



CITY OF CONCORD
NEW HAMPSHIRE
Community Development Department
Engineering Services Division

City Hall • 41 Green Street • Concord, NH 03301 • tel. (603) 225-8520 • fax (603) 230-3630

Edward L. Roberge, PE
City Engineer

CITY OF CONCORD
POLES AND WIRES COMMITTEE

MEETING MINUTES

MARCH 30, 2012 – 2:00 PM

2ND FLOOR CONFERENCE ROOM, CITY HALL

ATTENDEES

Ed Roberge, City Engineer
Gloria McPherson, City Planner
Steve Henninger, Assistant City Planner
Rick Wollert, Concord Fire Dept.
Paul Gendron, City Surveyor
Tracy Botelho, Waveguide
Jay Dunn, Waveguide
Kath Mullholand, segTEL

Paul Gendron indicated to the committee that representatives of the two companies with applications before the board were in attendance. For the benefit of the applicants, the committee of Ed Roberge and Gloria McPherson, and staff support in attendance, Paul Gendron, Rick Wollert, and Steve Henninger, introduced themselves. Kath Mullholand of segTEL, and Tracy Botelho and Jay Dunn, both of Waveguide, introduced themselves.

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 City Planner, that being Gloria McPherson also in attendance, and the Director of General Services, that being Chip Chesley, who was not in attendance. He indicated that there was a quorum, and then briefly outlined the agenda.

APPROVAL OF 12/16/11 MEETING MINUTES

Gloria McPherson moved to approve the 12/16/11 Poles and Wires Committee meeting minutes. Ed Roberge seconded the motion. The motion to approve the minutes was unanimously approved.

PRELIMINARY APPLICATIONS

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], Interstate Route 393 [State Responsibility], Fort Eddy Road, Loudon Road, Airport Road, Manchester Street, Old Suncook Road, Blodgett Street, Pembroke Road, and Sheep Davis Road [State Responsibility].

Paul Gendron explained that Waveguide had submitted a map showing the proposed route locations and that Mr. Dunn had submitted, just prior to the start of the meeting, the petitions for the main backbone of the project. Mr. Gendron indicated that because the City had just received the petition packages this day, the documents had not been reviewed by staff nor had staff reviewed the make ready applications, or had the opportunity to review the proposed routes in the field. Mr. Gendron then briefly highlighted all of the routes by referring to the map that Mr. Dunn had provided.

In his presentation, Mr. Dunn requested that the committee focus its review efforts on the petitions for the main backbone of the project as shown as the Primary-15 on the reference map, which includes South Street, Clinton Street, Warren Street, northeasterly towards North Main Street, then north to North State Street, then Fisherville Road and Village Street to the Concord/Boscawen town line. Mr. Dunn reported that all of the Fairpoint licenses had been approved and he indicated that some of the licenses through Unitil had been obtained and others remain under review at this time pending a letter of authorization.

Mr. Gendron reminded the committee and Mr. Dunn that a redundant pole line on the east side of North State Street (US Route 3), between Penacook Street and Rumford Street and between Hillcrest Avenue and Lake Street, is programmed for removal this construction season (2012) in conjunction with the City's US Route 3 Reconstruction Project. Mr. Gendron explained that segTEL had installed their plant on the redundant line despite notice in the approved license petitions in 2011. Mr. Gendron stated that Waveguide needed to make sure that their make ready application specified its installation would be on the west side of Route 3, not on the east side of Route 3 where poles are to be removed. 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. Gendron pointed out that both applicants, Waveguide and segTEL, have submitted petitions along the same roads, such as the Route 3 corridor and Pembroke Road. Mr. Wollert suggested that the petitions submitted by the applicants, particularly along Pembroke Road, be coordinated so that the City's make ready work is done once.

Mr. Roberge asked Mr. Dunn what his projected work schedule is. Mr. Dunn responded that they would like to start the main backbone of the project within 2 - 3 months.

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 been discussing placing the overhead utilities underground with the utility companies within the defined downtown village area, generally along Village Street from Coral Street northerly to the Contoocook River. Mr. Wollert advised that all applicants should keep this in mind and that provision should be made in their installation to accommodate the conversion from aerial installation to underground installation by including slack in their system installation.

Mr. Roberge indicated that although final design of the Penacook section of the Route 3 project is not scheduled to begin prior to July 1, 2012, he indicated that a utility coordination meeting would be held shortly and that Mr. Dunn would be invited to continue utility relocation planning for the next phase of the capital project.

A brief discussion followed related to the location of Waveguide's cable on the poles. Mr. Dunn and Mr. Wollert confirmed that Waveguide would be above Fairpoint, Comcast, and segTEL, but below fire alarm cable along the main backbone locations.

Mr. Henninger expressed concern of the possibility of losing significant utility service with one major incident given that all of the communication systems are being placed on the same pole line.

