



CITY OF CONCORD
New Hampshire's Main Street™
Community Development Department

Edward L. Roberge, PE
City Engineer

**CITY OF CONCORD
POLES AND WIRES COMMITTEE**

MEETING MINUTES

**JUNE 16, 2017 – 2:00 PM
2ND FLOOR CONFERENCE ROOM, CITY HALL**

ATTENDEES

Ed Roberge, City Engineer
Beth Fenstermacher, Assistant City Planner
Paul Gendron, City Surveyor
Sue Golden, Deputy Assessor
Richard Wollert, Concord Fire Department

CALL TO ORDER

Ed Roberge called the meeting to order. Mr. Roberge noted that City Planner Heather Shank was absent from the meeting so he made a motion to suspend the rules and acknowledge that Ms. Shank designated and authorized Beth Fenstermacher, Assistant City Planner, to serve in her capacity. There being no objections, it was approved that Ms. Fenstermacher and Mr. Roberge constituted a quorum.

APPROVAL OF 3/21/17 MEETING MINUTES

Mr. Roberge opened the item. Mr. Roberge moved to approve the 3/21/17 Poles and Wires Committee meeting minutes. Seconded by Ms. Fenstermacher. Sue Golden commented on the 3/21/17 minutes and stated that following the discussion regarding taxing the 186 Communications / Waveguide fiber plant line crossing over private property owned by the Salvation Army between Sheep Davis Road and Industrial Park Drive, Assessing determined that the line would not be taxed for the portion of its fiber plant crossing private property. There being no further comments, the motion to approve the minutes was unanimously approved.

Mr. Roberge asked Paul Gendron to briefly outline the agenda. Mr. Gendron stated that there were three new items on the agenda. The three new items consisted of two items for segTEL / Firstlight, and one item for the State of New Hampshire, National Guard.

FINAL APPLICATIONS

1. segTEL, Inc., d/b/a FirstLight Fiber, Request for Licensure of fiber within a City Right-of-Way
Rumford Street

Mr. Gendron stated that this application is for fiber on Rumford Street to serve the former Lincoln National Life Insurance Company building recently purchased by Steve Duprey. Mr. Gendron indicated that as part of the construction of a new courthouse on Court Street, and the demolition of the registry of deeds building, county personnel were moving from the registry building to Steve Duprey's building on Granite Place until the new courthouse is constructed and the existing courthouse is remodeled.

Mr. Gendron then explained that there had been confusion between himself and the person from segTEL, Linda Danahy, who was coordinating this particular project and that segTEL had actually installed their fiber this past Monday, June 12, 2017, on three poles northerly of Penacook Street. He went on to explain that there have been several acquisitions over the past few years with the fiber optic companies that are currently located in the City. Since 2010, the City has licensed several different entities such as Freedom Ring Communications, dba Bayring Communications, segTEL, segTEL, dba FirstLight, Oxford Networks, NH Optical Systems, and 186 Communications. He stated that Oxford Networks had purchased Bayring Communications, and that segTEL had recently purchased Oxford. He suggested that the confusion might have been a result of dealing with new people that are not familiar with the City's procedure for licensing. He stated that after the City became aware of the fiber being installed he informed Ms. Danahy that any future installations on different projects also needed City approval after they secured approvals from the pole owners.

Mr. Gendron recommended that the application be approved due to it being installed as originally proposed. Ms. Fenstermacher made a motion to accept Mr. Gendron's recommendation. Seconded by Mr. Roberge. The license petition was approved.

2. segTEL, Inc., d/b/a FirstLight Fiber, Request for Licensure of fiber within a City Right-of-Way
Fayette Street, South State Street, Thompson Street, South Main Street, Theatre Street, and Storrs Street

Mr. Gendron stated that this application is for fiber on Fayette Street, North State Street, Thompson Street, South Main Street, Theatre Street, and Storrs Street. He indicated that

this application was originally submitted to Unitil and Fairpoint by the company known as Oxford Networks. He stated that he and Rick Wollert had conducted several site visits to better understand the proposal as submitted in conjunction with the recently completed Main Street Improvement Project. Mr. Gendron also stated that he had many conversations by email and phone with the project coordinator, Mary George, and the Outside Plant Engineer, Shawn Smith, who came over to segTEL via Oxford. Mr. Smith has indicated that their client for this project is the Capital Center for the Arts. When asked by Mr. Gendron why they were proposing to build down to the intersection of South Main Street and Water Street, Mr. Smith had responded that they wanted to build now in the event they can secure more clients in the future. Based on conversations between Mr. Gendron and Mr. Wollert, Mr. Gendron stated that he had a conversation with Mr. Smith and informed him that segTEL was licensed for fiber along Concord Street, South Main Street, and Theatre Street, and that that plant had already been installed. Mr. Gendron stated that he advised Mr. Smith that internal conversations had already taken place regarding the City's concerns with the proposal to install new fiber from Fayette Street, to South State Street, to Thompson Street, to get to South Main Street, when segTEL plant was already in place at South Main Street.

Mr. Gendron showed the Committee a map that was prepared by Mr. Smith. He indicated that the primary fiber optic route is to be installed on the west side of South Main Street, but that the make ready work included many poles on the east side of South Main Street. He stated that the map includes a note that states "Poles on east side are for future orders if Firstlight service is requested when build is complete." Mr. Roberge stated that any plant built across South Main Street from the west to the east is separate work and is not a part of this application. He stated that connection to any poles on the east side of the street shall be considered unique at each location and shall be licensed by this Committee prior to any installation. He also went on to say that the poles on the east side are service poles only, and a redundant pole or fiber line on the east side will not be permitted or approved. He stated that FirstLight will not be allowed to cross the road at one location, and then extend that plant northerly or southerly to other poles.

