

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

SEC DOCKET NO. 2015-06

**JOINT APPLICATION OF NORTHERN PASS TRANSMISSION LLC &
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY
FOR A CERTIFICATE OF SITE AND FACILITY**

**MOTION TO AUTHORIZE
PHASE I-B ARCHEOLOGICAL SURVEY**

Northern Pass Transmission LLC ("NPT") and Public Service Company of New Hampshire d/b/a Eversource Energy ("PSNH") (collectively the "Applicants"), by and through their attorneys, McLane Middleton, Professional Association, respectfully submit this request for permission to perform a Phase I-B archeological survey for segments of the underground route of the Northern Pass Project along approximately 1.3 miles of locally-maintained roads in the towns of Clarksville and Stewartstown ("Motion"). In support of their Motion, the Applicants state as follows.

I. BACKGROUND

1. The Applicants filed an Application for a Certificate of Site and Facility with the Site Evaluation Committee ("SEC" or in this case the "Subcommittee") on October 19, 2015, for a 192-mile electric transmission line with associated facilities ("Northern Pass" or "Project"). The SEC accepted the Application pursuant to RSA 162-H:7, IV on December 18, 2015.

2. Section (i) (6) (D) of the Application, at pp. 82-84, addresses the SEC's exclusive authority to grant permission to an energy facility to utilize locally maintained highways. Among other things, the Applicants pointed to the New Hampshire Supreme Court's decision in *Public Service Company of New Hampshire v. Town of Hampton*, 120 N.H. 68 (1980) in which it found that the "declared purpose of RSA ch. 162-F [predecessor to RSA ch. 162-H] is to provide

a resolution, in an ‘integrated fashion,’ of all issues involving the selection of sites and routing of associated transmission lines.”

3. In *Hampton*, the Town passed an ordinance requiring all new powerlines over a specified rating be buried. *Id.* at 69. This ordinance conflicted with the utility’s PUC approvals for Seabrook Station. Rejecting the Town’s actions, the Court further noted:

The action by the defendant towns in this case is repugnant ... because it is contrary to the legislative intent that **all matters regarding the construction of bulk power plants and transmission lines** covered by the statute be determined in one integrated and coordinated procedure by the site evaluation committee whose findings are conclusive. [citations omitted] By enacting RSA ch. 162-F, **the legislature has preempted any power that the defendant towns might have had with respect to transmission lines embraced by the statute**, and the actions by the defendant towns with regard to transmission lines is of no effect.

Id. at 71 (Emphasis added).¹

4. The legislative intent for a single process governing the review, approval and construction of utilities remains unchanged in the present statute. The Legislature designed the statutory process for the review, approval, siting, construction, and operation of energy facilities, “...in which all environmental, economic, and technical issues are resolved in an integrated fashion.” RSA 162-H:1. Manifestly, such a unified approach is necessary to prevent local passions and parochial desires from undermining larger state interests.

5. Accordingly, the Applicants asked the SEC for permission to install the Project within, along, over, under, and across locally-maintained highways, exercising the authority to erect transmission lines and underground cables codified at RSA 231:160.

¹ CFP attempts to distinguish *Hampton* claiming the case is limited to ordinances targeted to thwart a project. See Counsel for the Public’s Post Hearing Brief, p. 152. This is incorrect factually and legally. On its face, the *Hampton* ordinance applied to all new power lines above 69 kilovolts. The proposed line was 345 kilovolts. More importantly, the Court expressly rejected the Ordinance not because it was targeted but because town regulation was “repugnant...to the legislative intent” for a single integrated and coordinated procedure. *Hampton* at 71.

6. In a similar vein, pursuant to RSA 236:9, it is “unlawful to excavate or disturb the shoulders, ditches, embankments or the surface improved for travel” of a public highway without written permission from the New Hampshire Department of Transportation (“DOT”) or a town, depending on the classification of the highway. Under the same authority cited above with respect to crossing a local highway, the Applicants seek permission to hand-dig shovel test pits along locally maintained roads in Clarksville and Stewartstown for the purpose of completing the Phase I-B archeological survey.² In that regard, the Applicants ask that the Subcommittee authorize here the approach used by the DOT for minor disturbances in state-maintained roads.,

7. DOT approved Phase I-B survey work along more than 50 miles of state-maintained roads under its standard application process. That survey work has been completed, without incident. See Attachment 1 for an example of these permits.

8. The Applicants submit as Attachment 2 a completed application, modeled on the DOT application form, for the approximately 1.3 miles of locally-maintained roads in Clarksville and Stewartstown where Phase I-B archeological survey work remains to be completed.

9. The Applicants note that the SEC’s preemptive authority extends not only to the actual construction and operation of the transmission line, but to the preconstruction work necessary to study and design the proposed route. The SEC statute expressly recognizes this distinction and the necessity of such preliminary activities. Pursuant to RSA 162-H:5, no party may commence construction of an energy facility unless it has obtained a certificate of site and facility. Pursuant to RSA 162-H:2, III, commencement of construction means:

any clearing of the land, excavation or other substantial action that would adversely affect the natural environment of the site of the proposed facility, but does not include land surveying, optioning or acquiring land or rights in land, changes desirable for temporary use of the land for public recreational uses, or necessary borings to determine foundation

²The Applicants attempted to reach agreements with Clarksville and Stewartstown to address any town concerns about the Phase I-B shovel test pits. As explained below, both towns declined the Applicants’ request.

conditions, or other preconstruction monitoring to establish background information related to the suitability of the site or to the protection of environmental use and values.

10. Applicants bring this request forward now to address a small segment of archeological survey work that is required as part of the ongoing Section 106 process. To advance that process, they submit this motion as a companion to their brief to avoid delay that might occur from an extended rehearing process. If the Subcommittee grants this motion, the Applicants could perform the limited surveys and excavations before the end of summer 2018, permitting the timely introduction of the resulting data into the Section 106 process.

