

Town of Bedford

Poles and Wires Committee

JANUARY 13, 2022 Minutes

Town Meeting Room at BCTV – 9 A.M. – 10 Meetinghouse Road

Committee members present: Becky Hebert (Planning Director), Lori Radke (Town Council), Jeff Foote (Chairman, Public Works Director).

Staff present: Christine Szostak (Land Use Executive Assistant).

Applicant(s) present: David Creer (Community Relations Specialist - Eversource), Erik Newman (Senior Counsel - Eversource), Marc Pilotte (Manager of Field Engineering & Design - Eversource), Ronald Pepin (Field Design Supervisor - Eversource), Tim Kenney (Manager of Electric Operations - Eversource).

Public present: None.

I. Call to Order and Roll Call:

Chairman Foote introduced members of the committee and called the meeting to order at 9:03 am and read the agenda.

On a motion made by Ms. Radke and seconded by Ms. Hebert, the Committee voted unanimously to accept the agenda.

II. Old Business:

Cellco Partnership d/b/a Verizon Wireless (Applicant) – Request for the installation of small cell equipment on an existing utility pole located within the Right-of-Way adjacent to 187-189 South River Road, Lots 22-22 & 22-87.

Mr. Foote stated, at the request of the applicant, this application is postponed to the February 10, 2022 Poles and Wires Committee meeting.

III. New Business:

Eversource and Consolidated Communications (Applicants & Owners) – Request for post-approval of the installation and replacement of new utility poles and wires within the Rights-of-Way of Carriage Lane, Newbury Lane, McAfee Farm Road and Joppa Hill Road from Route 101 to N Amherst Road.

Mr. Foote opened the meeting by asking if Eversource and Consolidated Communications were both in attendance. Eversource representatives were present, there were no representatives from Consolidated Communications. He then asked the representative from Eversource to open their presentation to the committee.

Mr. David Creer, the new Community Relations Specialist with Eversource introduced himself and mentioned that they would have some introductory remarks, an overview and answer questions. Also in attendance with Mr. Creer were Ron Pepin, Field Design Supervisor, Mark Pilott, Manager of Field Engineering, Tim Kenney, Manager of Electric Operations and Erik Newman, Senior Counsel. We are here to talk about our Joppa hill road electric liability project that was performed last fall here in Bedford. This project included maintenance and increased reliability for the area which is in the public interest because of the growing service area and growing number of people in the community. The project would increase the reliability. As part of our permit application, we are respectfully asking for some waivers from some of the Town's ordinance provisions including a standing waiver for the notification requirement. Our outreach practices include notifications to customers within the vicinity of the project to warn them of upcoming planned outages anyway. We are currently examining ways to adapt our current notification system, but given the volume and scale of our projects, we need those to be automated to make sure that they are done correctly. We have also found that first class letters are effective for our customers and are an added convenience over certified mail.

Continuing, Mr. Creer stated second, we are requesting a standing waiver from having detailed plans stamped by a certified engineer or surveyor. All of our construction standards are in compliance with National electric safety codes as well as by the rules and regulations of the New Hampshire Public Utilities Commission (PUC). Having plans approved by an external engineer would cause unnecessary delay and increase costs that would eventually be passed on to our customers. We are also requesting a standing waiver from the requirement to take photographs of before and after the installation of each new pole. For the scale of the projects that we do, it would be unreasonably burdensome and time consuming for our routine maintenance work and we would like to provide an example photograph instead. We are also asking for a waiver from the minimum 150 foot distance between poles, for this specific job. The reason that they are not 150 feet apart are detailed in the application materials. Finally, we are requesting a standing waiver for the \$100 per pole fee, because the cost would be overly burdensome for projects of our scale as well as that we do not believe the \$100 per pole fee aligns with the state statute which authorizes pole permitting application fees. With that, my opening comments are done. Thank you again for giving us the opportunity to come before the Board. If you have any questions, we have a whole crew here.

Mr. Foote stated you mentioned standard requests and specific requests for this application. Mr. Creer replied we have our application in for this specific project, which we are requesting waivers and a lot of these waivers would also be, we are asking for standing waivers, so that all future projects would also have that waiver included as well. The pole one was more of a specific pole to pole issue.

Erik Newman, with the legal department at Eversource, spoke to the Committee at this time. I am going to make a brief statement regarding the request for standing waivers. The thinking is that Eversource did participate when the ordinance was first being deliberated. We had some objections at that time about some of the provisions that ultimately did get codified, but my

recollection of some of the discussion around the ordinance in general terms, was it was in large part kind of a reaction to the personal wireless carriers coming in, and starting to install different types of poles and there were aesthetic considerations in relation to that, and I think that Eversource and CCI (but they can speak for themselves if they wish to) are in a bit of a different category for a number of reasons. There is a lot of history of us performing these types of pole installations in the Rights-of-way for many decades. So there is a good depth of understanding on how we go about our business. We are doing a volume of installation which other types of utilities, companies, looking to utilize the road rights-of-way are not. There is some uniformity as to how we go about things, and for those different reasons and as a practical consideration our customers are always demanding that this work be performed presently faster than we are capable and if we have to wrap in a number of these additional requirements and notifications, the visual analysis, that is going to slow things down, increase costs, as we mentioned and those ultimately get passed to our customers, your residents. So, it seems that certain of these are unnecessary, perhaps they weren't originally intended for the more routine electric utility installations, and for those reasons we are requesting a kind of standing waiver. We would continue to practice, as I understand it, of informal communications with the Public Works department ahead of the projects, so if there was a sense that something we proposed to do was out of the ordinary, obviously the standing waiver could be revisited. We could do whatever we needed to do to address this committee's interests on a case by case basis. To have to put that package together for every routine installation would be challenging, presently, in respect to the notification requirements. We simply, the distribution group does not have the ability to perform that, and it is something we are looking into. Can we modify the existing notification requirements, to add some of the substantive information that the ordinance is requiring. How do we go about identifying the parties within the geographic distances to the extent that our existing notifications aren't already capturing those same people? There is a bunch that we are looking into, but at the same time we have a number of projects that will continue to happen. We are requesting consideration of this concept of a standing waiver that we may revisit on a case by case basis.

