



CITY OF CONCORD
NEW HAMPSHIRE
Community Development Department
Engineering Services Division

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Edward L. Roberge, PE
City Engineer

CITY OF CONCORD
POLES AND WIRES COMMITTEE

MEETING MINUTES

MAY 18, 2012 – 2:00 PM
2ND FLOOR CONFERENCE ROOM, CITY HALL

ATTENDEES

Ed Roberge, City Engineer
Chip Chesley, Director, General Services
Paul Gendron, City Surveyor
Sue Golden, Appraiser
Jay Dunn, Waveguide
Kath Mullholand, segTEL

CALL TO ORDER

Ed Roberge called the meeting to order and explained that the Poles and Wires Committee has three members, the City Engineer, that being himself, the Director of General Services, that being Chip Chesley also in attendance, and the Planning Director, that being Gloria McPherson, who was not in attendance. He indicated that there was a quorum, and then briefly outlined the agenda.

Paul Gendron indicated to that representatives of two of the companies with applications before the committee were in attendance. For the benefit of the applicants, the committee of Ed Roberge and Chip Chesley, and staff support in attendance, Paul Gendron and Sue Golden, introduced themselves. Kath Mullholand of segTEL, and Jay Dunn, of Waveguide, introduced themselves.

APPROVAL OF 3/30/12 MEETING MINUTES

Mr. Roberge noted that Mr. Chesley was not at the last meeting, and because Gloria McPherson was absent from the meeting, the approval of the March 30, 2012, meeting

minutes should be deferred to the next scheduled meeting. Mr. Gendron stated that the next meeting is scheduled for September 21, 2012.

PRELIMINARY APPLICATIONS TABLED FROM MARCH 30, 2012 MEETING

1. Waveguide, Inc., requests for licensure of attachments to and utilization of existing poles and underground conduit, all within a City right-of-way.
South Street, Clinton Street, South Fruit Street, Pleasant Street, Hopkinton Road [State Responsibility], Warren Street, Holt Street, School Street, Pine Street, Washington Street, North Main Street, Horseshoe Pond Lane, North State Street, Fisherville Road, Village Street, Commercial Street, Delta Drive, Institute Drive [State Responsibility], Fan Road [State Responsibility], Allison Street, South Main Street, Gas Street, Water Street, Manchester Street, Old Turnpike Road, Ripley Street, Airport Road, Loudon Road, Grover Street, Pembroke Road, and Sheep Davis Road [State Responsibility].

Mr. Gendron explained that the Committee, at its March 30 meeting, tabled action on the Waveguide petitions due to the petitions and supporting documents being submitted on that day. He explained that staff did not have sufficient time to review the information and make recommendations to the committee. He also stated that the committee had voted to reschedule this meeting by moving it up from the June 15 date, to expedite the approval due to Waveguide's proposed construction schedule.

He stated that since the last meeting on March 30, he had reviewed the routes as submitted by Mr. Dunn, had submitted comments and questions to Mr. Dunn, and had received feedback from him. Mr. Gendron also stated that he had spoken with Rick Wollert, staff support from the Concord Fire Department, on Wednesday, May 16, and Mr. Wollert indicated that he had no further concerns for this application.

Mr. Gendron then briefly highlighted all of the routes in the petitions by referring to the map that Mr. Dunn had provided.

In his presentation, Mr. Dunn stated that they would like to start construction on the main backbone, or Primary 15, within the next two weeks. He stated that Primary 14 and Lateral 5 would be next within the next several months, and Primary 3 would be the last construction.

Mr. Roberge reminded the committee and Mr. Dunn that a redundant pole line on the east side of North State Street is programmed for removal this construction season (2012) in conjunction with the City's US Route 3 Reconstruction Project. Mr. Dunn acknowledged that he was aware of the reconstruction project and the redundant pole line, and that he was working with the pole owners to ensure that he was on the correct side of the road.