II. PHASE I-B SHOVEL TEST EXCAVATIONS

11. Phase I-B archeological investigations are typical for meeting the requirements of the National Historic Preservation Act, Section 106 process (“Section 106 Process”) and addressing potential effects on “historic sites” under the SEC rules. The Applicants have completed a substantial number of Phase I-B survey reports for this Project, for archeologically sensitive areas along more than 50 miles of state-maintained roads for the underground portion of the route.

12. The proposed work involves a series of shovel test pits, hand dug, in the Area of Potential Effect (“APE”), as established by the US Department of Energy (the lead federal agency in the Section 106 process), with the concurrence of New Hampshire Division of Historical Resources (“DHR”). The APE for the Phase I-B effort along the underground route is generally 20 feet from the edge of the road bed on both sides of the road, depending on property lines, within the areas of archeological resource sensitivity identified during the Phase I-A survey.³ No survey work will be done outside of the road right-of-way. Subsurface shovel test

³ Phase I-A work requires no excavation, so no approvals were required under RSA 236:9.

pit sampling will be conducted only within archeologically sensitive areas for both pre-contact Native American and post-contact European-American archeological resources.

13. Established safety protocols will be followed. Field crews will consist of up to ten individuals, including supervisors, and they will work only during business hours (generally 8:00 am to 4:00 pm). All vehicles will be equipped with amber lights and vehicles will be parked safely along shoulders off the travel way. Cones and signage will be placed to alert traffic. No work will be conducted during inclement weather that would impede traffic or road maintenance operations. Personnel will wear high visibility clothing and conduct themselves in a quiet, courteous and professional manner. The Applicants will use police escorts, if requested by the towns.

14. The Phase I-B survey methodology is identical to that already completed along state-maintained roads. That survey was done pursuant to excavation permits issued by DOT, following methods that DHR had reviewed and approved.

15. Shovel tests will measure 50 x 50 cm square (slightly less than 2 x 2 feet square) and will be spaced at 8 meter (25-foot) intervals. If artifacts are discovered, this spacing will be shortened to determine the extent of archeological resources remaining within the APE. Test pits will be hand-excavated by shovel and trowel. The uppermost layer of sod or topsoil will be set aside for backfilling. No tree or other vegetation trimming or removal will be associated with this effort. Soils will be screened through one-quarter inch mesh onto tarps. If artifacts are encountered, 10 cm excavation levels will be used within natural soil strata to provide vertical control. Artifacts will be collected by levels within strata. Excavation will continue 20 cm below any finds to confirm stratigraphic depth. Test pits will be backfilled upon completion and tamped down to grade once the survey is complete.

16. The results of the Phase I-B work along locally-maintained roads in Clarksville and Stewartstown will be documented in an identical manner to the survey along state-maintained roads. Test pit locations will be outlined on field plans. When sites are discovered, GIS points will be recorded at plot locations and plotted on project aerials, scaled sketches will be made, and representative photographs will be taken.

17. Upon completion of field work, artifacts will be cleaned, sorted, identified and inventoried; data will be integrated and interpreted; site recording forms will be completed for newly discovered sites and updated for previously recorded sites; and results and findings will be interpreted, and presented in a Technical Report accompanied by photographs, field plans and aerial photos.

III. DISCUSSION

18. The Applicants propose to construct two segments of the Project underground in the Towns of Pittsburg, Clarksville and Stewartstown, totaling approximately eight miles. About 4.7 miles of the underground segments will be placed in locally-maintained state roads in the Towns of Clarksville and Stewartstown, along Old County, North Hill and Bear Rock Roads. In order for the Applicants to satisfy the requirements of the Section 106 process, the Applicants must complete Phase IB survey work in the areas identified in the Phase IA survey as archeologically sensitive. These areas total about 1.3 miles of the locally-maintained roads in these two towns.

19. Although the SEC has ultimate preemptive authority on this issue, the Applicants asked both towns to identify any matters of concern relating to this work and to enter into an agreement addressing such concerns. They declined that request. Minutes of the Board of

Selectmen meetings for each town that address this question are attached as Attachment 3. The Applicants now seek the Subcommittee's authorization for this work.

20. As the New Hampshire Supreme Court also observed in *Public Service Company of New Hampshire v. Town of Hampton*, the SEC process “protects the ‘public health and safety’ of the residents of the various towns with respect to the siting of power plants and transmission lines.” *Id.* at 71. The Court concluded that the findings of the SEC are conclusive on all questions of transmission line siting and it is the “legislative intent that all matters regarding the construction of...transmission lines...be determined in one integrated and coordinated procedure.” *Id.* at 71. Since hand-shovel test excavations for archeological purposes are necessary preconstruction and siting actions, and hence intertwined with the siting and installation of the Project in the public highways, the Legislature has preempted any jurisdiction that the towns of Clarksville and Stewartstown may have had with respect to these activities.⁴ The logic of preemption applies equally to decisions pursuant to RSA 231:160 to install electric transmission lines in local roads. As noted above, to assist the Subcommittee's review of the Applicants' request, attached is a form modeled on the DOT's application form, containing the

⁴ Municipal Group 1 North (“MG1N”) and others, including Counsel for the Public, wrongly contend in their Post-Hearing Memorandum that municipalities have the authority to approve the installation of electric transmission facilities in locally-maintained highways, arguing that the overriding authority of the SEC applies only to municipal ordinances and not to RSA 231:160, yet providing no authority for their claim. The Applicants believe it is fair to assume that MG1N and others will take the same position here. Nonetheless, the Supreme Court's finding on the primacy of the SEC in the siting of energy facilities, relative to both RSA 231:160 and RSA 236:9, is clear. The Court stated: “Local regulation is repugnant to State law when it expressly contradicts a statute or is contrary to the legislative intent that underlies a statutory scheme.” *Id.* In addition: “We regard it as inconceivable that the legislature, after setting up elaborate procedures and requiring consideration of every imaginable interest, intended to leave the regulation of transmission lines to the whim of individual towns. Towns are merely subdivisions of the State and have only such powers as are expressly or impliedly granted to them by the legislature.” *Id.* Whether towns receive their power directly through a statute such as RSA 231:160, or exercise that power less directly by establishing an ordinance pursuant to RSA 674:16, is beside the point. Finally, consistent with rules of statutory construction, RSA Ch. 162-H is controlling because it was enacted subsequent to, and deals with the subject of siting transmission facilities more specifically than, RSA 231:160. *See In the Matter of Dufton & Shepard*, 158 N.H. 784, 790 (2009) (“When a conflict exists between two statutes, the later statute will control, especially when the later statute deals with a subject in a specific way and the earlier enactment treats that subject in a general fashion.”).

necessary information for the proposed minor disturbances. Consistent with RSA 236:11, the Applicants will restore the areas of disturbance “to a condition at least equal to the condition that was present before the excavation or disturbance.”

