

1                                   **ASHLAND BOARD OF SELECTMEN MEETING MINUTES**  
2   **WORK SESSION**  
3   **MONDAY, MARCH 19, 2018**  
4   **ASHLAND ELEMENTARY SCHOOL LIBRARY**  
5   **6:30 PM**  
6  
7

8   **PLEDGE OF ALLEGIANCE**  
9

10 **CALL TO ORDER**

11 Chairman Newton called the meeting to order at 6:30 PM with a roll call. Chairman Frances Newton,  
12 Selectmen Leigh Sharps, Casey Barney, Kathleen DeWolfe, and Vice Chairman Harold Lamos,  
13 present. Others present: Town Administrator Charles Smith and Administrative Assistant Wendy  
14 Smith.

15  
16 Chair Newton welcomed newly elected Selectman Kathleen DeWolfe.

17  
18 **PUBLIC HEARING**

19 Chair Newton opened the Public Hearing on amending existing pole/conduit licenses pursuant to RSA  
20 72:23 at 6:33 PM. Chair Newton read TA Smith’s background on the utility pole license amendment  
21 which involves including taxation language to Ashland’s pole license/applications to be consistent  
22 with RSA 72:23 in order to clarify the Town’s authority to assess the licensee’s use of the right-of-  
23 way. Chair Newton opened up comments to the Selectboard and the public. TA Smith further  
24 explained that the Town needs a utility pole application/license which includes taxation language in  
25 order to properly tax the utilities utilizing the poles according to state law. There was no further  
26 discussion from the Board or the public. Please note attached Public Hearing Notice dated February  
27 20, 2018 from Eversource Energy. Public Hearing ended at 6:40 PM.  
28

29 **MOTION:** By Selectman Sharps

30 *Motion to declare that all outstanding pole licenses issued by or under the authority of the*  
31 *Selectmen for the Town of ASHLAND or its predecessors in office acting under the provisions of*  
32 *RSA 231:161 (b), or its predecessor statutes, are hereby changed to incorporate in each such*  
33 *pole license in effect as of March 20th 2018 and effective as of such date, the following changes*  
34 *by inserting therein the following language*

35 *In accordance with the requirement of RSA 72:23, I (b), this license is granted to the licensee(s)*  
36 *subject to the condition that the licensee(s) and any other entity using or occupying property of*  
37 *the municipality pursuant to this license shall be responsible for the payment of, and shall pay,*  
38 *all properly assessed real and personal property taxes no later than the due date. Failure of the*  
39 *licensee(s) to pay duly assessed personal and real property taxes when due shall be cause to*  
40 *terminate this license.*

41 *In accordance with the requirements of RSA 72:23, I (b), the licensee(s) hereunder and any other*  
42 *entity using or occupying the property of the municipality pursuant to this license shall be*  
43 *responsible for the payment of, and shall pay, both current and potential real and personal*  
44 *property taxes when due. Furthermore, in accordance with the requirements of RSA 72:23, I (b),*

1 *the licensee(s) and any other entity using and/or occupying property of the municipality pursuant*  
2 *to this license shall be obligated to pay real and personal property taxes on structures or*  
3 *improvements added by the licensee(s) or any other entity using or occupying the property of the*  
4 *licensor pursuant to this license.*

5 *The Petitioner hereby acknowledges its statutory obligation pursuant to RSA 231:177-181 to*  
6 *relocate the poles, structures, conduit, and equipment licensed hereunder upon written notice*  
7 *from the Town.*

8 *The Licensee is required to provide the town in writing the names and contact information for any*  
9 *additional provider(s) authorized now or in the future to place equipment at these location(s).*

10 **SECOND:** By Selectman DeWolfe

11 **VOTE:** 5-0 (All in favor)

12 **MOTION PASSED**

13

14 **BOARD OF SELECTMEN REORGANIZATION & LIAISONS**

15

16 **Board of Selectmen:**

17

18 **MOTION:** By Selectman Sharps

19 *Nomination to Appoint Frances Newton as Board of Selectmen Chair.*

20 **SECOND:** By Selectman DeWolfe

21 **VOTE:** 5-0 (All in favor)

