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Suit brewing on Mass. Ave.

ST. JOHN BARNED-SMITH
CONTRIBUTING WRITER

Sometimes, following the letter of the law isn't enough. That's the sentiment of Kenneth Kruckemeyer, Cindy Walling, and Dennis Heaphy, South End residents suing the City of Boston and the state highway department over the proposed reconstruction of Massachusetts Avenue. They believe that the city and state have not done enough to accommodate pedestrian and bicycle traffic in their proposed design.

To make his point, Kenneth Kruckemeyer spreads a series of photographs and drawings out in front of him.

A few of the plans and photos come from as distant a land as South America, the others just a couple blocks away at Columbus Avenue. But all the pictures show spacious sidewalks that are 11 to 15 feet wide and lined with trees that make room for buses, cyclists, and pedestrians.

According to Kruckemeyer, a former commissioner for the Massachusetts Department of Public Works, the proposed redesign of Mass. Ave. lacks all of these features, while potentially endangering residents and negatively impacting the South End for the benefit of suburban commuters.

"Massachusetts Avenue is a main boulevard, not an expressway. It shouldn't look like the Southeast Expressway or Melnea Cass Boulevard," said Andrew Fischer, who along with Glen Berkowitz represents Walling, Kruckemeyer, and Heaphy.

Berkowitz and Fischer are suing the city and state for violating Massachusetts' Pedestrian Bicycle Accommodation Law. The law mandates that new construction "make all reasonable provisions for the accommodation of bicycle and pedestrian traffic in the planning, design, and construction, reconstruction or maintenance of any project undertaken by the [MA Highway] department."

Fischer, who is also a resident of the South End, argued that since the city created its design for the street more than ten years ago, the current plan does not reflect the reality of traffic flow along Mass. Ave.

According to Fischer, the Big Dig draws much of the former traffic away from Mass. Ave., which "undermines any suggestion that we can't accommodate the [current] cars."

The city's proposed design would narrow sidewalks by a foot, while also installing trees in many areas, which would cut sidewalk widths to around three to four feet in some areas, said Kruckemeyer, who added that the move "says we don't care about pedestrians on this vital street."

Also of concern is the lack of a designated bike lane for the street. While Boston Transportation Director Tom Tinlin has argued in the past that a wide, 14-foot right lane would accommodate cyclists, Kruckemeyer argues that wide lanes encourage faster driving.

A dedicated bike lane "would provide a great

deal more safety," he said.

According to Kruckemeyer, a wide lane without additional markings "means a lot more people will get killed when they get hit by a car going 30 miles per hour" because wide lanes unconsciously encourage faster driving.

Safety for other street users is also a major issue for the plaintiffs. Dennis Heaphy commutes in a wheelchair from his home on Mass. Ave. to Boston Medical Center, and already has problems traversing Mass. Ave.

"It makes sense on a main thoroughfare like Mass. Ave. to have wider sidewalks," he said.

Heaphy also felt that other factors, like snow accumulation, would make traveling on the redesigned avenue "impossible."

Cindy Walling echoed Heaphy's concerns.

"It's already difficult [to traverse] at the current condition, but with tree pits, it will be impossible to walk safely," she said, adding it would be especially difficult in winter or on trash day.

Both are concerned about the wider right hand lane.

"To have wheelchair users and elderly citizens within inches of cars going 30 miles per hour is unconscionable," said Heaphy.

The slated removal of many of the traffic islands along the street also worries Heaphy.

"To expect us to cross a major road like that without an island — it's unethical," he said. "I feel like a third class citizen living on Mass. Ave."

For Walling, the model for Mass. Ave. sits just a few blocks away. As the mother of a seven-year-old and a five-year-old, Walling believes a wider sidewalk would help lessen her safety concerns.

"It would be nice to walk down Mass. Ave. as safely as you can down Columbus [on wider sidewalks]," she said.

According to city legal officials, the city is ready to defend the case should it go to trial. Currently, the city is arguing that Kruckemeyer, Heaphy, and Lawling do not have "legal standing" to sue the city.

Bill Sinnott, Corporation Counsel for the City of Boston, believes that governmental organizations have the legal right to sue under the current law, but "the individual does not."

Kruckemeyer, Lawling, and Heaphy believe they do.

"Our goal is not to undermine the city of the Commonwealth," said Heaphy, who added that under the current circumstances, "[the plaintiffs] felt cornered as a community."

This may be the only chance they have. According to Charlie Denison, the advocacy director for Livable Streets Alliance, most Massachusetts streets are redesigned about every thirty years.

"We're at a key opportunity that we can't afford to miss," said Denison. "We need to design the street for everyone, so it serves the needs of today and tomorrow, and if we don't do it right now, we won't have a chance for quite a while."

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Non-Profit

Pathways to Wellness receives "Out of the Blue" grant from The Boston Foundation

BY AVIVA GAT

Pathways to Wellness, a nonprofit holistic therapy provider located at 1601 Washington St., announced Jan. 14 it has been awarded a \$75,000 "Out of the Blue" grant by The Boston Foundation (TBF).

David Trueblood, TBF Director of Public Relations, said his organization acknowledges the difficulty nonprofits encounter in covering all their administrative costs.

"The grant is given to organizations that

we know deeply, that we feel are truly exceptional organizations," said Trueblood of TBF's "Out of the Blue" grants.

Nonprofits cannot apply for the grant and have no idea about their candidacy until the phone rings.

"They call it an 'Out of the Blue' grant because it truly comes out of the blue," said Kristen Porter, Executive Director of Pathways to Wellness, who said the grant will be used to expand Pathways' healthcare programs.

Porter said that as a nonprofit with a unique mission, Pathways does not have many opportunities for funding.