21. As noted above, to assist the Subcommittee's review of the Applicants' request, attached is a form modeled on the DOT's application form, containing the necessary information for the proposed minor disturbances. Consistent with RSA 236:11, the Applicants will restore the areas of disturbance "to condition at least equal to the condition that was present before the excavation or disturbance."

22. Nearly 90 years ago in *Parker Young Co. v. State*, 83 N.H. 551 (1929), the Public Service Commission (forerunner to the PUC) rejected a utility proposal but was overturned because nearby town selectmen threatened to deny authority for the applicant to use town highways if the PSC granted it approval. Fearing its decision would be futile otherwise, the PSC rejected the application. The Court overturned the PSC, holding that: “It is inconceivable that the legislature could have intended that the commission's permission to a public utility to do business in a given territory could be annulled by obstructive action by a local board in any one of the several towns through which the utility had been authorized to extend its lines.” *Id.* at 557. Furthermore, “[s]uch a result would defeat the apparent purpose of the legislature to provide for uniform treatment and control through a single state tribunal...” *Id.* at 557. The logic of *Parker Young* remains applicable here today.

IV. CONCLUSION

23. The exclusive jurisdiction of the SEC over the siting of energy facilities is clear as a matter of law and an exercise in logic, despite various parties' claims to the contrary. If any credence were given to the unsupported argument that the Legislature intended that a

municipality would retain authority under RSA 231:160 or RSA 236:9 with respect to the siting of an energy facility, then the integrated and timely review intended by the Legislature in RSA 162-H:1 would be rendered meaningless.

24. The procedures outlined above will ensure that the proposed activity has minimal impact on the roads and travelers. Identical work has already been performed successfully and safely for the underground segment of the Project along state-maintained highways.

25. The Applicants have sought concurrence for this request, as required by the June 23, 2016 Order on Pending Motions and Procedural Order.

26. The IBEW supports this Motion.

27. CFP takes no position on the Motion.

28. The following parties and groups object to the Motion.

- Abutting Property Owners Whitefield to Bethlehem
- SPNHF
- McKennas Purchase Unit Association
- Municipal Group 1 South
- Municipal Group 2
- Municipal Group 3 North
- Municipal Group 3 South
- Clarksville to Stewartstown Combined Abutters and Non-Abutters
- Abutting Property Owners Bethlehem to Plymouth
- Deerfield Abutters
- PRLAC
- Non-Abutting Property Owners Stark to Bethlehem

- Dummer, Stark and Northumberland Abutters
- Municipal Group 1 North
- Non-Abutting Property Owners Bethlehem to Plymouth
- Grafton County Commissioners
- Non-Abutters Ashland to Deerfield

WHEREFORE, the Applicants respectfully request that the SEC:

- Grant the Applicants' request for authority to perform hand shovel test excavations; and
- Grant such further relief as is deemed just and appropriate.

Respectfully submitted,

Northern Pass Transmission LLC and Public
Service Company of New Hampshire d/b/a
Eversource Energy

By Its Attorneys,

McLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Dated: January 19, 2018

By: 

Barry Needleman, Bar No. 9446
Thomas B. Getz, Bar No. 923
Adam Dumville, Bar No. 20715
11 South Main Street, Suite 500
Concord, NH 03301
(603) 226-0400
barry.needleman@mclane.com
thomas.getz@mclane.com
adam.dumville@mclane.com

Certificate of Service

I hereby certify that on the 19th of January, 2018, an original and one copy of the foregoing Motion was hand-delivered to the New Hampshire Site Evaluation Committee and an electronic copy was served upon the Distribution List.



Thomas B. Getz



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
EXCAVATION PERMIT
DISTRICT 01

PERMIT NO. 4529
TOWN/CITY: Bethlehem
ROAD/ROUTE: US-302
DATE: 6/29/16

(THIS FORM IS NOT A PERMIT UNTIL APPROVED BY NHDOT)

District 1, 641 Main St, Lancaster, NH 03584
District 2, 8 Eastman Hill Road, Enfield, NH 03748
District 3, 2 Sawmill Road, Gilford, NH 03249

District 4, 19 Base Hill Road, Swanzey, NH 03446
District 5, 16 East Point Drive, Bedford, NH 03110
District 6, PO Box 740, Durham, NH 03824

Pursuant to R.S.A. 231:184, 185, 186 and R.S.A. 236:9, 10, 11, permission is requested to disturb the surface, shoulders, ditches or slopes as described below:

- 1) On the north & south sides of Route US-302 or _____
- 2) in the Town of Bethlehem
- 3) for the purpose of Cultural resource investigations for the Northern Pass Underground Transmission Line
Per the NH Division of Historical Resources Section 106 review process through the use of hand auger and shovel test pits.
- 4) located (give distance to nearest crossroad and/or other local landmark and include sketch or plan)
2 locations along both sides of US-302 with 35 hand auger & shovel test pits from the junction of NH-18/
NH-116 to the junction of Cherry Valley Road.
See approved sketch location plans for test pit locations.
- 5) during the period of dates between 6/27/16 and 9/30/16

DIG SAFE PERMIT REQUIRED BY LAW (CALL 1-888-DIG-SAFE)

I/We hereby agree to conform to the following instructions and regulations in regards to the performance of the work proposed under this request. I/We also agree to any additional instructions issued by the District Engineer, or his authorized representatives during the process of the work.