A discussion took place regarding the existing facilities along the west side of South Main Street and the facilities FirstLight owns in the vicinity of South Main Street, Concord Street, and Theatre Street. It was discussed that FirstLight has plant on Concord Street and then it enters the newly constructed conduit in South Main Street and then extends to Theatre Street. Mr. Roberge stated that the City has additional underground facilities between Thompson Street and Concord Street. He also reminded the Committee that the Concord City Council has invested in underground utility relocation along a portion of South Main Street within the recently completed Main Street Improvement Project and that this particular license request contemplates aerial services in areas marked for underground replacement.

Based on this information, Mr. Roberge stated that FirstLight will not be allowed to build new plant from utility pole 11 / 6 at the corner of Thompson Street and South Main Street, and then continue southerly along the west side of South Main Street to Theatre Street.

Mr. Roberge asked Mr. Gendron if the previous Concord Street / South Main Street / Theatre Street license approval had a requirement to utilize the conduit. Mr. Gendron read from the June 24, 2016, meeting minutes, final application item number 3, segTEL, Inc., d/b/a FirstLight Fiber, request for licensure of fiber within a City Right-of-Way, Concord Street, South Main Street, and Theatre Street: "Mr. Roberge stated that he had met with Dave Marcoux of nextGen, the contractor for segTEL. Mr. Roberge briefly explained the Main Street Reconstruction project and the City's plans to construct underground infrastructure. He indicated that segTEL will be utilizing the underground infrastructure for this current application."

Mr. Roberge stated that based on the minutes of the June 24, 2016, Committee meeting, any fiber proposed near the intersection of Concord Street, South Main Street, and Theatre Street shall utilize the existing conduit built by the City for this use. He went on to state that the current proposal to attach to poles on the west side of South Main Street, south of and including the pole at the corner of Thompson Street and South Main Street, to the intersection with Concord Street, will not be allowed.

Mr. Roberge made a motion to table the current application pending further information, and to instruct segTEL / FirstLight to resubmit the application to be consistent with the June 24, 2016 minutes and this meeting. Seconded by Ms. Fenstermacher. The license petitions were not approved and were tabled for further consideration consistent with these minutes.

3. New Hampshire Adjutant General's Department, Request for Licensure of fiber within a City Right-of-Way
Regional Drive

Mr. Gendron stated that the New Hampshire Adjutant General's Department, of which the New Hampshire National Guard is a component, is proposing to install 2 conduits into a fiber optic manhole in Regional Drive northerly of the private road known as Minuteman Way. The fiber optic system located in Regional Drive is utilized by both the City and the State.

Mr. Gendron stated that he and Martha Drukker, Associate City Engineer, had been corresponding with Major Darrell Davis of the National Guard. Mr. Gendron stated that the National Guard informed him that they want to install two conduits, one for use now, and one for use in the future, which will tie into one of the conduits in the manhole.

Mr. Gendron noted that the National Guard's contractor, Arcomm Communications, had been in contact with Denise Nobert regarding the excavation permit. Mr. Roberge asked who would own the new conduit within the public right-of-way, and Mr. Gendron stated that the State would own it. Mr. Gendron recommended approval of the application. Mr. Roberge stated that the State should be notified to be certain that they do not utilize the conduit within the manhole which has been allocated to the City. Ms. Fenstermacher made a motion to accept the recommendation. Seconded by Mr. Roberge. The license petition was approved.

NEW BUSINESS

Mr. Gendron stated that he had been in contact with segTEL personnel all week leading up to the Committee meeting. He stated that they had submitted that morning another application for Westbourne Road and Woodman Street and that he was told by Linda Danahy that they wanted to build it by the end of the month. Mr. Gendron explained that he had explained to Ms. Danahy that receiving an application on the same day as the meeting gave neither City staff nor the Committee time to review the application paperwork or the proposed route in the field. He stated that he told her that he hadn't even seen the make-ready application yet. He then stated that Ms. Danahy had emailed him the make-ready information 10 minutes before the start of the Committee meeting.

He stated that he told Ms. Danahy that if the project appeared to be small and straight forward, he would mention it to the Committee but he had stated that the Committee might not review it due to the timing of the submission. He stated that he told her that the next Committee meeting is scheduled for September, but that the Committee could convene a meeting before then if items came to its attention and other circumstances warranted an expedited meeting out of schedule.

A brief discussion ensued related to when items or applications should be submitted to the City to be heard by the Poles and Wires Committee. Mr. Roberge stated that the Committee should clarify how to submit an application, what should be submitted as part of an application, and when the application should be submitted prior to a scheduled meeting. Mr. Roberge asked whether the application for Westbourne and Woodman was directly related to school property. Mr. Gendron stated that he believed it was. He also stated that he questioned Ms. Danahy whether the fiber was starting at existing fiber in North Fruit Street, or if they had already installed a short section in Woodman Street, because the sketch they submitted had a gap between North Fruit Street and Woodman. He indicated that Ms. Danahy did not know the answer.

Mr. Roberge stated that due to the requirement to post a notice and an agenda seven days prior to the meeting date, no formal action would be taken on this application. He asked Mr. Gendron to contact Ms. Danahy again to get a better understanding of what it is they

want to accomplish and the intent of the plant. He noted that depending on the purpose of the plant and the timing of the project, the Committee could call a special meeting.

OLD BUSINESS

None.

ADJOURNMENT

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