

## **Minutes of West Fairlee Selectboard Special Meeting February 27, 2010**

**Present from the Selectboard:** Bonnie Cray, Beverly Ash, and Doug Sonsalla

**Visitors:** John Blake and Jonathan Blake (J&J Blake Excavating), John Benjamin, Chris Aquino

**The meeting was called to order at 1:45 pm at the Wild Hill utility pole.**

Benjamin discussed the history of the issues with the utility pole location and the selectboard's vote on February 1, 2010 to request that the pole be relocated. Benjamin indicated that the board could chose to allow the pole to stay in place based on the language in the agreement between the Town and Topsham Communication. Benjamin discussed the potential pole location alternatives, as marked by stakes beyond the current pole location. Benjamin described the potential environmental impacts and bank stability issues that relocating the pole further from the road would pose due to the steep embankment. Benjamin also indicated that the relocating would require a great deal of the vegetation/trees in the area to be cut in direct opposition to the Town plan. Benjamin indicated that relocating the fiber optic lines via burial would also be nearly impossible due to shallow ledge and the embankment. Benjamin indicated that the equipment required to bury the line would also impact the vegetation/trees and may require permission of abutting property owners if impacts were to extend beyond the Town's right of way. Benjamin indicated that impacts to vegetation/tree root systems could also undermine the road bed stability and embankment. Benjamin addressed suggestions to locate the pole on the other side of the road by describing drainage and ledge issues also present in alternate location options. Benjamin discussed issues with relocating/straightening the road way to provide adequate off sets between the road and the pole. Benjamin asked John and Jonathan Blake to speak to any road maintenance issues that the pole may present.

John Blake indicated that the road could be straightened at a very high cost to the Town and given the current financial situation was unlikely to be a favorable option. Blake indicated that the pole would not hinder grading of the road, and suggested that the pole be relocated if other road work were required in the future.

Benjamin indicated that Topsham Communication is willing to provide reflective markings on the pole to address safety/visibility issues. Benjamin indicated that the high speed internet project has a set budget and any monies spent relocating the pole would potentially reduce the amount of coverage that could be provided by the fiber optic lines.

Sonsalla indicated that although the board understood the financial restraints of the project, the Town's position is to protect public safety as a primary objective. Although the Town would like the project to reach as many residents as possible, the board must also consider public safety. Sonsalla indicated that the pole locations should have been staked prior to installation to allow the Town to approve the locations. Sonsalla indicated that Jonathan Blake had donated several days to overseeing the fiber optic line burial in other locations and that no oversight was done at the pole installations.

Benjamin presented photographs of several other poles in Thetford, West Fairlee, and on State roads where similar offsets from the road way were observed. Benjamin asked why pole off set locations that are acceptable to Thetford and the State would be called into question by West Fairlee.

Cray asked John and Jonathan Blake to speak to any issues they may have on the pole location. Jonathan Blake indicated that although the location is not ideal, the challenges that alternate locations provided made the work unbeneficial. Blake indicated that filling in the bank would cause the toe of the road embankment to extend to beyond the 49.5 foot right of way and would require private property owner approval.

Benjamin reiterated that the agreement established between Topsham and the Town allowed the selectboard to approval the pole location closer than 4 feet from the edge of the road.

Aquino indicated that the pole may serve as a barrier between drivers and the embankment and suggested that reflective markings on the pole would be favorable. Ash and Cray concurred that reflective markings should be put on the pole.

Cray asked if Topsham would pay to have the pole relocated if the location poses an issue in the future. Benjamin indicated that he could not speak for Topsham. John Blake indicated that the pole relocation would be required of Topsham if future work mandated the necessity and indicated that such expectations were standard for those who owned utility poles.

Sonsalla indicated that given the challenges presented by alternative locations, the existing location may be the best option. Sonsalla indicated discussed the financial challenges also presented by the pole relocation including impacts to project costs or possible costs incurred by the Town to modify the road. Sonsalla indicated that safety issues should be addressed by reflective markings on the pole.

Sonsalla moved to rescind the select board vote taken at the regular meeting held on February 1, 2010 that would require Topsham Communication, LLC to move the utility pole on Wild Hill Road that appears to be located within four feet of the edge of the travel portion of the highway and further to assent to the original placement of the utility pole. Ash seconded the motion and the vote passed unanimously.

**Motion by Sonsalla to adjourn the meeting. Ash seconded the motion. The vote was unanimous in favor.**

Respectfully submitted,

Holly Lewis-Poulin  
Selectboard Clerk