22 **MOTION PASSED**

23

24 **MOTION:** By Selectman Sharps

25 *Nomination to Appoint Harold Lamos as Board of Selectmen Vice-Chair.*

26 **SECOND:** By Selectman DeWolfe

27 **VOTE:** 5-0 (All in favor)

28 **MOTION PASSED**

29

30 **Board Representatives and Committee Liaisons:**

31

32 The following Board Representative appointments were made, motioned and seconded; all in favor:

33

- 34 1. Budget Committee – Vice Chair Lamos
- 35 2. Budget Committee Alternate – Selectman Barney
- 36 3. Heritage Commission – Selectman Sharps
- 37 4. Heritage Commission Alternate – Selectman DeWolfe
- 38 5. Planning Board – Selectman Sharps
- 39 6. Planning Board Alternate – Chair Newton

40

41 The following Committee Liaison appointments were made, motioned and seconded; all in favor:

42

- 43 1. Pemi River Local Advisory Committee – Selectman Sharps
- 44 2. Economic Development Committee – Chair Newton
- 45 3. Joint Loss Management Committee – Vice Chair Lamos

- 1 4. Water & Sewer Commission – Selectman DeWolfe
- 2 5. Electric Commission – Selectman Barney
- 3 6. Conservation Commission – Vice Chair Lamos
- 4 7. 4<sup>th</sup> of July Committee – Vice Chair Lamos
- 5 8. Northern Pass – Vice Chair Lamos
- 6 9. Ashland Transportation Advisory Committee – Selectman DeWolfe

7  
8 Selectman Sharps will attend School Board meetings as a voluntary liaison. Chair  
9 Newton thanked the voters for coming out to vote and all those who ran for offices. She  
10 also thanked David Ruell for reporting on all of the Selectboard meetings.

11  
12 **PUBLIC COMMENTS (Agenda items only)**

13 None

14  
15 **APPROVAL OF MINUTES**

16 March 5, 2018-Approved as written.

17  
18 **MOTION:** By Selectman Sharps

19 *Approve 3/5/18 minutes as written.*

20 **SECOND:** By Vice Chair Lamos

21 **VOTE:** 4-0-1 (**Yes:** Newton, Barney, Sharps, Lamos; **Abstain:** DeWolfe)

22 **MOTION PASSED**

23  
24 **CONSENT AGENDA**

25 Signed by Selectmen:

- 26 a. Payroll and Account Payables Manifests from 3/5/18.
- 27 b. Payroll manifest from 3/12/18.
- 28 c. Elderly Exemption & Veteran Credit application
- 29 d. NHDES Junkyard permit application for transfer station
- 30 e. Memo to Trustee of the Trust Fund regarding liquidating Disability Fund per article passage.

31  
32 **DEPARTMENT HEADS**

33 **Police Department:**

34 Chief Randall introduced new Ashland Police Department Sergeant Derek Gray. The public and the  
35 Board of Selectmen welcomed him.

36  
37 **OLD BUSINESS**

38 **Town Administrator Updates:** TA Smith summarized his Town Administrator Update which  
39 included reports from the Police Department, Library, Town Clerk/Tax Collector, Parks and Recreation  
40 Department, Fire Department, and the Library. The Town Clerk report reminded that political  
41 advertising must be removed by Friday, March 23, 2018 per RSA, dog licenses expire on April 30,  
42 2018, and unpaid taxes will be lienied in May. The Library reported many events being held in March  
43 and April which are posted on the town website. Selectman DeWolfe said she would like to attend  
44 Library Trustee meetings informally. The Parks and Recreation Department is planning to have an  
45 Easter Egg Hunt at the Booster Club on March 31<sup>st</sup>. The Police Department will be having Drug Take  
46 Back day on Saturday, 4/28/18 from 10 to 2 PM. Their report also reminded the public that there is no

1 parking on any street in Ashland and in the Mechanic Street and Town Hall parking lots from 1 AM to  
2 5 AM until 5/1/18. The Fire Department continues to conduct Life Safety Code inspections for  
3 assembly and rental occupancies.

4 A recount has been petitioned for Article 2, the Thompson Street bond and will take place at 8 AM on  
5 Thursday, March 22<sup>nd</sup>. All of the Selectmen will be able to attend and Chair Newton will recuse herself  
6 from the official counting due to conflict of interest.