OFFICE USE ONLY

If the pavement has to be disturbed, it must be sawcut, unless otherwise directed, prior to excavating. The pavement and base coarse materials are to be discarded. Excavation below subgrade is to be saved and used for backfill to prevent differential frost heaving. The disturbed area must be backfilled in layers not exceeding EIGHT inches (8") and thoroughly compacted. The base coarse shall be replaced as constructed. Hot bituminous pavement (HBP) shall be used for all patching material at a depth equal to the existing, unless otherwise stated. Earth areas disturbed will be replaced in kind, loamed, fertilized, seeded and mulched. All material and construction practices shall conform to the NHDOT Standard Specifications for Road and Bridge Construction, latest edition, and any amendments thereto. Interruptions to traffic shall be kept to a minimum and be maintained in accordance with the most current edition of the Manual on Uniform Traffic Control Devices. When conditions warrant, flaggers and or uniformed officers shall be utilized and be of a competent nature. No work shall be performed between November 15 and April 15, between dusk and dawn, or during periods of inclement weather, unless otherwise directed.

I/We agree to indemnify, defend and save harmless the State of New Hampshire from any and all claims arising from the construction, maintenance and operation of the said item(s) and appurtenances as described in this Permit and agree to obtain permits from the District Engineer before performing any future excavation for maintenance or renewal of the said item(s) or appurtenances within the highway limits. I/We agree to assume such additional cost as the State may incur due to the maintenance, operation, renewal, extension and inspection or of my/our failure to perform this work in the manner prescribed. It is understood and agreed that this Permit is for the right of construction, occupancy, operation and future maintenance of the said item(s) or appurtenances as described in the Permit and is by sufferance only. In the event of future alterations to the highway or highway right-of-way, the State reserves the right to require certain alterations, relocations, or complete removal of said item(s) promptly by the utility and at no expense to the State. I/We are familiar with the penalty imposed by R.S.A. 236:14.

THE DISTRICT CONTACT PERSON MUST BE NOTIFIED AT LEAST FORTY-EIGHT
(48) HOURS BEFORE PERFORMING ANY WORK.
A COPY OF THIS PERMIT SHALL BE PRESENT AT THE WORK SITE AT ALL TIMES.

-- OVER --

Where Applicable, in accordance with RSA 72:23, I(b), this agreement is made between the parties subject to the condition that the owner/ operator shall pay all properly assessed real and personal property taxes. Failure of the owner/ operator to pay duly assessed personal and real taxes when due shall be cause to terminate this agreement. In accordance with the requirements of RSA 72:23, I(b), the owner/operator shall be obligated to pay real and personal property taxes on structures or improvements added.

By signature below, I/We agree to the conditions and/or additional requirements as set forth in this document.

(PLEASE PRINT)

CONTRACTOR:	<u>Victoria Bunker, Inc.</u>	TEL. NO.	<u>(603) 776-4306</u>
ADDRESS:	<u>P.O. Box 16, New Durham, NH 03855</u>		
SIGNATURE:	<u>Victoria Bunker, PhD</u>	TITLE:	<u>Vice President</u>
PRINTED NAME:	<u>Victoria Bunker</u>		
OWNER:	<u>Northern Pass Transmission, LLC.</u>	TEL. NO.	<u>(603) 634-2933</u>
ADDRESS:	<u>780 North Commercial Street, Manchester, NH 03101</u>		
SIGNATURE:	<u>Brian Bosse</u>	TITLE:	<u>Project Manager</u>
PRINTED NAME:	<u>Brian Bosse</u>		
24 HOUR CONTACT PERSON:	<u>Victoria Bunker</u>	TEL. NO.	<u>(603) 520-6127</u>

(FOR DISTRICT OFFICE USE ONLY)
ADDITIONAL REQUIREMENT

No work during inclement weather that would impede NHDOT maintenance operations.

No work within the paved surfaces.

Traffic Control Plan (TA-6, MUTCD, 2009) shall be implemented.

All vehicles not equipped with amber lights shall be parked outside the highway right-of-way.

Amber light equipped vehicles must be parked within the shoulder closure area.

Prior to initiating work, the applicant shall furnish a SURETY BOND OR LETTER OF CREDIT in the amount of \$ 0.00 which shall remain in forces for two years after completion and NHDOT acceptance of the project.

Contact Person:	<u>Stephen Dickinson</u>	Title:	<u>Patrol Foreman</u>	Telephone No.	<u>(603) 444-4182</u>
Work to Begin:	<u>6/27/16</u>	Work to End:	<u>9/30/16</u>		
Permit Number:	<u>4529</u>	Expires:	<u>9/30/16</u>		
City/Town:	<u>Bethlehem</u>	Patrol Section:	<u>111</u>		

Approved By:

[Signature]
For the Director of Administration, N.H. Dept. of Transportation

Revised 12/03/10



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
EXCAVATION PERMIT
DISTRICT _____

ATTACHMENT 2
PERMIT NO: _____
TOWN/CITY: _____
ROAD/ROUTE: _____
DATE: _____

(THIS FORM IS NOT A PERMIT UNTIL APPROVED BY NHDOT)

District 1, 641 Main St, Lancaster, NH 03584
District 2, 8 Eastman Hill Road, Enfield, NH 03748
District 3, 2 Sawmill Road, Gilford, NH 03249

District 4, 19 Base Hill Road, Swanzy, NH 03446
District 5, 16 East Point Drive, Bedford, NH 03110
District 6, PO Box 740, Durham, NH 03824

Pursuant to R.S.A. 231:184, 185, 186 and R.S.A. 236:9, 10, 11, permission is requested to disturb the surface, shoulders, ditches or slopes as described below:

- 1) on the ***both sides of locally-maintained portions of Bear Rock and Old County Roads*** _____
- 2) in the town of ***Stewartstown and Clarksville*** _____
- 3) for the purpose of ***shovel test excavation for cultural resources investigations for the Northern Pass Underground Transmission Line per the NH Division of Historical Resources Section 106 review process.*** _____
- 4) located (give distance to nearest crossroad and/or other local landmark and include sketch or plan) ***see attached USGS topographic map*** _____

- 5) during the period of dates between _____ and _____

DIG SAFE PERMIT REQUIRED BY LAW (CALL 1-888-DIG-SAFE)

I/We hereby agree to conform to the following instructions and regulations in regards to the performance of the work proposed under this request. I/We also agree to any additional instructions issued by the District Engineer, or his authorized representatives during the process of the work.