Mr. Roberge briefly discussed the US Route 3 corridor as it pertains to the Penacook village area known as Phase 5. Mr. Roberge indicated that the City has had discussions with the pole owners about placing the overhead utilities underground between Meter Street and the bridge over the Contocook River.

Mr. Gendron recommended that all of the applications be approved with the following condition:

That the (Company name) shall make an annual report to the Poles and Wires Committee informing it of the progress of its infrastructure as of April 1, 2013, and every April thereafter until the infrastructure subject to this petition is completed, at which time (Company name) shall notify the Committee of its completion of the project.

Mr. Gendron recommended that the applications for North State Street, Fisherville Road, and Village Street be approved with the first condition and the following condition:

That the (company)'s installation along North State Street, Fisherville Road, and Village Street shall utilize the main line run and not the redundant pole line.

Mr. Gendron recommended that the application for Village Street be approved with the previous two conditions and the following condition:

That the City reserves its rights to require all utilities, including the infrastructure subject to this license, to go underground as part of the City's Penacook Streetscape Project.

Mr. Roberge made a motion to accept Mr. Gendron's recommendation that the applications be approved with the conditions. Seconded by Mr. Chesley and all concurred.

2. segTEL, Inc., requests for licensure of attachments to and utilization of existing poles and underground conduit, all within a City right-of-way.

East Side Drive, Loudon Road (2 sections), Grover Street, Old Loudon Road, Canterbury Road, Branch Turnpike, and Pembroke Road (2 sections).

Mr. Roberge opened the second preliminary item. Mr. Gendron briefly explained that this item was also tabled at the March 30, 2012, Poles and Wires meeting due to the limited information on the previously installed Fibertech network, as well as changes to the petitions not previously posted on the meeting agenda. Mr. Gendron reminded the committee that prior to, and while attending the last meeting, Kath Mullholand had stated that she did not know where the Fibertech fiber was located within the City. She acknowledged that segTEL had purchased Fibertech, but told Mr. Gendron that there was a stipulation that Fibertech was still responsible for the plant within the City and she gave him a contact name at Fibertech, Gary Muisus.

Mr. Gendron indicated that he contacted Mr. Muisus and asked him for information related to the location of their network within the City. Mr. Gendron informed Mr. Muisus, by email, that Ms. Mullholand stated that Fibertech was still responsible for the Concord infrastructure. In two phone messages from Mr. Muisus, he stated that he had pretty good knowledge of the route in Concord and was surprised by the statement from Ms. Mullholand that Fibertech was still involved. He stated that he was unaware of the stipulation and that when Fibertech was bought by segTEL, they

transferred all of their records and that segTEL had assumed all of the responsibility for the Concord network. Mr. Gendron stated that Mr. Muisus emailed a set of plans showing the location of the fiber. Mr. Gendron stated that he then conducted additional research of City records to determine whether he could locate any petitions or licenses. No records were found, and in response to the communications between himself and Mr. Muisus, Mr. Gendron then sent Ms. Mullholand an email on May 8, indicating that he had contacted Mr. Muisus, that Mr. Muisus was unaware of the conditions as stated by Ms. Mullholand, and that he believed that Fibertech was no longer involved in Concord. Mr. Gendron also asked Ms. Mullholand to prepare the petitions for the Fibertech and submit for approval, if she is unable to produce executed copies of petitions and licenses from the City. Mr. Gendron then stated that Ms. Mullholand neither contacted him in response to that email nor submitted previously executed licenses or new petitions. Ms. Mullholand stated that she had written assurances from Fibertech that they had obtained the proper licenses and would follow up with her contact person at Fibertech. She indicated that if they do not locate any documents, she would prepare petitions and licenses for the route. Mr. Roberge stated that the Committee would take an action on them at the next meeting.

Mr. Gendron, using the GIS map that staff had prepared, outlined the existing routes that segTEL had already constructed, and then outlined the proposed routes that were submitted for the meeting. Mr. Gendron also outlined the Fibertech plant, which was purchased by segTEL.