7  
8 **Project List:**

9 NHDOT – Transportation Alternatives Program (TAP) Grant (Rt. 3/25 sidewalk project): KV  
10 Partners will update the town on the schedule and process to move forward when the survey is  
11 completed.

12 Thompson Street/High Street/Smith Hill Road Reconstruction; Water and Sewer  
13 Replacement: Warrant article did not pass. A recount has been petitioned and scheduled  
14 for Thursday.

15 Geographic Information System (GIS) Mapping: Warrant article passed. A meeting has  
16 been scheduled with Tim Fountain from CAI Technologies for April to discuss the next  
17 steps.

18 LW Packard Mill Site Brownfields project: Chair Newton received Brownfields report  
19 from Nobis Engineering. The groundwater is minimally contaminated with slightly  
20 higher levels of arsenic in one section that can be mitigated by removing the soil or  
21 covering it. The Economic Development Committee met with Jeff Hayes of Lakes  
22 Region Planning Committee (LRPC) and Tim Anders of Nobis Engineering. They would  
23 like to meet with the Selectboard at the April 16, 2018 work session to further discuss  
24 this project.

25  
26 **MOTION:** By Selectman DeWolfe

27 *To invite the Ashland Economic Development Committee, LRPC, and Nobis Engineering*  
28 *to the Board of Selectmen Work Session of April 16, 2018 at 6:30 PM.*

29 **SECOND:** By Selectman Sharps

30 **VOTE:** 5-0 (All in favor)

31 **MOTION PASSED**

32  
33 Town Buildings Telecommunications: Spectrum to disconnect internet service.

34 NH Land & Community Heritage Investment Program (LCHIP): Warrant Article 19 passed  
35 granting approval to move forward with the LCHIP grant. LCHIP has been contacted  
36 regarding approval and the architect has been contacted regarding next steps.

37 Building Permit Fees: Warrant article was passed granting Board of Selectmen authority to  
38 raise building fees.

39 Town Office Building Maintenance: Deposit has been sent for masonry repairs to the Old Jail  
40 building.

41 Town Personnel Policy: Personnel policy will be updated this year.

42 River Walk Maintenance: The DPW will be doing clean up in the spring. Selectman  
43 DeWolfe brought up that there is Knotweed which needs to be removed and suggested

1 covering with black tarp and wood chips before it blossoms. Selectmen DeWolfe and Lamos  
2 will meet with DPW Director Moore regarding this.

3  
4 **NEW BUSINESS**

5 **Department Head credit cards:** TA Smith sent letter to Meredith Village Savings Bank regarding  
6 application for credit cards for the departments with a credit limit of \$1,500.

7  
8 **NHDES – Emery & Garrett Groundwater Investigations, LLC service contract:** Contract is for  
9 ongoing groundwater testing for NHDES at the Ashland Utility building due to underground storage  
10 tank removals in the past. There is no cost to the town to conduct this work.

11  
12 **MOTION:** By Vice Chair Lamos

13 *To approve the service contract with Emery & Garret Groundwater Investigations, LLC to conduct*  
14 *groundwater sampling at 2 Collins Street and to send prepared reports to NHDES.*

15 **SECOND:** By Selectman DeWolfe

16 **VOTE:** 5-0 (All in favor)

17 **MOTION PASSED**

18  
19 **SELECTBOARD ITEMS**

20 None

21  
22 **LIAISON REPORTS**

- 23 • Selectman Sharps reported on the March 6<sup>th</sup> School Board meeting safety presentation.  
24 The next School Committee meeting will be on April 3<sup>rd</sup> and the next SAU2 meeting will  
25 be on May 2<sup>nd</sup>.
- 26 • Selectman DeWolfe had to resign from the ZBA and the Heritage Commission per RSA  
27 as she is now a Selectman, therefore there are open positions on these boards.
- 28 • The Board of Selectmen asked the public to consider volunteering for the many open  
29 positions on various boards and committees.

30  
31 **PUBLIC COMMENT**

32 None

33  
34 There being no other business, Vice Chair Lamos made **Motion to adjourn at 7:20 PM.** Selectman  
35 Sharps seconded. **Roll Call Vote:** Barney, yes, Newton, yes, Lamos, yes; Sharps, yes; DeWolfe, yes.