Continuing, Mr. Newman stated those are my remarks in that generally, and on the fee, I just wanted to make reference to an article from the New Hampshire Municipal Association, it's title "Fees from municipal services," and if you are not familiar with the New Hampshire Municipal Association, they are kind of an objective, I don't know if they are not for profit, but they provide advice to Towns throughout the state, since folks such as yourself, largely participating on these Boards are volunteers and don't necessarily have that background experience. In any case, on the question of municipal fees, here's what the association has stated: that a fee is a part of a regulatory process, rather than a revenue raising process. In order to be valid a fee must bear a relation to and approximate the expense of performing the function. If the amount collected is clearly in excess of the approximate cost involved it is a revenue measure in the nature of a tax. A tax cannot be assessed in the guise of a fee, therefore whenever a new or modified fee is contemplated, the municipality must find authority to charge for the service under an enabling state statute and then must set the fee in an amount which bears a reasonable relationship to the cost of providing the service. In our view, the one hundred dollars (\$100) per pole application fee violates the principals outlined by the Municipal Association's guidance for a number of reasons. First off, charging a hundred dollar, per pole, fee we believe bears little or no relation to the expense of administering an application, at least for the types of applications that Eversource would be routinely submitting. So if we are setting a line of five new poles on

the side of a road, reviewing the application, we believe, would not require five times the effort of a single pole in that location. Because, for our types of projects the abutting topography and characteristics don't vary so dramatically from one pole to the next, nor do the design elements of our poles and wires. So there is duplication and overlap in consideration of whether the public good is served by their placement which is a standard under the state statute for whether or not to grant a license under RSA 231:161. We also believe that one hundred dollars is arbitrary and it's viewed as in excess of the costs associated with processing the license and it really is unprecedented. In our experience no other Town's in the state charge an application processing or per pole fee. Instead, they uniformly charge the ten dollar fee that the state statute expressly authorizes, that is paid when the license is issued. So, if this was a new personal wireless carrier seeking a license who hadn't been connecting business in the Town before, and was using a novel tower design then perhaps the fee makes more sense because there would be more effort in considering their request and administering the license application. We believe Eversource is routine and at this point should be familiar and we believe that fee is excessive.

Mr. Foote asked Ms. Hebert if the application fees were for re-set poles; it is for new poles, correct? Ms. Hebert mentioned that Jillian Harris was not at the meeting today, and because I am a voting member on this committee I am not in the loop in her discussions with your applications, so what is the fee that we would be waiving? Mr. Newman responded so, under the new ordinance, there is a fee of one hundred dollars per pole. Ms. Hebert state per new pole. Mr. Newman stated only new poles need the license. If we are simply replacing a damaged pole that is under an existing license. Ms. Hebert stated right. So how many poles are you looking at in this application? This is a big application. An Eversource representative answered nine new poles. Ms. Hebert said you would have a nine hundred (\$900) application fee for what I would consider an extensive community utility project. Mr. Foote stated yeah, and I would tend to agree so the Town is asking for, and I have heard the word cost and I read the application and Jillian's staff report, and I saw the word cost mentioned to be passed on to the rate payers several times in this, and then I also went through some old emails that I had sent out in 2017 that referred to poles that we want relocated in 2009. And, I have had conversations with Kelly Merritt on this and frankly I had a lot of sympathy as far as some of the tasks that you had to complete to install a new pole or relocate a pole, and in the past we always had good communication with the field staff and so I was feeling somewhat comfortable that maybe we should consider because of the long standing relationship and then we got to this application here, where we had no communication at all. We had residents calling us, complaining, asking us what was going on, none of us had any idea at all until we went out in the field and asked what was going on. So as for waiving some things and performing some tasks administratively without coming to this committee, I did have sympathy and I still think there is, we should have consideration for that, but based on the exercise that we are here for today, you are combining both of the efforts but we should be separating them. And, again, we have a utility meeting each and every year, and I am looking at an email that we sent out January 18, 2017, we have a utility meeting every year and in the past we would have people like Mario Boucher show up, Mark Gagne, Mike Moder, there has been a lot of really good, solid people that would work with the Town over the years and we are here today and I am really struggling to really have sympathy for you. Again, I sent an email in 2017 and I referred to our 2017 projects so we could work together like we always have with Eversource, Consolidated, the Water Works, the gas company, all of the utility companies. We always had a utility meeting for the eighteen or nineteen years, almost, that I have been here. So I send this out in 2017 and I highlight the Joppa Hill Road

project just south of Mill Stone, pole relocation. Then I refer to 2009 in the email, Joppa Hill project at Old Evergreen, pole relocation and then I look at your submittal today here at the intersection of Evergreen and the pole is still in the way, so you went through and spent all this money, went through this big exercise, you didn't notify the Town and so what would help me out a lot is what is it going to cost to relocate that pole thirteen years later, what is the total cost of the project? We are asking for a thousand (\$1,000) dollars for administrative review and I don't think that is unreasonable at this point. I think you are right that it should be a case by case basis, but to have a standard waiver, today I am hesitant in moving forward in that direction Becky. Ms. Hebert stated I think there was a significant amount of staff time spent on this application because it was after the fact. And I think moving forward if we could come up with a joint notification system that meets our ordinance, you were at the meeting when the ordinance was adopted. Eversource was aware of this process, this permitting procedure, and I know it's new but I think there could be strong communication, a partnership between Eversource and the Town to reduce some of that friction between the community, the Utility company and Town staff, where a waiver might be justified, but in this case I feel like the fee is reasonable considering the effort that has been put in to this application. Mr. Newman responded yeah, I think it would be helpful to explain some additional detail on this particular project, the Joppa Hill and perhaps why some of the steps we would typically be undertaking in terms of communication and advance notification were missed. Mr. Newman asked Mr. Pilotte to speak to this.