Mr. Gendron pointed out that a section of the proposed route along Pembroke Road had two petitions. One petition is exclusive for attachment to poles from Grover Street to the town line, and a second petition proposes approximately eleven hundred (1,100') feet of conduit in the vicinity of 162 Pembroke Road to 172 Pembroke Road. Mr. Gendron asked Ms. Mullholand if the conduit in the vicinity of 162 to 172 Pembroke Road was in addition to attaching to the poles that are located along that stretch of road. Ms. Mullholand stated that it would be one or the other and that they were reviewing the make ready work to determine if they would utilize the poles in the vicinity of 162 to 172 Pembroke Road, or install the proposed conduit. Mr. Roberge asked her when they might know. She stated that they were still reviewing the information and she would contact her excavator.

Mr. Roberge stated that the committee had concerns with the excavation being located outside of the public right of way, and also with the potential for multiple utility conflicts and asked if the contractor, Nextgen, planned to directional bore or open dig. Ms. Mullholand stated that she didn't know the difference and would contact her contractor. Mr. Roberge explained the difference and also stated that the conduit should be at least 36" deep, but he would ask the contractor to go 39" deep in the event Pembroke Road is ever reconstructed. Mr. Roberge also explained that in accordance with City Ordinance, an additional conduit for City use would need to be installed, but the Committee would waive that requirement as the City is already attached to the poles in the area. Mr. Roberge also stated that installing the conduit by directional

boring was not likely due to the many utilities in the area, and that the excavation permit will require that the conduit be installed by open dig.

Mr. Gendron stated that at the request of the committee at the last meeting, he had contacted Unutil to check on the status of their make ready work. He indicated that Unutil responded by stating that they and Fairpoint were aware of the applications and had either surveyed them or had scheduled the work. Mr. Gendron also stated that he had spoken with Mr. Wollert, and that he had no further concerns for these applications.

Mr. Gendron recommended that the applications be approved with the condition that segTEL shall make an annual report to the Poles and Wires Committee informing it of the progress of its infrastructure as of April 1, 2013, and every April thereafter until the infrastructure subject to this petition is completed, at which time segTEL shall notify the Committee of its completion of the project. Mr. Roberge made a motion to accept Mr. Gendron's recommendation that the application be approved with the condition. Seconded by Mr. Chesley and all concurred.

PRELIMINARY APPLICATIONS

1. **Bayring Communications, request for licensure of attachments to and utilization of existing poles and underground conduit, all within a City right-of-way.**
Loudon Road.

Mr. Gendron explained that Bayring had submitted a map and petition requesting a license to attach to existing poles by extending its existing plant. The particular run will start near the intersection of Loudon Road and Hazen Drive, and extend westerly along existing poles on Loudon Road. In the vicinity of 6 and 8 Loudon Road, they will go underground to the westerly side of 8 Loudon Road. Based on their initial submission, Bayring has been cautioned about a possible encroachment onto the private property known as 8 Loudon Road. Mr. Gendron indicated that he had spoken with Mr. Wollert, staff support from the Concord Fire Department, on Wednesday, May 16, and Mr. Wollert indicated that he had no concerns for this application.

Mr. Gendron recommended that the application be approved with the condition that Bayring shall make an annual report to the Poles and Wires Committee informing it of the progress of its infrastructure as of April 1, 2013, and every April thereafter until the infrastructure subject to this petition is completed, at which time Bayring shall notify the Committee of its completion of the project. Mr. Roberge made a motion to accept Mr. Gendron's recommendation that the application be approved with the condition. Seconded by Mr. Chesley and all concurred.

