN THE YEAR TWO THOUSAND EIGHTEEN**

SPONSORED BY:


Steven Stanganelli, Councilor-at-Large

BILL No.

2018-073

An Ordinance An Ordinance to Promote Public Safety and Manage Work to be Completed by Public Gas Utilities During Labor Disruptions.

Summary: This measure puts in place a policy to manage emergency and non-emergency gas utility work during periods when a public gas utility is experiencing a labor disruption.

Valid safety concerns have been presented regarding the construction and repair procedures being utilized by National Grid during the current lock-out period by their replacement workers and contractors; and public safety may be jeopardized by inexperienced workers and contractors performing gas line installations and maintenance within the City of Amesbury

Whereas, National Grid serves many residential and commercial natural gas customers within the City of Amesbury; and

Whereas, National Grid has locked out members of the United Steelworkers Locals 12003 and 12012; and

Whereas, National Grid has indicated that during the lock-out period, it will replace experienced union gas workers with management personnel or potentially inexperienced contractors to perform gas pipeline installation and maintenance; and

Whereas, valid safety concerns have been presented regarding the construction and repair procedures being utilized by National Grid during this period by their replacement workers and contractors, including:

- June 28, 2018 in Amesbury when National Grid replacement workers filled in emergency regulator pit valves with sand which is contrary to approved business practices and in the event of an over-pressurization this would mean that there would be no way to shut off the valves
- September 5, 2018 on Allencair Drive in Amesbury when National Grid contractors damaged a municipal water line while excavating a hole to repair a gas line, and
- Details of multiple pipeline safety allegations (49 CFR Part 192.605) outlined in an Exit Letter dated September 27, 2018 by Richard Wallace, Director, Pipeline Engineering and Safety Division of the Commonwealth of Massachusetts Department of Public Utilities to Stephen Bell, Director, Gas Pipeline Safety & Compliance of National Grid including specifically the Corner of Perkins Street, Amesbury; and

Whereas, public safety may be jeopardized in the form of over-pressurization that recently occurred in Woburn, Massachusetts prompting the Commonwealth to place a moratorium on all National Grid work, and

Whereas inexperienced workers and contractors may now or in the future be performing gas line installations and maintenance within the City of Amesbury; and

Whereas, the risk to public safety and property caused by over-pressurization was highlighted by recent incidents in the neighboring communities of Lawrence, Andover, and North Andover; and

Whereas MGL Ch. 164, Section 75, Manufacture and Sale of Gas and Electricity, states, in part, that municipal authorities, and specifically the aldermen or selectmen, or similar body “may regulate, restrict, and control all acts and doings of a corporation which in any manner affect the health, safety, convenience or property of the inhabitants of their towns;” therefore,

Be it Ordained by the City Council of the City of Amesbury assembled and by the authority of the same, as follows:

That at any time that there is a labor disruption caused by a lock-out at the direction of management of National Grid or any successor public gas utility entity, a moratorium will be in effect that restricts the City’s Department of Public Works to issue permits according to the following qualifications and criteria:

- No new, non-emergency gas line work will be allowed except on a case-by-case basis following a process and criteria for providing relief from the moratorium on a case-by-case basis only when and where the Mayor, DPW Director, Inspectional Services Director, and Fire Chief are first satisfied that safe gas work services can be provided; and second sufficient evidence is presented by individuals or entities seeking relief to the Mayor, DPW and Fire Chief to satisfy the following criteria; and third, a majority of the City Council sitting in a regular or special meeting concur:

Qualifications & Criteria:

- Non-emergency permits will NOT be issued unless and until the Department of Inspectional Services can verify that necessary and appropriate licenses and certifications for such work are held by each of those persons performing installations, connections, inspections, or other project services; furthermore, that such contractors or entities are verified to not be under investigation for non-compliance with the state DPU, and further that work be performed under state law, particularly in regards to DPU inspection.
- Non-emergency permits will NOT be issued for work that has not already been presented to Inspectional Services or the Department of Public Works in some tangible form on or before November 30, 2018 or thirty-days after adoption of this ordinance, whichever comes last.
- Non-emergency permits will NOT issue after the City seasonally forecloses all trench and gas work (typically between November 15, 2018 and December 31, 2018 as determined by the City’s usual practice according to weather conditions) under any circumstances unless and until the lockout is terminated by National Grid and a full labor force (both National Grid union workers and contractors) is actively servicing the City.

- Non-emergency permits shall only be issued for those overall projects which were reasonably under way prior to the institution of the moratorium, meaning that moratorium relief will not be granted for projects which stalled or delayed for reasons unrelated to the moratorium.
- Non-emergency permits shall only be issued in those circumstances where a permit seeker can demonstrate substantial harm to their health and safety or livelihood by further delays in permit issuance.
Conditions on Approval:
 - A non-emergency permit seeker must agree to indemnify and hold the City of Amesbury harmless from any and all damages which could arise from the grant of a permit during the current or future moratorium periods.
- The grant of permit is not a guarantee that National Grid, its successors and/or assigns or contractors will in fact perform the work.
- All approvals are subject to the City having sufficient resources to verify the credentials and certifications of National Grid workers and contractors providing services.
- All permits provided during the moratorium will be listed and made for public inspection.

Reference Source:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXII/Chapter164/Section75>