Mr. Pilotte approached the Committee at this time. He asked if he could speak a little about this particular project. So typically this is a CCI maintenance area, and they are responsible for pole setting. This project was identified over a year ago. Mr. Foote asked if the Town was notified of this. Mr. Pilotte responded so, typically our designers and technicians work with the Town agents to let them know and in this particular case, that would have been CCI, CCI would have been your primary contact. Mr. Foote stated he saw Mike Mullen's name on here, and I totally agree that emails we look for, I have been out, our staff has been out so many times. Mr. Pilotte then said so what happened on this project from a design standpoint, we didn't use an internal designer, we hired out to one of our engineering contractors to do the design. The design was populated earlier last year. CCI was notified, and our full expectation was that CCI was going to participate in the surveys, they were going to notify the road agents and they were going to set the poles. They didn't, that didn't happen. This particular project was a load driven, as well as reliability driven project so we had to move forward with the project. Where we dropped the ball in the communication process is the contract designer, when we realized Fairpoint was going to back away from participating in the poles sets, at that point in time we should have went directly to the Town road agent and reviewed the project with the Town and we didn't. So we accept responsibility for that. It is not how we do business. We have good working relationships with the road agents in all of the Town's we are responsible for doing the pole setting and we want to continue to work with the Town, even in cases where CCI may not come to the table and perform their pole setting requirements. So, I just wanted to speak about that communication piece because that is not the norm that is not how we operate. Mr. Foote stated I agree with that, as I said I have been here almost nineteen years, we always have a utility meeting, and if you have a project we would meet you on site, we would walk it with all three parties, CCI, you and us, this just did not happen. Mr. Pilotte answered you are absolutely right. And you know, we have taken steps to make sure that doesn't happen again, but that is the explanation.

Mr. Foote asked what steps have you taken so that it doesn't happen again? Mr. Pilotte answered so we have talked to our contract designers and explained to them that look, you have to engage the Town, you have to engage the customers when you are out there doing the design. It can't solely rely on CCI. There have been situations where we have been forced to set the poles because customers need service in a fairly short period of time and they just can't meet that schedule so we have had to step in and do the pole setting. That is what happened in this particular case. We definitely want to work with you, we do much better communication, and this is not typical of Eversource dealing with the Town of Bedford.

Continuing, Mr. Pilotte said now as far as the utility committee, you have a utility committee that works or meets periodically? Mr. Foote answered the Town engineer has a utility meeting in January. Last year and the year before it was partial remote, Partial on site; we offered it the last two years with a hybrid model either in attendance or remote and then previously for sixteen years before that it was in person and all of the utility companies showed up. Mr. Pilotte said okay. Mr. Foote then said we should change our methodology. Mr. Pilott stated as far as I am concerned I am the manager of the field design and engineering group in this area of responsibility and we should be participating in that meeting. We absolutely should be. Mr. Foote asked if they were located in Goffstown or Bedford. Mr. Pilotte answered my office is located in Hooksett at Legends Drive, but I cover two area work centers the Bedford area work center territory as well as Hooksett. I have designers that work in both areas as well.

Ms. Hebert said this committee is new and could do a pre-application consult with you, so if you had questions about a big project in Bedford, what makes sense from a permitting standpoint, we are only going to have this many number of new poles. I think that process would help moving forward for both of us if you feel there are aspects of the ordinance that need adjustment for your utility installation, because we know one size does not fit all. Mr. Pilotte stated precisely. Ms. Hebert continued by stating from a legal standpoint, we have to try and make that work. We know that every permit is going to be unique. Mr. Foote stated Becky that is a great point. Essentially that is how we always worked, we always tried to collaborate with everyone and move things forward so we didn't injure the road, or if they had something pending. That's the process that we always subscribed to over the last decade and a half. Mr. Pilotte stated so as far as I am concerned that is the process we want to adhere to. Mr. Foote then stated I really like what you said is, I have a pre-application, and you can send an email to her or I and say this is what we want to do. We need a pole on a certain road, it got hit by a car. If it is an emergency type thing we could accelerate that, we understand and have someone on call 24 hours a day that can make decisions and if they can't they will call one of the administrative staff, so we understand reality. Mr. Pilotte said yes, but for a project like this we should have communicated with you better. Mr. Foote stated so I think that is a good way to approach it. Ms. Hebert stated I am glad you are here today and we are able to have this conversation. Mr. Foote stated me too. Mr. Pilotte answered we want to have this conversation because we want to have a good working relationship with the Town. Mr. Foote stated we always have, honestly.

Ms. Hebert then stated to the waiver to the notification, again I would love to think that Eversource and the Town can communicate because you have a community outreach department, and you have folks assigned to that role to each Town in the State. I live in New Hampshire and I have received a letter every now and then saying hey we are going to be doing utility work along your street, this is when it is happening, and this is what you can expect. If we could loop in this process the resident of Bedford would be notified of this process through your

normal business practice. Mr. Newman stated that is our intention too, just we can't implement a registered mail notification. Ms. Hebert stated after the fact. Mr. Newman said yeah, or even in general, but that system is switching over to something new and we are trying to learn what the new system can accommodate, we will have a dialogue with you about that.

Mr. Pilotte said from my perspective on the community communication front, you know this certainly was not a small project but it wasn't a vastly huge project from our perspective and so there was some debate as to whether we should have had a project manager engaged with this project. Had we done that, there would have been a community relations component, there would have been communication with the Town, and you would have had a lot more dialogue. In retrospect, in my opinion, we probably should have had a project manager assigned to this project. Mr. Foote said also explain to me, I've done it for a few years, it was always Fairpoint, Consolidated now, before that whoever, but Eversource would never set a pole unless consolidated okayed it. I'm wondering, how did that happen? Because it is new to me. I have never seen where Consolidated was not approving the pole set. What happened there? Mr. Pilotte asked Ron if that was something he could speak to.