OFFICE USE ONLY

If the pavement has to be disturbed, it must be sawcut, unless otherwise directed, prior to excavating. The pavement and base coarse materials are to be discarded. Excavation below subgrade is to be saved and used for backfill to prevent differential frost heaving. The disturbed area must be backfilled in layers not exceeding EIGHT inches (8") and thoroughly compacted. The base coarse shall be replaced as constructed. Hot bituminous pavement (HBP) shall be used for all patching material at a depth equal to the existing, unless otherwise stated. Earth areas disturbed will be replaced in kind, loamed, fertilized, seeded and mulched. All material and construction practices shall conform to the NHDOT Standard Specifications for Road and Bridge Construction, latest edition, and any amendments thereto. Interruptions to traffic shall be kept to a minimum and be maintained in accordance with the most current edition of the Manual on Uniform Traffic Control Devices. When conditions warrant, flaggers and or uniformed officers shall be utilized and be of a competent nature. No work shall be performed between November 15 and April 15, between dusk and dawn, or during periods of inclement weather, unless otherwise directed.

I/We agree to indemnify, defend and save harmless the State of New Hampshire from any and all claims arising from the construction, maintenance and operation of the said item(s) and appurtenances as described in this Permit and agree to obtain permits from the District Engineer before performing any future excavation for maintenance or renewal of the said items(s) or appurtenances within the highway limits. I/We agree to assume such additional cost as the State may incur due to the maintenance, operation, renewal, extension and inspection or of my/our failure to perform this work in the manner prescribed. It is understood and agreed that this Permit is for the right of construction, occupancy, operation and future maintenance of the said items(s) or appurtenances as described in the Permit and is by sufferance only. In the event of future alterations to the highway or highway right-of-way, the State reserves the right to require certain alterations, relocations, or complete removal of said item(s) promptly by the utility and at no expense to the State. I/We are familiar with the penalty imposed by R.S.A. 236:14.

THE DISTRICT CONTACT PERSON MUST BE NOTIFIED AT LEAST FORTY-EIGHT
(48) HOURS BEFORE PERFORMING ANY WORK.

A COPY OF THIS PERMIT SHALL BE PRESENT AT THE WORK SITE AT ALL TIMES.

-- OVER --

Where Applicable, in accordance with RSA 72:23, I(b), this agreement is made between the parties subject to the condition that the owner/ operator shall pay all properly assessed real and personal property taxes. Failure of the owner/ operator to pay duly assessed personal and real taxes when due shall be cause to terminate this agreement. In accordance with the requirements of RSA 72:23, I(b), the owner/operator shall be obligated to pay real and personal property taxes on structures or improvements added.

By signature below, I/We agree to the conditions and/or additional requirements as set forth in this document.

(PLEASE PRINT)

CONTRACTOR: Victoria Bunker Inc
 ADDRESS: PO Box 16, New Durham, NH 03855
 SIGNATURE: _____ TITLE President
 PRINTED NAME: Victoria Bunker TEL 776-4306
 OWNER: Northern Pass Transmission, LLC
 ADDRESS: 780 North Commercial Street, Manchester, NH 03101
 SIGNATURE: _____ TITLE: _____
 PRINTED NAME: _____ TEL. NO. _____
 24 HOUR CONTACT PERSON: _____ TEL. NO. _____

(FOR DISTRICT OFFICE USE ONLY)
ADDITIONAL REQUIREMENT

Prior to initiating work, the applicant shall furnish a SURETY BOND OR LETTER OF CREDIT in the amount of \$ _____ which shall remain in forces for two years after completion and NHDOT acceptance of the project.

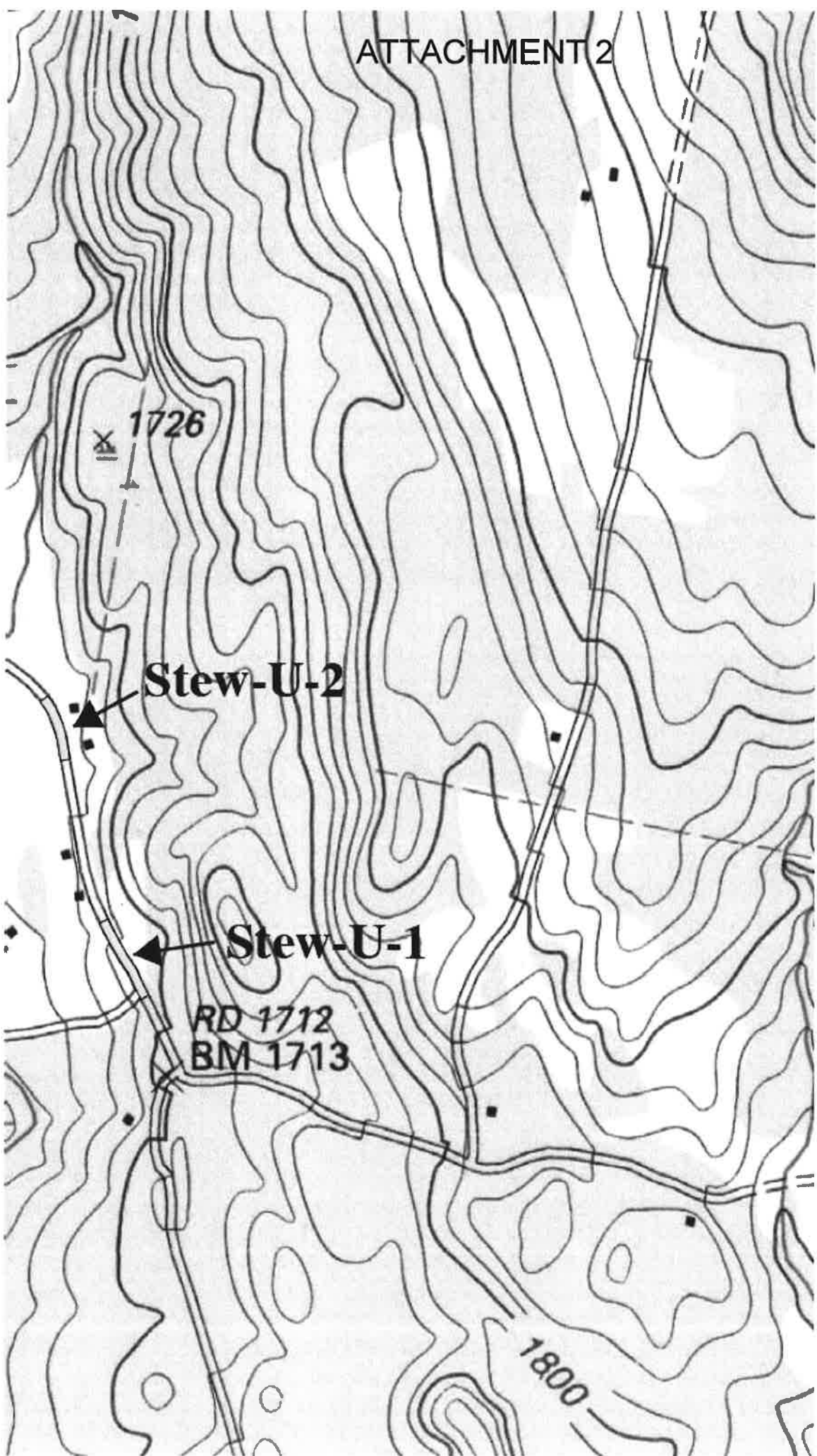
Contact Person: _____ Title: _____ Telephone No. _____
 Work to Begin: _____ Work to End: _____
 Permit Number: _____ Expires: _____
 City/Town: _____ Patrol Section: _____
 Approved By: _____