Mr. Roberge recommended, given that the petitions and supporting documents were submitted the same day of the committee meeting, that consideration of the Waveguide petition applications be tabled at this meeting. Mr. Roberge stated that where staff had not had sufficient time to review the information and make recommendations to the committee, asked Mr. Gendron whether the one week notice for the posting of the agenda was sufficient. Mr. Roberge suggested that staff change the agenda notification to two weeks so that sufficient time was available to review the application documents. Mr. Gendron asked that if upon the posting of the agenda two weeks before a scheduled meeting, did that mean that anything

submitted after that date would not be added to the agenda. Mr. Roberge and Ms. McPherson indicated that would be appropriate.

Mr. Roberge asked Mr. Dunn if granting final approval at the next meeting scheduled on June 15 would crowd things for his projects or cause serious concerns for the projects. Mr. Dunn indicated that they were hoping to start construction in the next couple of months. Mr. Roberge stated that the committee schedule was flexible and suggested that the next meeting be moved up to May to accommodate Waveguide's requested construction schedule.

Mr. Roberge moved that Waveguide's applications be tabled at this meeting and be considered at a May meeting to be scheduled by Mr. Gendron. Ms. McPherson seconded the motion. The motion carried unanimously and action on the Waveguide license petitions was tabled.

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, Grover Street, and Pembroke Road.

Mr. Roberge opened the second preliminary application and Ms. Mullholand asked for a point of order. Ms. Mullholand indicated that segTEL is a competitive local exchange provider and as such, requested that only the Poles and Wires committee members be present for its review of the segTEL applications. Ms. Mullholand stated that Waveguide is a competitive provider as well, therefore she asked for the Waveguide representatives to leave the meeting. Mr. Roberge stated that the meeting is a duly noticed open public meeting in which anyone may attend. Ms. Mullholand cited the Right to Know law, and also stated that some of her statements may be confidential.

Given the unusual circumstances of this request, Mr. Roberge suspended the meeting to consult with the City Solicitor.

Mr. Roberge returned to the conference room with City Solicitor James Kennedy, and reconvened the meeting. Mr. Roberge reiterated the request by Ms. Mullholand and asked her for clarification and her reasoning for the request. Based on the brief discussion, City Solicitor Kennedy explained the Right to Know Law and indicated that such requests were not an appropriate basis for the committee to go into a non-public session to consider the applications. Ms. Mullholand stated that there may be some questions asked by the committee that she will not answer if a competitive company is in the room. Mr. Roberge acknowledged her statement and indicated that the committee can only evaluate the application petitions based upon the information provided and that Waveguide's representatives would not be asked to leave the meeting. City Solicitor James Kennedy then exited the meeting.

Returning to the subject matter, Mr. Gendron explained that segTEL had submitted several applications and indicated that the agenda item as posted did not reflect all

of the streets that segTEL submitted petitions for. He stated that Ms. Mullholand had made a submission prior to the finalization of the agenda and at that time she also had questions as to the status of some of the streets and whether the City had jurisdiction or if the State did. Mr. Gendron indicated that he had informed Ms. Mullholand that the City had jurisdiction. Mr. Gendron stated that in addition to the streets listed on the final agenda, segTEL had subsequently submitted petitions for Canterbury Road, Branch Turnpike, and Old Loudon Road after the agenda was posted.

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 explained that a company named Fibertech, which was recently purchased by segTEL, had installed fiber within the City sometime around 2005 and that no license documentation was available at the City, and that staff was not certain of the location of the fiber, which streets it was located in, and whether the installation was aerial or underground. Given that the segTEL applications were for proposed systems extending the existing fiber optic plant by others, staff requested that segTEL provide more information related to the existence and proposed uses of the fiber systems. Mr. Gendron stated that he had previously asked Ms. Mullholand for information as to the exact location of the Fibertech route, but that she had referred him to Fibertech personnel noting that segTEL had purchased only certain Fibertech assets but that as a condition of the purchase, Fibertech was still responsible for some of its plant. Mr. Gendron indicated that at the time of this meeting, that information still had not been provided.

Mr. Gendron stated that the Old Loudon Road petition ended in the vicinity of the Unitil substation. When asked if the proposed system terminated at the private site to provide service or if it simply terminated within the right-of-way for future expansion, Ms. Mulholland stated she couldn't answer the question. Mr. Roberge asked if she couldn't answer the question because she didn't know the answer or she knew the answer but did not want to state it. Ms. Mullholand affirmed the latter. Ms. McPherson asked if their system terminated with a drop to the site. Ms. Mullholand confirmed that a service drop extends into the private property.

Mr. Gendron then explained that in addition to the aerial petition along Pembroke Road, segTEL had also submitted a petition for an underground line between 162 Pembroke Road, to a location just west of Industrial Park Drive, and being approximately 1100 feet long. Ms. Mullholand stated that their contractor, NextGen, had applied for a permit and was approved by DigSafe. She stated that they had a start date of April 16 and would finish the project on April 17. Mr. Gendron informed Ms. Mullholand that DigSafe does not approve construction projects, it only notifies utility owners, such as the City of Concord, of a request to excavate. Mr. Gendron also informed the segTEL representative that the City issues the permit to excavate within a public right-of-way and had not yet done that with this request.