At this time, Ronald Pepin approached the Committee and was welcomed by the Chairman Mr. Foote. Mr. Pepin stated that over the past few years, I wish someone from CCI was here to speak to this, but CCI has become a lot more difficult to work with. It's been very difficult for us to gain agreement on a lot of things. Contractually, they are supposed to set poles that are joint poles in the Town of Bedford. You are exactly correct that part of the internal processes that both companies use and have agreed to is that there is supposed to be notification and communication between companies and agreement as to where poles are going to go. But, the reality right now is that we have not been able to get CCI to meet with us often, when we have projects of this scope and scale they are unable and unwilling to set the poles and we are in a tough spot. We have to be able to serve our customers, so the lesser of two evils is we are not going to have people go without power, we are going to set the poles to be able to maintain service. We are obligated to do that first, and hopefully some point the situation with CCI will improve. I know that there is a document up with the PUC now that proposes that Eversource take ownership of the poles and relieve CCI of that burden, partially because of the difficulties we have had with trying to work with them and get things done. It is not an ideal situation, and we are trying to do the best we can with it, but it unfortunately results in things like this. Sometimes we are going to set in their area if they cannot respond and we need to have a pole set. Mr. Foote asked if communities can do the same thing under your scenario. Mr. Pepin said I'm sorry? Mr. Foote said would a community be able to set a pole in the right-of-way for its own advantage for them at that point, or basically could anyone show up and do it? Right? The electric light could show up to do it now, right? So there needs to be order in the process. And what you are saying is that you did it because you needed it, but that doesn't preclude Comcast from setting poles to get to a residence. It doesn't preclude Electric Light from setting a pole to serve the community, correct based on the process that you are now experiencing? It seems like the Wild West.

At this time, Tim Kenney approached the Committee. He stated we do approach CCI and say hey we need this set here, and if they cannot accommodate in that time frame we will say hey, we need this set by, we call it a drop dead date, we need it set by January 3, if they can't accommodate we are going to go and do it. Mr. Newman then stated that I think the concern you are expressing is that in that circumstance where it is the CCI service territory but they are being

non-responsive, you want to make sure that the company to the Town and the company to the abutter communications and notifications are taking place. This was an unusual circumstance because we were stepping in at the eleventh hour and because we did drop the ball as we acknowledged. But also, it was happening right around the same time that this new ordinance came into effect. I don't want you to think that every time a situation could arise where Eversource had to step in, in the CCI service territory to maintain service and that we would be doing that without seeing the license. We understand that this ordinance is now in effect and understand what the obligations are and we think we would continue to ask for waivers in certain scenarios but just because we are stepping in doesn't mean that we would not seek a license going forward. This was I would like to think an unusual experience. Ms. Hebert stated I think the Town could be flexible with the mailing requirements if you can't do certified mail. But I think it is very important that the notices are sent to the people as prescribed in the ordinance, like the 200 feet from the installation. You develop a list and maybe cite this meeting and the Town of Bedford and make sure we are part of your communication process to the Town so you are not doing duplicate letters to affected landowners. Mr. Newman responded right, that is part of what we are considering because the timing issues around when the current notifications go which are more oriented toward an upcoming outage which is not necessarily aligning with the ordinances objective of providing notice in advance of the meeting of the Pole Committee. We are trying to wrap our heads around that as we are implementing a new system that we would be using for notification. We will have to just approach that when we have a better understanding the next time we have a project requiring a license, I expect we will be back in talking with you.

Mr. Foote said so along with what Becky has said, in the past, and we have done it several times when you have the transmission projects, they will send us, and we will post on our DPW website, what you are doing. So if someone calls, we can say oh it is on our website. The phone did ring off the hook there for a couple of days, Ms. Hebert agreed, on this project, and we would say we have no idea what you are talking about. So, we send someone out and the people doing the work had no idea about any of this. They were just there to do their job. Mr. Pilott stated that is an excellent avenue to get that information out there. Mr. Foote responded yes, it is one, and at least if the phone rings we have an answer. Mr. Pilotte replied exactly. Mr. Foote then stated we are willing to, just like with DOT or anyone else that has a project, we happily will include it on our website. Believe it or not, I have a Town Councilor here, our department website without any advertisement or promotion get sometimes in a month a thousand hits during construction season.

Ms. Hebert then stated this particular roadway corridor to Joppa Hill Road has significant amount of Town owned land. So we were an impacted land owner and it is the most coveted piece of open space in the Town of Bedford and one of our most scenic roadways, so not having advanced notice for a project like this, I know it's not a designated scenic road, but it means a lot to the Town and I think that spurred the volume of calls, because people drive Joppa Hill Road, and in their minds that is the quintessential Bedford. It is an important area. Mr. Newman stated Eversource is certainly hearing your concerns on this project specifically, and how we need to go about the business of these pole sets going forward. That will all come back to a broader project team, and I expect folks involved in projects in Bedford have a much heightened sense of sensitivity to these types of issues, but the Joppa Hill project is complete, it does need a license, so I guess it sounds like we need to have an on-going dialogue for future projects, but I guess we would ask the committee today to consider waivers for the Joppa Hill projects specifically. Is

there an interest in sending out a better notification now? Mr. Foote stated I don't have any and Ms. Hebert agreed. Mr. Foote then mentioned that I am hearing that this was somewhat urgent. What caused this to be urgent? Mr. Pilott asked if he would like an overview of the project. Mr. Foote responded that would be great.