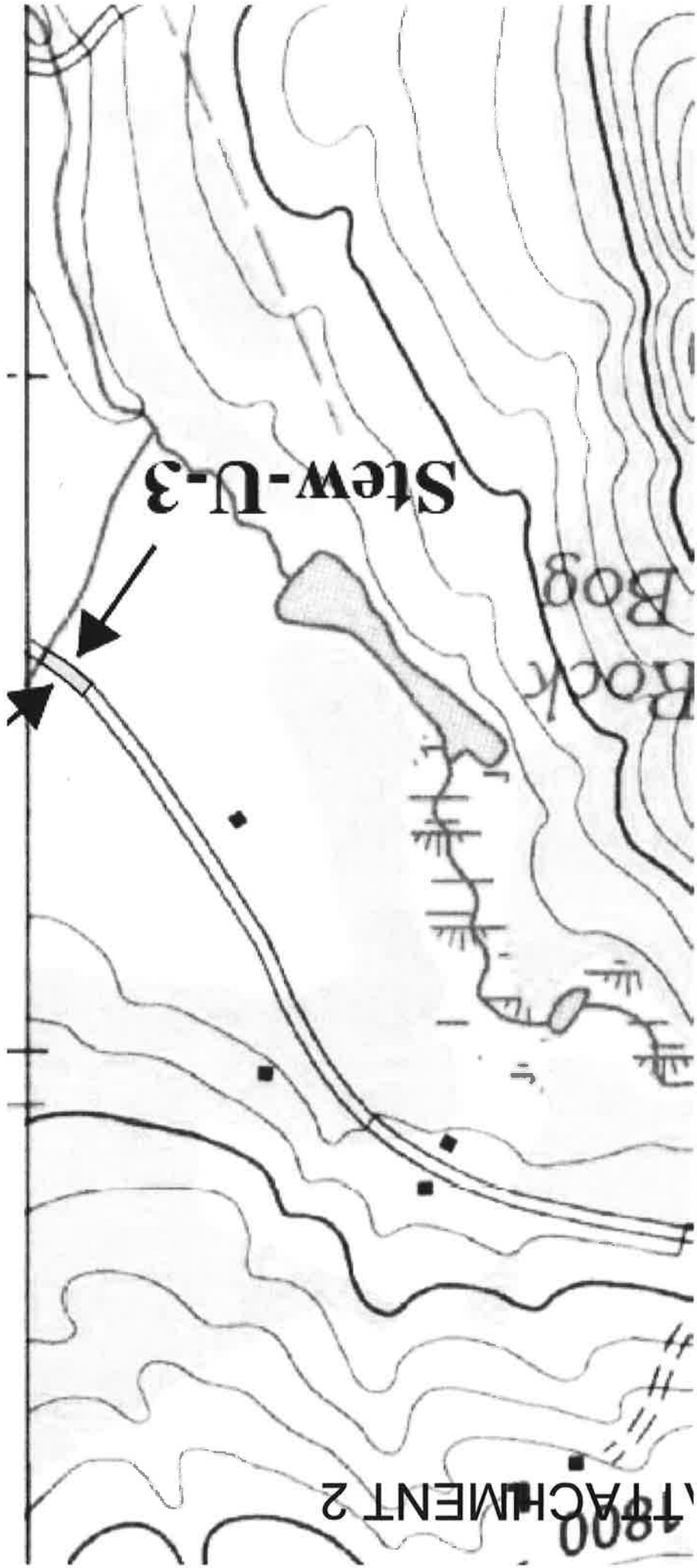
For the Director of Administration, N.H. Dept. of Transportation

