



**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

**DRAFT MEETING MINUTES**

MARCH 27, 2015 – 2:00 PM  
2<sup>ND</sup> FLOOR CONFERENCE ROOM, CITY HALL

**ATTENDEES**

Ed Roberge, City Engineer  
Chip Chesley, Director, General Services  
Nancy Larson, 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.

**APPROVAL OF 12/12/14 MEETING MINUTES**

Mr. Roberge opened the item. Chip Chesley moved to approve the 12/12/14 Poles and Wires Committee meeting minutes. Seconded by Mr. Roberge. 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 items on the agenda, one application for Fairpoint Communications for a single pole on Beacon Street, another item for Fairpoint related to a cell tower on Portsmouth Street, and an item related to New Hampshire Optical Systems, sometimes known as Waveguide and sometimes known as 186 Communications.

## **FINAL APPLICATIONS**

1. Fairpoint Communications, LLC, Request for Licensure of one (1) new pole on Beacon Street, within a City Right-of-Way  
Beacon Street.

Mr. Gendron explained that a potentially hazardous tree on Beacon Street had been pruned by the City tree crew. The entire tree could not be removed however, because Fairpoint had a guy wire attached to it to stabilize a pole to the west. Fairpoint was put on notice to remove the guy from the tree, which necessitated the installation of this new support pole, which was the subject of the request.

Mr. Gendron stated that the support pole is in the ground, and recommended that the application be approved.

Mr. Chesley made a motion to accept the recommendation. Seconded by Nancy Larson and all concurred.

## **NEW BUSINESS**

1. Fairpoint Communications, LLC, Request for Licensure of attachments to and utilization of existing poles, all within a City Right-of-Way  
Route not yet determined.

Mr. Gendron stated that he wanted to make the Committee aware of a project that the Engineering Services Division (“ESD”) had been working on for the past week. He stated that the City had been approached by Audra Klumb of A&D Klumb Environmental. Ms. Klumb supplied the City with an easement plan for a proposed fiber backhaul line installation for the US Cellular tower near the intersection of Portsmouth Street and Interstate Route 89. Mr. Gendron stated that he had requested more information and that Ms. Klumb was working on it. He stated that he had asked what kind of plant was being installed, who is installing the plant, who will own the plant, where will the installation start and what will be the route to Pole # 83, and will the plant be above ground or will any conduit be utilized? Ms. Larson stated that the project will be subject to planning board review for a wetland buffer impact.

2. New Hampshire Optical Systems, Unauthorized use of City owned conduit within a City Right-of-Way  
Black Hill Road and Manchester Street.

Mr. Roberge stated that he wanted to make the Committee aware of a project that the ESD and Rick Wollert had been working on since the beginning of March. He stated that Mr. Wollert had become aware of an unauthorized use of City-owned conduit by New Hampshire Optical Systems (“NHOS”), at the intersection of Manchester Street and Black Hill Road. Upon investigating the unauthorized use of the City’s conduit, the City determined that NHOS won a contract with the State to complete some work for the State’s Department of Information Technology. Mr. Roberge stated that Mr. Wollert

observed that one of the City's two unused inner ducts had been removed from the city cable plant and re-attached to the NHOS cable plant. This inner duct is now tagged with a 186 Communications label and it is occupied by a 24-strand fiber optic cable, which runs between FP pole 127/10 and the State of NH communications manhole, is part of a three inner duct, 4-inch conduit that was installed by the City of Concord in 2006.

The ESD then sent a letter to Eric Ballman of NHOS stating that the required access permission and licensure had not been granted by the City to occupy its facilities. In light of the lack of permission and licensure, the City requested that NHOS take the necessary steps to license and install their own conduit and remove their facilities from the City-owned conduit. He also requested that a work plan be provided immediately to the City outlining an appropriate plan and schedule to accomplish the work, so that it could be reviewed at the March 27, 2015, Poles and Wires meeting. Mr. Gendron stated that NHOS failed to submit any information for the meeting.

Mr. Roberge stated that a couple days after the letter was mailed, he received a phone message from Chuck Hadley of NHOS. Mr. Roberge called him back but Mr. Hadley's phone was set up such that it did not receive incoming phone calls.

A brief discussion ensued whether the City had the authority to fine NHOS for its unauthorized use of City owned conduit. The committee then discussed whether a second letter should be sent to NHOS demanding that the conduit be removed by a specific date. Mr. Roberge stated that he would call Jay Dunn at NHOS to discuss their work plan. Mr. Roberge pointed out that the letter to Mr. Ballman was prepared with a courtesy copy to the Public Utilities Commission ("PUC") and the State's Department of Information Technology. He stated that in the future the Poles and Wires Committee would also be copied on similar letters.

### **OLD BUSINESS**

Sue Golden asked Mr. Gendron if he had conducted any research into the small cell towers that can be attached to the top of utility poles to create downtown hot spots. Mr. Gendron indicated that he had not. He stated that he would conduct some research prior to the next meeting.

### **NEXT MEETING**

Mr. Roberge noted that the next meeting is scheduled for June 19.

### **ADJOURNMENT**

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