Mr. Pilotte asked if Mr. Foote would like an overview of the project. Mr. Foote responded not the project, but where was the new increased need where this had to happen so quickly. Mr. Pilott said let me point out a few things. At the base of Joppa Hill Road, before Highgate Road we have what is called a step transformer bank right there. That takes the voltage that comes down Route 101 and reduces it to a lower distribution voltage. Basically we had customers in this area of Joppa Hill Road as well as up the road that were fed from that source. This step bank essentially hit a hundred percent of its name plate rating and from our perspective once that happens we need to develop a solution to address that so, the solution that we developed here was to convert this line to a higher voltage and then install a new step bank right before North Amherst Road. What we did was we single phase coming up here and we actually had two phases from Carriage Lane to North Amherst Road, we had two phases in the air, but we were only using one. So what we did was we brought three phase up from Route 101 all the way up to Carriage Lane, and then we utilized those two phases to put two step banks up here, which addressed that overload situation. As part of that project, we put a step here to get the voltage down for Old Evergreen because it is all set at 7.2kv all pad mounted underground equipment, and we put a step transformer bank for Hearthside Circle and Old Stone Way. We did convert Carriage Lane at the same time. The second reason we did this job is down over here off of Meetinghouse Road, down by the Golf Course, we have what's called Meetinghouse Road substation. We have the 3W2 circuit that feeds out of that substation. That pretty much feeds a good portion of the customers in the Bedford area in a westerly direction. It also comes down Meetinghouse Road and actually picks up a load off of North Amherst Road and Campbell Road. So we have a lot of these saturated residential areas, a lot of undergrounds, a lot of load and so the second issue we were up against was we were starting to push the name plate rating on that substation transformer, and again we needed to identify a solution to address that. Over the last couple of years we did some load balancing on the circuits which were some small jobs trying to balance the load out, but we got to a point where we needed to come up with a solution to off load the station. And so what this project did for us is it did two things: it addressed the overloaded step bank at the base of Joppa Hill Road and it also addressed the condition and allowed us to off load Meetinghouse Road because what we did, as part of this project, we actually picked up some of the 3W2 circuit load off of Perry Road, and in the Rosewell development, so now these customers rather than being fed out of the Meetinghouse Road substation they are now being fed off Route 101 at that step bank. Mr. Foote said the Meetinghouse substation goes from 85% capacity to 60? Mr. Pilotte said he didn't follow him. Mr. Foote stated you said it was at capacity and to step down its capacity to distribute, right? Is that what I understood? Mr. Pilotte answered the loading at the station was pretty much at the name plate of the transformer substation transformer. Mr. Foote states so you are at maximum? Mr. Pilotte stated we have different load levels. Mr. Foote said yes that is what I was asking, were you at 85% and now you are at 60? It doesn't say there was a new and increased load demand anywhere. Is it just something someone noticed and you needed to rectify? Mr. Pilotte said my engineers keep track of the loads in the substations and in our steps on a regular basis. I think what might have happened here a little bit was when covid came in in 2020, there were a lot more people working from home and what we saw during the summer of 2020, we saw the

loads increase because of that and we saw the same thing this past summer of 2021, so I have a number of load driven projects in my area that we are trying to address to make sure we are not going to overload equipment and we are going to service our customers reliably. Mr. Foote stated great explanation, thank you. I appreciate that. Ms. Radke asked so from what I am hearing and from my layman ears here, is that you are seeing an increase in electricity, is that correct? Is that what you are saying? A usage? Mr. Pilotte replied so we saw an increase in demand. Ms. Radke replied okay an increase in demand, so how does solar fit into all of this? I am just curious and seeing more and more people in my neighborhood, I live in McAfee Farm Road by the way, are getting solar, how does that impact the usage? Mr. Pilotte responded well obviously it does take a little bit of load off our system, but on a cloudy day is it really giving us that much of benefit, probably not, but yes we are seeing a lot more solar coming in. Ms. Radke clarified that her point was with more people using solar was it really needed. Mr. Foote mentioned that with this project it will allow more solar into the system. Ms. Radke said okay and Mr. Foote asked if he was wrong on that. Mr. Pilotte said a point I would like to make is if you take covid outside of the discussion, over the last quite a few years we have not been seeing 3% load growth. We have been seeing a half or $\frac{3}{4}$ of a percent, so you know we have not done a whole lot of load driven big projects in the last five to eight years in my area. Covid added a little bit of a different dimension to the situation and from my perspective if I am starting to violate design criteria I have to come up with a solution and I impress that on my engineers.

Ms. Hebert asked if Mr. Pilotte or someone from his team could go through the application and identify the new poles and their locations. Mr. Pilotte said sure. Ms. Hebert said she would also like to see where they are less than the 150 feet, and asked the Chairman if that was okay and he agreed. Ms. Hebert then mentioned that the Chairman had mentioned one pole that he was hoping to have relocated. Mr. Foote stated there are two. Ms. Radke said the one on the corner, I do know the one. Mr. Foote replied I have been trying to get that moved for thirteen years.

Mr. Pilotte mentioned that the new poles that you are referring to are part seven, the new poles that we identified on page 4. Mr. Foote asked if the representative could start at the diagrams that I have at North Amherst Road and Perry. Mr. Pilotte asked if they were looking at the construction prints. Mr. Foote said actually, if we are coming from 101 and moving northerly, Highgate is the first road on the left, and you mentioned currently that you have made some modifications right before that. He asked do you see that, Highgate is on the left. Mr. Pilotte asked are you referring to the new pole that was installed. Ms. Hebert stated I see it right here and asked if you have it electronically? Mr. Pilotte said yes and he was asked to put it up on the screen. Mr. Pilotte said this is the construction prints, and Mr. Foote stated exactly. Mr. Pilotte then asked about the location and Mr. Foote stated that was the pole you reset, but the pole immediately North on the opposite side of the road is the pole that has always been problematic. The opposite side of Joppa Hill Road. Mr. Pilotte said he was not aware of that. Ms. Radke mentioned there are two there. Mr. Pilotte stated I was not aware of that, but as far as this application here, the work that we needed to do here is converting the voltage. This was the step bank and we had a higher voltage on the source side and a lower distribution on the load side. So when we converted we needed to put a step transformer to feed Evergreen, so we had to put a pole for the step and we had to put a pole for the riser to the cable in the fusing. Mr. Foote then stated so now you are telling me that there are two poles at that intersection? Ms. Radke stated if I remember correctly they are ugly and Mr. Foote said not only that but it impedes site distance and it affects our winter maintenance with the wing of the plow and it has for a long time. That's

why we had it as a known issue for 13 years. Mr. Pilotte said if I took a few pictures would that help and Mr. Foote stated no. Mr. Pilotte mentioned he was not aware of that situation, but that was what we needed to do there. To put two new poles at that location, one for the step transformer and one for the all side using and protection in the riser pole. Mr. Foote asked so is there, well I guess I need to go out in the field and look at it. Mr. Pilotte said yeah. Mr. Foote replied you are now saying there is two at the intersection now plus this step that looks like 50-75 feet away. Ms. Radke mentioned they did take one down, there was one pole going up Joppa Hill right after Highgate, they cut it off, and I don't know if they remove it yet or not, but it is on that side of the road, the one they cut down.