Rick Wollert asked if all of the make ready surveys were complete. Ms. Mullholand stated that she had all of the required licenses from Unitil. Mr. Wollert noted that he has not yet received any make ready sheets and asked Ms. Mullholand for copies of the make ready sheets so he could start the City's part of the make ready work as soon as possible so as not to delay segTEL's construction schedule.

Mr. Roberge noted that generally if all the licenses are in place, then all of the make ready work had been completed. Mr. Roberge asked Mr. Gendron to contact Jon Shannon of Unitil to confirm that the make ready work was complete for this request.

Mr. Roberge reiterated that the City had no information related to the Fibertech plant within the City and asked if the Loudon Road section was part of the assets that segTEL purchased. Ms. Mullholand replied that she does not know. Mr. Roberge stated that this is important information for the City to have for taxation purposes.

Mr. Roberge made a motion to table action on the application petitions given the limited information on the previously installed Fibertech network as well as changes to the application petitions not previously posted on the meeting agenda. The motion to table the applications until a May meeting will enable the City to research and review what Fibertech plant was licensed and constructed and what the purpose of the completed system is. Gloria McPherson seconded the motion. After a brief discussion, the motion was unanimous to table any action on the license petitions.

Ms. Mullholand asked where is the rule that says how the City can deny an application. She stated that the City has no authority to deny the application.

Ed Roberge stated that the City is not denying the application but was tabling the consideration of the request given the lack of information related to the applications at the time of the meeting. Mr. Roberge did indicate that the Poles and Wires Committee is charged by the City Council through Ordinance and has the authority to approve, deny, or in this case, delay a license approval when there is a lack of information before this Committee to issue a license.

Ms. Mullholand stated that it shouldn't matter where the Fibertech cable is located; she submitted a proposal to the committee and that is what she is asking to be approved. She stated she didn't see how the City could condition the approval on the Fibertech installation.

Mr. Roberge stated that he did not say anything about conditioning the approval, just that the committee did not have all the information it needs at the current time to approve the request.

FINAL APPLICATIONS

1. Unitil Energy Systems, Inc. and Fairpoint New England, Inc., Request for Licensure of one (1) new pole on Fisherville Road, within a City Right-of-Way.
Fisherville Road.

Paul Gendron explained that the application is for one pole on the west side of Fisherville Road just north of Cremin Street, and it was placed to facilitate the conversion of a building to a restaurant. Ed Roberge stated that Engineering Services Division staff had met with Unitil personnel to review the placement of the pole. Mr. Gendron recommended that the application be approved. Mr. Roberge made a motion to accept the recommendation. Seconded by Gloria McPherson. The license petition was approved.

2. Unitil Energy Systems, Inc. and Fairpoint New England, Inc., Request for Licensure of two (2) new poles on South Main Street, within a City Right-of-Way.
South Main Street.

Paul Gendron explained that the application is for two poles on the west side of South Main Street just south of the Interstate 93 Exit 12 interchange. The poles are located westerly of Unitil's South Main Street substation. Mr. Gendron recommended that the application be approved. Ed Roberge made a motion to accept the recommendation. Seconded by Gloria McPherson. The license petition was approved.

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.

Paul Gendron reported that staff was still in communications with the State with respect to the location and final ownership of this project. Rick Wollert indicated that 3 or 4 State agencies, including the Department of Transportation, the IT (Information Technologies) Department, and Homeland Security, have been involved in the planning of this project. He also indicated that he was under the impression that the proposed network would be privately owned and maintained, and that the State would be leasing space. Ed Roberge indicated that staff would continue being involved and would report any progress at the next Poles and Wires meeting.

NEW BUSINESS

None.

NEXT MEETING

Paul Gendron noted that pursuant to an earlier request, he would review the committee member's schedules and set up the next meeting in May, instead of the previously scheduled meeting of June 15, 2012.

Kath Mullholand then asked Ed Roberge if she could ask another question. Mr. Roberge answered in the affirmative. Ms. Mullholand asked in reference to segTEL's applications whether the committee had any safety or traffic related concerns. Mr. Roberge responded that with respect to safety concerns, segTEL is required to coordinate with the utility pole owners and other existing utilities on the poles to ensure that the make ready work and the installation proposed is applied for, engineered, and properly conducted in the field. Mr. Roberge added that Concord staff works closely with the area utilities to communicate and coordinate this work. With respect to traffic concerns, Mr. Roberge stated that he was not aware of any major issues in the past, but that segTEL's contractor should be aware of work being conducted at major intersections and within the City's right-of-way. Contractors are generally required to provide police patrols and most do for their work. Ms. Mullholand acknowledged these recommendations.

ADJOURNMENT

There being no further items to discuss, Edward Roberge made a motion to adjourn and was seconded by Gloria McPherson.