36  
37  
38 Respectfully submitted,

39  
40  
41 Wendy Smith  
42 March 20, 2018



780 N. Commercial Street  
P.O. Box 330  
Manchester, NH 03105—330

**Christopher J. Allwarden**  
Senior Counsel, Legal Department  
603-634-2459

Christopher.Allwarden@eversource.com

February 20, 2018

RECEIVED

FEB 23 2018

Board of Selectmen  
Town of Ashland  
PO Box 517  
Ashland, NH 03217-0517

BOARD OF SELECTMEN

Re: **Public Hearing Notice – Hearing to Amend Pole and Conduit Licenses**

Hearing Date: March 19, 2018

Dear Board of Selectmen:

The undersigned is legal counsel to Public Service Company of New Hampshire, d/b/a Eversource Energy (“Eversource”). Eversource has received your notice of a public hearing at which the Town of Ashland will take up the matter of a petition by the Board of Selectmen for the universal amendment of existing pole and conduit licenses in the Town, to require the payment of properly assessed property taxes, and to require licensees to provide information pertaining to entities attached to their poles or conduits.

This is to advise that, to the extent the proposed amendments seek to make language changes to the pole licenses of Eversource consistent with RSA 72:23, and the rulings of the New Hampshire Supreme Court in N.E. Tel. & Tel. Co. v. City of Rochester, 144 N.H. 118 (1999) and Verizon New England v. City of Rochester, 151 N.H. 263 (2004), Eversource does not intend to raise a legal objection to the amendments. However, this should not be construed as a waiver of Eversource’s rights to protest, seek an abatement of, or otherwise legally challenge as excessive or disproportionate the assessment by the Town of Ashland of any incremental property tax upon Eversource’s use or occupancy of the public right of ways in Ashland, and Eversource fully reserves all such rights.

Eversource does, however, object to the proposed amendments to include the requirement that the licensee submit to the Town of Ashland, in writing, the names and contact information for any additional providers authorized now or in the future to place equipment on any Eversource poles or conduits.

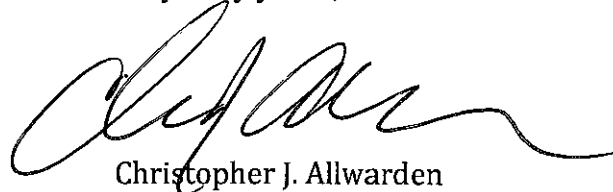
These conditions are not revisions required under RSA 72:23, or the New Hampshire Supreme Court cases interpreting that statute, in order to legally assess and tax either the facilities or equipment of the named licensee, or the use and occupancy of the public right of way by the named licensee. Furthermore, such other attachers, to the extent they may exist, are required to license or permit their facilities located within the public rights of way with the Town of Ashland pursuant to RSA 231:159, et seq., just as Eversource is. Consequently, the identity of attachers utilizing the public rights of way, whether by attachment to existing utility poles, conduit or otherwise, should be obtainable from Ashland's own public highway licensing records. Eversource is not aware of any statute or other provision of law in New Hampshire which authorizes the Town of Ashland to compel Eversource to provide this information as a condition of a pole or conduit license.

We also bring to your attention that, in accordance with the requirements of RSA 374:34-a, public utilities such as Eversource must provide non-discriminatory access to their distribution poles and conduit to certain third parties seeking to use them for attachment of their own lines, cables and appurtenances. Under existing regulations of the New Hampshire Public Utilities Commission (Puc 1303.08), such third parties are required to clearly label their attachments with owner identification. This affords another means by which the Town may obtain its own information pertaining to attachers utilizing the public rights of way.

Under the above circumstances, Eversource maintains it is neither legally necessary, nor fair or reasonable, to require a licensee to provide or report to the Town information about others using the licensee's poles or conduits licensed in the public right of way. Such a license amendment is not required in the public good.

As Eversource is unable to send a representative to your hearing, Eversource respectfully requests that this letter be included in and made a part of the record of the minutes of the hearing of this matter on March 19, 2018. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'C. Allwarden', written in a cursive style.

Christopher J. Allwarden  
Senior Counsel, Legal Department

cc: Jeana Delisle, Eversource