Continuing, Mr. Pilotte stated we had to put a pole in at Hearthside. And again that was for the step transformer to get the voltage down. Mr. Foote said understood. Mr. Pilotte then said we utilized the existing pole to put the load side protection on. He then stated that I think the other major change was as we approach Middleton, this is where we had to locate the step down bank. Our objective was to get it in before North Amherst Road, the reason being the circuit goes in three separate directions once we hit that intersection. Our goal was to somehow get that step bank located along Joppa Hill Road, after Carriage Lane but before Middleton, and the designers chose that location. So we have two step banks up in the air, and we have the high side and low side protection up in the air. I think to make a long story short, we ended up putting three new poles at that location, at that step bank. Mr. Foote stated it is very busy there. Ms. Hebert then said while we are talking about that location, that is one of the locations that qualifies for the waiver for separation between the poles. Mr. Pilotte stated yes. The reality is we only have so much real estate to work with. Either you have distribution transformers up on the poles that are feeding secondary services to residences. And you can't put a step bank on one of those poles. So there are situations when we have to put in a half pole. Ms. Hebert stated so it is simply to hold the weight of the equipment? Mr. Pilotte said to put the equipment on. For a step transformer bank, we need to have the high side and low side protection on different poles. They can't be on the same pole as the step bank and that is for safety reasons for the guys working up in the bucket. So if you factor that in, and you look at what you have to work with and in a rural area we may have 5 or 6 poles in a row that have no equipment on them and we may be able to use those in order to put an installation in like this. But once you get into more urban areas where you have more equipment on the poles, it gets really tight and sometimes we are forced to put in spans lower than 150 feet in order to get the equipment up. Mr. Pilotte then stated I hope that explained that good enough.

Continuing, Mr. Pilotte said the other new pole that we put in was a regulator pole. Which is right before North Amherst Road. We actually had to put a regulator up on each phase. What a regulator does is it takes the voltage on the source side of it and bumps it up on the low side. I don't want to get real technical, but a circuit, as you head away from the source, the voltage slowly starts to decrease and then there are times when we get to a certain location and we have to put in a regulator, and the regulator bumps it back up and then we can go a further distance. We need to maintain, we have a customer voltage policy in the PC 300 rules that we need to maintain certain voltage levels and we use regulators to help us in that capacity. So we needed to put one new pole there for a new regulator.

Mr. Pilotte then stated I think the other poles in reference, and I'm not sure exactly where they are on this print...Mr. Foote then said so I remember one phone call we received that I think it was around Carriage and they said that you were replacing a pole or a guy wire on their property.

Mr. Pilotte said that one doesn't ring a bell, on Carriage Lane? Mr. Foote stated I think that is what I recall. Mr. Pilotte said any of the work we did on Carriage Lane, there was no new installation, it was replacement of existing poles, to my knowledge. I know there were three other poles replaced on Joppa Hill Road and the purpose for those replacements was the span lengths were too long. They were acceptable for the bare wire that was out there, but we run covered wire now, because it is much better from a liability standpoint and it's in a spacer cable configuration so it has a high strength messenger on the top, so if a tree were to come down a lot of times it holds it up and it doesn't take stuff down. The issue with that is you can't have 250 foot spans. Mr. Foote stated we understand. Mr. Pilotte continued and said from a design criteria you have to shorten up the spans. I think there were three additional poles put in along Joppa Hill Road just to reduce some of the span lengths. That's pretty much it on the new pole front. Ms. Hebert said thank you.

At this time Mr. Newman stated that if there was any correspondence from that Carriage Lane property owner I can look into it, and make sure the installation was within the easement. Mr. Foote stated like I said, I remember there was a period there of a week or so that the phone did not stop ringing and our business manager came in and said hey someone called and I told them to call the work center number and I never heard anything else. Ms. Hebert stated we were going out and looking at trees, trying to save a tree...Mr. Foote said oh yeah that is right. He said that was the one right after, right near. Mr. Pilotte stated our Veg folks do a really good job with outreach with customers, so they obviously had to look at this line because we were upgrading it and we had some areas that they needed to do some trimming. My understanding is they do an exceptional job with outreach to the customers. Mr. Foote said I remember on one of your projects the kid was excellent, Flanders? He worked for some company I don't remember. He was very good. Someone asked Matt Flanders? Mr. Foote said yes I remember that name, he was very good. Ms. Radke asked if they were talking about communication for this project and Mr. Foote answered no, past projects. Ms. Radke then said I'll be honest with you it wasn't bad. We received two letters, one and they had to change the date and we got emails right before the electricity was going off. It wasn't the best time, right before Christmas, but it was fairly decent communication, to be honest with you. Mr. Foote asked that was after everything was completed? Ms. Radke said no, during it, while they were doing it. Mr. Foote clarified oh for the outages. Ms. Radke stated they had to let us know when the electricity was coming on.