Date

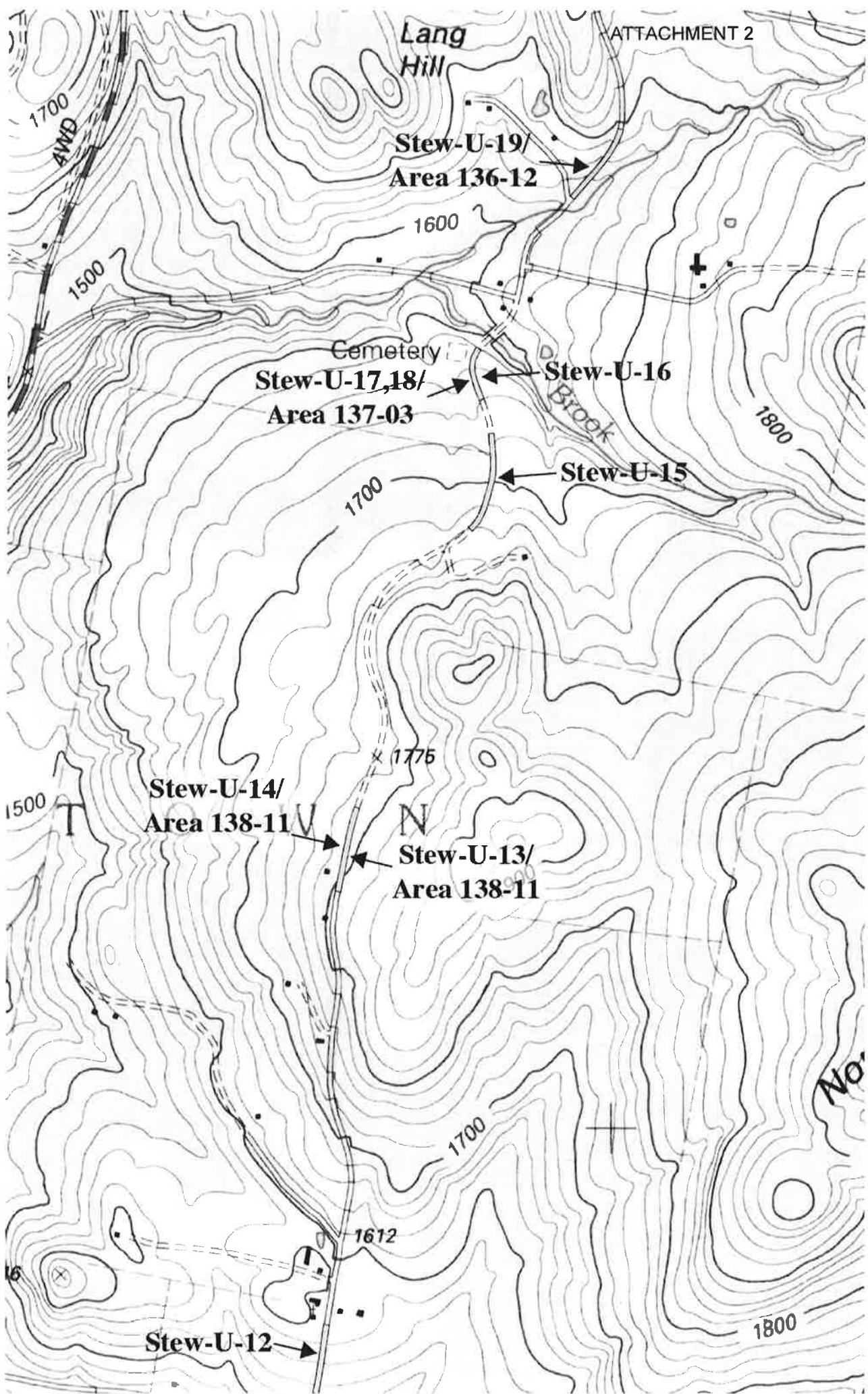
Revised 03/29/2012

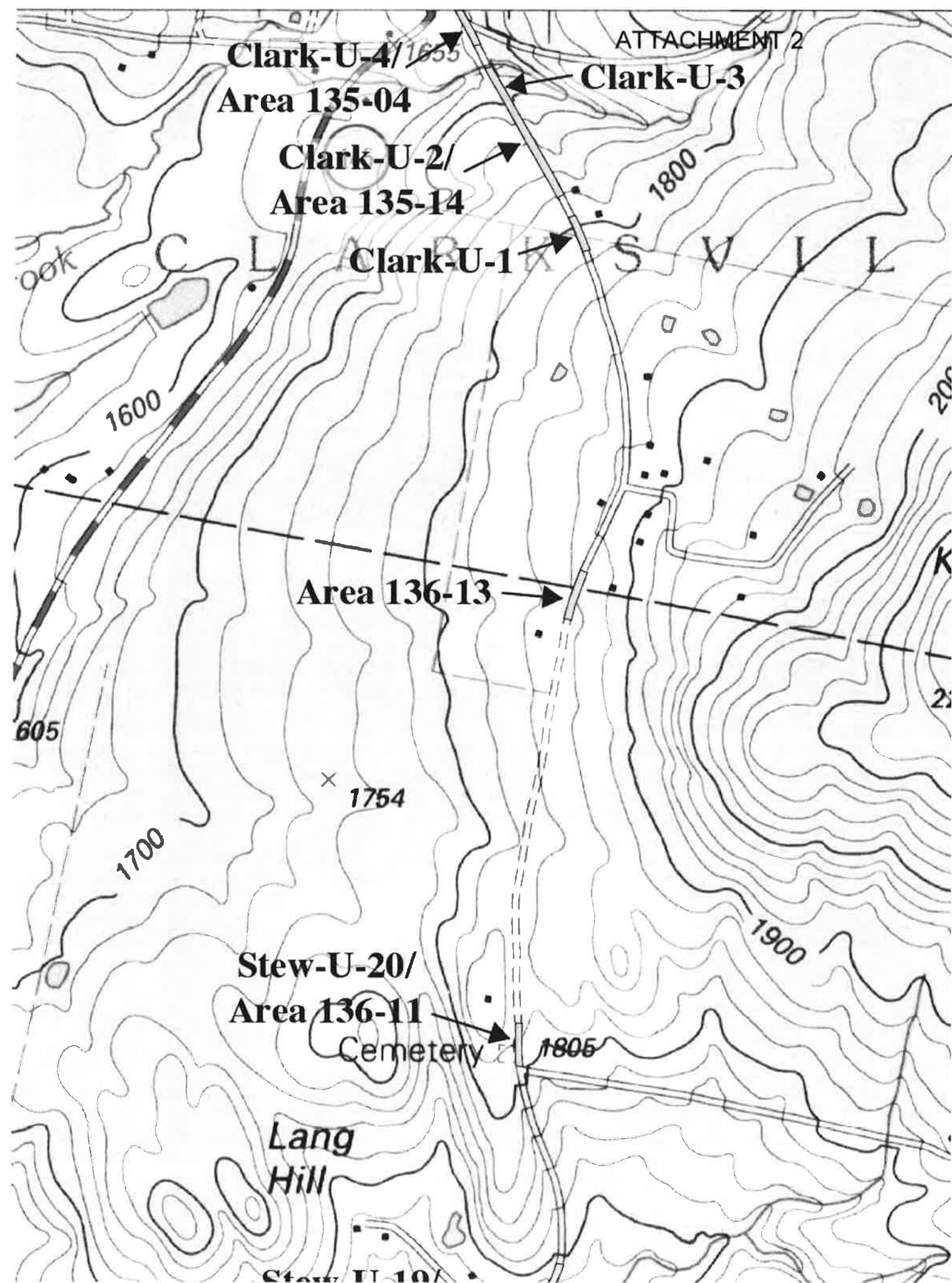
ATTACHMENT 2





ATTACHMENT 2





Select Board Meeting
Monday, May 15, 2017
6:00 PM

Present: Judith Roche, Melvin Purrington and Ramon DeMaio,

6:00 PM Chair Roche opened the regular Select Board Meeting.

6:00 PM Scott Mason presented the Select Board a new Stipulation between the Town of Clarksville and Northern Pass Transmission LLC with a minor addition to the Stipulation requested by another town. Mr. Mason explained that this is the last archeological study per application. The Select Board signing this Stipulation does not mean that the town agrees or disagrees with the Northern Pass Project it is just giving permission to jump start the study. Looking at 20" wide square to be dug by 2' to 3' deep every 26 feet. In Clarksville on Old County Road there will be approximately 59 test pits. There will be two men per team. Looking at 5 to 6 crews and it should take about a week to complete the work. The locations to be dug is not disclosed to the town in order to protect sites. If Select Board feels it warrants safety detail Northern Pass is willing to hire police to control traffic. A start-up date would be around the 4th of July.

Member DeMaio stated that he would not sign the stipulation until he had time to speak with his contacts.

If Select Board decides to sign stipulation give Mr. Mason a call and he will pick it up.

Member DeMaio asked where the access roads in Clarksville would be. Mr. Mason stated that there are two on Wiswell Road and one on McKinnon land.

The court case between the Society for the Protection of NH Forest and Northern Pass was mentioned. It was mentioned that the SCC pre-empts the town.

Mr. Mason left at 6:30 PM.

Carolyn Therrien has been appointed Sexton. She was unable to attend meeting to be sworn in.

Payroll Audit was completed on line with Primex on May 11, 2017.

Documents signed:

Initialed Vouchers and Signed matching checks. (approved)
Meeting Minutes of May 1, 2017 (approved)

There were no floor bids that came in and at this time the Select Board agreed to give the job to Mr. Caristi. Member DeMaio is to contact him to get details on a start date.

Other Business: None

Old Business: None

New Business: None

Chair Roche made a motion to adjourn meeting of Monday, May 15, 2017. Motion was second by Member DeMaio. Vote: Unanimous. Meeting adjourned at 6:45 PM

Minutes approved:


Judith E. Roche


Melvin C. Purrington


Ramon F. DeMaio

Select Board Meeting
Monday June 12, 2017
6:00 PM

Present: Judith Roche, Melvin Purrington and Ramon DeMaio.
Upon arrival Chair Roche asked that Scott Mason be added to the agenda for 6:30.
Public: Connie Jackson