At this time the segTEL application was opened again to discuss an item that was noticed during the Bayring presentation. Mr. Gendron stated that segTEL should modify its Pembroke Road aerial petition to remove the section that is actually known as North Pembroke Road, which is on the east side of Sheep Davis Road. Also, an

additional petition should be submitted for North Pembroke Road. Mr. Roberge stated for the record the proposal by Mr. Gendron for the modification of the Pembroke Road petition, and the addition of the North Pembroke Road petition, and stated that there was no objection. Ms. Mullholand concurred. Mr. Gendron stated that he and Ms. Mullholand can finalize the paperwork next week.

FINAL APPLICATIONS

1. Northern New England Telephone Operations, LLC (Fairpoint) and Public Service of New Hampshire, request for licensure of one (1) new pole on Hot Hole Pond Road, within a City Right-of-Way.
Hot Hole Pond Road.

Mr. Gendron explained that the application is for one pole on the west side of Hot Hole Pond Road in the vicinity of the State parking area at the Hot Hole Pond. The application indicated that a customer at 74 Hot Hole Pond Road had made a complaint about the wires crossing their property. Mr. Gendron indicated that a site visit confirmed that the wires are close to the home. A review of the City's GIS indicates that the house appears to be located within the public highway right-of-way. This situation would explain why the wires are close to the home. The applicant proposes placing a pole on the west side of the street to relocate the wires away from the house. Mr. Gendron recommended that the application be approved. Mr. Roberge made a motion to accept the recommendation. Seconded by Chip Chesley. The license petition was approved.

At this time Ms. Mullholand stated that she just received a text from her contractor, Nextgen, and that they did plan to excavate along Pembroke Road instead of directional bore. Mr. Roberge acknowledge the information

OLD BUSINESS

1. State of NH Department of Transportation fiber optic cable installation project along Interstate Route 93 corridor.
South Main Street, Hall Street, Manchester Street, and Black Hill Road.

Mr. Roberge briefly explained the State's project and indicated that staff has had conversations with Ms. Marcoux of the NHDOT. He stated that the project is funded and the State is moving forward. Ms. Golden asked if the project will be taxable. Mr. Roberge stated that he was monitoring the project, but wasn't sure who will own the final product.

NEW BUSINESS

1. Streamline Maintenance Group, on behalf of Bayring Communications, request for feedback related to installation of attachments and underground conduit, all within a City right-of-way.

Langley Parkway.

Paul Gendron reported that Streamline Maintenance Group and Bayring Communications approached the City to inquire whether directional drilling or open trenching within Langley Parkway would be acceptable to the City. They propose going underground from Clinton Street to the pole set at the northerly end of Langley.

Mr. Roberge stated that he had concerns with the installation of conduit within Langley Parkway and listed the following issues or reasons: there is no digging within the pavement as the roadway is subject to an excavation moratorium, the retaining wall at the north end will contribute to construction issues, the guard rail will contribute to construction issues, and the under-drain will be an issue. He noted that the City had reached out to utility companies prior to construction and the City received no interest in being in the roadway. Mr. Chesley agreed that there would be a lot of hurdles to clear to construct in the roadway. Mr. Roberge stated that he would reach out to Bayring to discuss the request further and whether alternatives were available.

INFORMATION

1. New Hampshire Department of Environmental Services Wetlands Bureau and Public Service of New Hampshire, Utility Maintenance Notification of routine vegetative management to ensure electrical system reliability of electric / overhead lines.
Various locations.

Mr. Roberge briefly described the application. He asked Mr. Gendron if notifications to abutters had taken place. Mr. Gendron stated that the City did not notify anyone about the application and that it was a State DES issue. Mr. Roberge asked Mr. Gendron to reach out to PSNH's Jeff Enman and ask if the abutters to the work, out of courtesy, could be notified of the work. Mr. Gendron stated that he would.

NEXT MEETING

Mr. Gendron noted that the next meeting is scheduled for September 21.

ADJOURNMENT

There being no further items to discuss, Mr. Chesley made a motion to adjourn and was seconded by Mr. Roberge.