Mr. Pilotte then stated if I could just bring one more point up, Erik mentioned the standing waiver for the 150 foot minimum span lengths, and I spoke a little about the constraints we are under when we run the new conductor, and install some of our equipment, so that would not only apply to this project but other projects as well. Mr. Foote stated I agree with you 100%. It was so easy in years past, you guys would come up with a plan, we would walk it and spend 15 minutes and say let's go. We tried to accommodate. Mr. Pilotte said I will be honest that should have happened in this case. Absolutely. Ms. Hebert asked Mr. Foote if we could approve a blanket waiver subject to review and approval by the Department of Public Works. Mr. Foote stated like I said, I had a lot of good conversations with Kelly Merritt, and now I'm reading through this and I don't like to delay things any more than I have to, but I think it's prudent that Public Works goes out and revisits two poles, one at Evergreen and I think one is north of it 200 or 300 feet on the right that is too close to the road. Mr. Pilotte asked if Eversource could have someone from their team meet them out there. Ron, the design supervisor stated yes. Mr. Foote stated send us a communication and we will have somebody out there, whether it's me or

whoever. Mr. Pilotte confirmed that this was Evergreen and Joppa on the left (southwest quadrant) and 300 feet to the north on the right is the second pole, if I recall correctly, I am going back years.

Mr. Foote then stated I hope all of the new poles are at least seven (7) feet from the edge of pavement. I'm really crossing my fingers. Ms. Radke mentioned the one on the corner is very close. Mr. Foote stated that is why I don't want to drag things out but I think, if we consider coming back in a month we can iron out a lot of things that we talked about today and come up with some sort of an administrative relief, and also I would like to know the cost of this project. I think it is important. You emphasized that a number of times and I would like to know what the cost of this project is. Mr. Pilotte stated okay. Mr. Newman stated that is information that group can share. The point I was making was that the new application content requirements under this ordinance would increase private costs beyond what it already has; the large scale projects, to send registered mail out to a lot of abutters. Mr. Foote and Ms. Hebert stated we are with you. Mr. Newman continued and said the visual analysis and also the distribution group doesn't have in house licensed surveyors, stamped plans and multiple angle visuals would have to be outsourced. Mr. Foote stated and this goes back to what I was saying about the collaborative approach. We have employees that have been with us for decades, and we all have a good sense as to where the right-of-way is, and in some areas, our rule of thumb is seven feet from edge of pavement. Everybody from Eversource that I have ever come into contact with or communicated with knows its seven feet from the edge of pavement is where the pole set is. So, that is the type of methodology we want going forward, is what we had in the past, because it worked. Mr. Newman stated I don't see any reason we can't do that. Kelly as you may have heard, has moved into a new role and David Creer is our new guy. Mr. Foote stated he was in Florida when he called and I didn't call him back, sorry. I watched the Miami Dolphins beat the Patriots. (Laughter).

Ms. Hebert then asked Mr. Foote, for procedure, should we open the public hearing and take any comments from the public? Mr. Foote stated if you are ready to do that I agree. Do you have anything before that that you want to share? Mr. Pilotte stated the only one last item I wanted to bring up is the standing waiver for the stamping. I just wanted to show you that that binder over there sitting on that chair, that is our overhead standards book. We have a department at Eversource that that is their sole job; to update the standards, the design and construction standards on a regular basis. When a new version, or new addition of the national electric safety code comes out, they analyze that and make sure our standards are in compliance, and so we use it across all three states. Mr. Foote stated I think that is something over the course of the next month we should have a conversation about, and accommodate if we can. Ms. Hebert agreed. Mr. Pilotte said thank you. Ms. Hebert then stated it sounds like we may need to continue this discussion to the February meeting and that would give us a chance to review some of the items we discussed today in the field. Mr. Foote stated and let's hope that when we come back in February, whatever the date is, the discussion is a lot shorter. Ms. Hebert stated yes.

Continuing, Mr. Foote stated hopefully we will have a number of items that we agree with what they are proposing and where we disagree then, we will have more discussion. Ms. Hebert stated we will figure it out. In lieu of a blanket waiver for some of these items, I would like to have a better sense of what exactly the coordinated communication expectations will be moving forward. Mr. Newman stated I think that is fair. Based on the feedback I am hearing, I can't commit to it, we will need to discuss it, but what I am envisioning is outreach meeting either

over the phone or in the field where it is necessary before a project starts. Explanations and answering all questions with the hope that, whether it is Jeff or someone from his staff we are meeting with, would have authority to entertain requests for specific waivers following that meeting. It wouldn't be necessary for every project to come in and do a public hearing and presentation for waivers, I think they will become...Mr. Foote stated I think we are all going down the same path. Ms. Hebert agreed.

Mr. Creer then stated obviously the standing waivers issue and communications issues, all of that we will have to come back and revisit, but my question is, I guess, are we also going to postpone the current permit that we are seeking as well? Ms. Hebert answered yes. Mr. Foote stated I think, as I said, I have been trying to get that pole moved for thirteen years, and if either one of you think I am being unreasonable asking for another month, based on the occurrence that's before us then let me know. Ms. Radke stated I agree. Ms. Hebert stated I also think we should verify that the poles are set at adequate distance from pavement and I would like to take a look at that in the field. Maybe we can touch base on that discussion point at the next meeting. Mr. Pepin asked if the pole that you are trying to move for thirteen years was one of those two poles that was part of the discussion or is it a third pole. Mr. Foote stated as I understand this today, there was always one pole there and you added two. It's the one that has been there for a number of years, and I think the reason why we always received a non-response is because it was direct...somebody has underground utilities connected to the pole so you would have to have a standoff bracket and all of the accoutrements associated with that, and I think that's why it was always pushed off. Mr. Pepin answered okay and stated when we make contact to discuss those two poles, I think CCI should also be part of those discussions because I am viewing this the context of no different than those meetings that you talked about with Mario, where basically the Town is asking us to move existing poles in the right-of-way and that may be helpful to get CCI's engagement, if it's viewed as a Town request that those poles be moved. I think what we found is that, for projects like this, since it doesn't directly benefit CCI and we are the ones asking for it, it is not high on their priority list, because they get no benefit from it. Mr. Foote stated I don't disagree with what you are saying, all three parties should be involved. Ms. Hebert agreed.