"Having the recognition of The Boston Foundation as well as a gift of unrestricted funds makes a tremendous impact in our ability to solidify infrastructure and expand programming," said Porter. "It's a wonderful testament to the impact that a larger organiza-

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BUSM study discovers potential biomarker for lung cancer

AVIVA GAT
CONTRIBUTING WRITER

Researchers from the Boston University School of Medicine (BUSM) have discovered a new biomarker for lung cancer that could lead to a new, relatively non-invasive way to diagnose the deadly disease while still in its early stages and could ultimately lead to new ways of treatment. The study, led by associate professor of medicine and pathology Dr. Avram Spira, discovered that a molecule called microRNA (miRNA) – which regulates how inherited information is made into a functional gene product—shows changes in airway cells that occur with smoking and lung cancer.

The researchers examined whole genome miRNA and messenger RNA (mRNA) expres-

sion in bronchial cell tissue obtained by a bronchoscopy in both current and non-smokers. Twenty-eight miRNAs were expressed differently in the majority of smokers.

“When you smoke you have a lot of oxidative stress,” said Spira, the study’s senior author. “We found that one of the miRNA that is suppressed by smoking appears to regulate the expression of genes which help cells defend themselves against oxidative stress.”

“These microRNA changes may serve as more robust biomarkers in clinical samples given their role as regulators of multiple mRNAs and their relative resistance to

degradation,” said first author Dr. Frank Schembri, an assistant professor of medicine at BUSM, in a Jan. 13 release.

The miRNAs are not actually part of the

disease, but they are “a window to what is happening more deeply in the lung tissue,” according to Spira. Previously, finding lung cancer required a biopsy, an invasive and uncomfortable procedure. These findings will help doctors determine who is likely to develop lung cancer and could potentially change smokers’ risk of acquiring the disease.

Worldwide, 1.3 billion people smoke cigarettes, yielding five million preventable deaths per year. Smoking is a significant risk factor for lung cancer, which is the leading cause of cancer death in the United States, as well as the world, with more than one million deaths annually. About 85 percent of people with lung cancer are current or former smokers, and 10-20 percent of heavy smokers will develop the disease. Because of the lack of effective diagnostic

biomarkers and the inability to identify which current and former smokers are at greatest risk, lung cancer is most often diagnosed at a late stage when current therapies remain largely ineffective. The study’s researchers hope that miRNA profiles obtained from these cells may serve as a relatively non-invasive biomarker for smoking-related lung diseases.

“The immediate implication is that we can detect it early,” said Spira, who added that in the future the knowledge obtained from the study could be part of the therapeutic process. “We could potentially alter the levels of miRNA, potentially turn on or off the master regulator.”

The study is available in an early online edition of the journal *Proceedings of the National Academy of Sciences* at www.pnas.org.

Beyond

Continued from page 6

special favors for His Honor’s family members courtesy of a huge developer that has made a major footprint on the city landscape—including the building of the city’s police headquarters—the perception of pay-to-play naturally comes to mind and taints Menino’s reputation as the proverbial good guy and workaholic, urban mechanic.

It all shows a little too much hubris on the part of a local chief executive who probably figures his reelection is all but guaranteed.

But the election is still many months away; and in an unprecedented recession like this one an incumbent who takes too many liberties—as technically legal as they may be—may find himself suddenly facing a real race on his hands.

Kevin John Sowrdya is a political columnist who writes for *South End News* and *Bay Windows*, as well as other publications. He can be reached at kevinsow@aol.com.

City Streets

Continued from page 6

results of every City Hall worker, and weed out the overpaid, under-qualified political hires. Let’s compare city job salaries with other cities and with the private sector. Let’s audit all the overtime, all the illegal bonuses, all the moonlighting hours with politically connected private companies, all the hundreds of millions of dollars in no-bid contracts (many of which pay laid-off employees as “consultants”) and all the bogus jobs that are budgeted, not to be filled, but to create handy slush funds.

It’s time to get a grip on the finances at City Hall; the very first step is to post every document online in searchable form, so all the citizens can be watchdogs. Does Boston really need more money? I still don’t think so.

Shirley Kressel is a landscape architect and urban designer, and one of the founders of the *Alliance of Boston Neighborhoods*. She can be reached at Shirley.Kressel@verizon.net.

Nonprofit

Continued from page 4

tion like The Boston Foundation can make for a smaller, community-based organization like Pathways.”

One way Pathways plans to expand its programming is by establishing an additional site to provide more services, which will focus on community-style acupuncture.

Pathways has been providing free and low-cost holistic care to critically ill, low-income and uninsured members of the community for twenty years, providing 14,000 treatments to over 1,300 clients annually. Pathways also operates satellite clinics at major hospitals and health centers throughout the Greater Boston area to provide services to underserved populations such as veterans, refugees and the disabled.

Because traditional funding mechanisms do not support holistic medicine, grants are exceedingly important for Pathways to continue

serving the Boston community.

“Ensuring access to care is a public health initiative,” said Porter, who said the programs Pathways provides aid a person’s wellness, body, mind and spirit.

As one of the nation’s oldest and largest community foundations, TBF has an endowment of more than \$900 million. Last year TBF made grants of more than \$92 million to nonprofit organizations and received gifts of \$155 million. The foundation, made up of about 850 separate charitable funds, serves as a civic leader and sponsor of special initiatives designed to build the community.

The “Out of the Blue” grant, given out four times a year, has previously been awarded to The Access Foundation, the Early Education for All Campaign, Third Sector New England and the Charles River Conservatory.

“They are wonderful follow-ups,” said Trueblood. “With each one, you find out what a really creative bunch of people could do with \$75,000.”



Pet of the Week





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Pet of the Week is a regular series sponsored by **Steven Cohen**



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