Ms. Hebert then stated one last question, do you have any other pending projects in Bedford that you may want to have a pre-consult with us at your next meeting in February? Mr. Pilotte stated I don't have any large projects, per se, I mean the smaller day to day stuff, service for customers, I don't see that at my level. Any of the emergency stuff that comes up, the crews pretty much handle it right away so, I think that was another reason why we had the discussion earlier about the trying to get some sort of standing waiver from the day to day emergency type work that surfaces that we need to address. We can't wait a month to address it, we have to address fairly quickly. Ms. Hebert said yes and Mr. Foote stated we agree. Ms. Hebert then stated there is an emergency provision in the ordinance, so you are exempt from emergency work. Mr. Pilotte stated thank you. Mr. Foote said with that, we can go up Wallace Road, just before you intersect with McAllister on the right, there was a pole there that was always too close to the road, as I said going north on the right and because of its proximity it wasn't two, three feet off the road it got hit by a car and so when they reset the pole, did they put the pole closer to the road or further away from the road? They put it closer to the road. So those are the type of things that if we received a phone call, I know your crews are your crews, we understand all that but there has to be some thought into some of these exercises that occur and some of the protocols in operating

procedures that you have to not cause something to be more dangerous than it was for us. Going up Wallace Road, before you get to that back across from Benedictine Park there are two poles that we have been trying to get relocated since, while I have you all here, 2015. Mr. Creer asked where is the location? Mr. Foote answered Wallace Road... 2014-2015 Road project with the utility company carry overs...Wallace Road middle project phase III between Ministerial Road and North Amherst Road...you guys got to those, but there are still two or three across from the Benedictine Park on Wallace Road. So if you leave here and you go westerly on North Amherst Road and you get to Wallace Road take a right. Go up over the hill, and Benedictine Park is on the right. There are two poles there and you can see where the plows scrape some constantly when it goes by for winter maintenance and if you continue up there is another pole on the outside of a curve that is also too close. Mr. Radke asked if that was the one DPW put up reflective, the one I always complain about, it's too close and someone is going to hit it? Mr. Foote stated we did. Actually that's going south on the right, across from Ministerial and back to what was said previously, Consolidated Communications needed to connect to a house and so I finally got that one moved. Ms. Radke said yes you did. That was a scary one.

Mr. Foote then stated we understand your relationship with Consolidated, we do. Mr. Newman stated it is challenging right now with that regulatory issue, so we filed that document in December of 2020 asking for approval of, essentially we would acquire all of their joint ownership interests, state wide, except for things in their service territory that we don't still have to get done, they would continue with all of that. Mr. Foote stated sure. Mr. Newman said everything else we would get their 50% interest and I would have expected we would have a decision on that within three months and it has been 10 months later, and the hearings are not until March. Mr. Foote stated we get it. Mr. Newman then said a new department of energy came into existence, everything is kind of a mess, regulatory on the state level. So CCI unfortunately, while that is kind of looming in the background, has very little motivation to do anything with the poles that they are contractually responsible for. Mr. Foote said I think we are all dealing with the turnover, it was just unbearable as far as cycling through, there was never any consistency, that's why three of four of the names I mentioned you just dealt with them and you knew it was going to happen with Eversource over the years, and hopefully you have that field person, whoever it is, resumes that consistency. I think when we have the consistency we have collaboration and it really moves things forward for all of us. We are looking forward to re-establishing that. Mr. Pilotte said excellent.

At this time Mr. Foote asked if there were any other questions or comments from the group. Ms. Hebert asked if Mr. Foote would like a motion to continue. Mr. Foote stated I would like to open the hearing up to the public. He said I see no one here from the public so we will close the public hearing and move on to any motions anyone wants to make.

Ms. Hebert stated I move to continue the Eversource and Consolidated Communications application to the February 10, 2022 Poles and Wires Committee meeting. Ms. Radke seconded. Mr. Foote asked for discussion. He then stated for discussion purposes, I would really like to, I know Jillian and everyone is busy, to really consolidate some of these requests and have a methodology to move forward. If we need to have an email discussion or telephone calls, whatever it take to get us to a point where everyone feels comfortable, so we have a methodology that is consistent and efficient. Also, we need to field visit and meet with Eversource regarding some of the poles. Ms. Hebert then said then let me revise that. I withdraw my motion. Ms. Radke withdrew her second.

Ms. Hebert moved to continue the Eversource and Consolidated Communications application to the February 10, 2022 Poles and Wires Committee meeting to allow time to view in the field the poles that were discussed at the meeting and to allow time for the applicant and the Town to discuss coordinated efforts moving forward and processes with regards to any waivers that are requested. Ms. Radke seconded the motion. Chairman Foote asked all those in favor say Aye. The committee unanimously voted Aye. Chairman Foote stated the motion carries.

Mr. Foote thanked the Eversource representatives for coming and stated we appreciate your attendance and look forward to having a great 2022. We will be having a utility meeting sometime soon and I'm sure we will have all of your business cards and emails. Please leave them before you leave today so that the appropriate people attend those meetings. If you have a card please leave it. Mr. Newman then asked Ms. Hebert regarding coordination for the process going forward, Dave and myself would want to meet with Jillian? Ms. Hebert stated be in touch with me and Jillian and primary is Jillian and I think that we can't meet and discuss stuff as a group but we could meet individually to talk about processes, answer questions as Town staff. Jeff and I, we can do that. Mr. Newman then stated, so since she wasn't here for this discussion, to give her perspective regarding strictly following the letter of the ordinance as we are exploring some flexibility that would be helpful for her to know we talked about that. Mr. Foote said she is doing a great job. Ms. Hebert said it may be helpful to set up a zoom meeting with the parties to talk about what information we need for the next meeting. Mr. Foote clarified so we can adopt it and told the Eversource representatives to have a great day.

IV. Approval of Minutes: November 18, 2021.

On a motion by Ms. Radke to approve the November 18, 2021 minutes and seconded by Ms. Hebert, the Committee unanimously voted to approve the minutes.

V. Communications: None.

VI. Other Business: None.

VII. Adjournment:

On a motion made by Ms. Radke and seconded by Ms. Hebert, the Committee voted unanimously to adjourn.

The meeting adjourned at 10:21am.

Respectfully submitted,
Christine Szostak
Land Use Executive Assistant