6:00 PM Chair Roche opened the regular Select Board Meeting.

Ms. Jackson was asked by the Select Board to come and meet with them to discuss the possibility of hire for the job of assessing. Ms. Jackson is working two days for the Town of Pittsburg at an hourly rate and is paid mileage. She informed the Select Board that she is 65 years old and is of retirement age. If she did take on the position it would be more of a supervisory position where she would have someone go out and measure and she would do the clerical work. Select Board asked if Ms. Jackson would want to go out with Assessor John Trumbull to familiarize herself with the town. Ms. Jackson will contact Mr. Trumbull to set up a time and date to go out with John.
Ms. Jackson left at 6:30 PM.

6:30 PM -- Scott Mason--Per Member DeMaio Mr. Mason contacted him prior to this evenings meeting regarding the signing of the new stipulation presented to the Town of Clarksville. Member DeMaio was told by Mr. Mason that the Towns of Stewartstown and Pittsburg were not signing the stipulation. Member DeMaio stated to Mr. Mason that the Town of Clarksville would not be signing the stipulation. Mr. Mason would have told Member DeMaio that he would not be coming in to the meeting since the decision not to sign had been made.

Town Treasurer: Mrs. Sullivan met with Select Board to ask if they would be okay to invest the HUD account in a CD for a longer period of time to get a better interest rate rather than for a short period of time at a lower rate. Select Board voted unanimously to authorize Town Treasurer to invest for a longer period to get a higher interest rate.

Town Hall Floor: Member DeMaio has been in contact with Mr. Caristi to set a date for the refinishing of Town Hall Floor. Mr. Caristi works alone and the moving of the furniture is in the hands of the town. It was suggested hiring a U-haul trailer to store the furniture. Mr. Caristi will be here in August.

Documents signed:

Warrant for the 2016-2017 Yield Taxes.
Initialed Vouchers and Signed matching checks. (approved)
Meeting Minutes of May 30, 2017 (approved)

Town received an email from Russell Fitch a resident living on Cedar Stream Road with concerns regarding ATV. Member DeMaio met with Mr. and Mrs. Fitch to address their concerns. Noise and Dust-- falls under the watch of the State of NH. Speeding and Operation after sunset -- difficult to police since it is under the watch of NH Fish and Game and their resources are very limited. Signage-- Member DeMaio will talk to Sandy Young and ATV Club to see if he could get 20 mile speed limit signs to post at the beginning, middle and end of Cedar Stream. He asked them to give him a month to get this accomplished. Member DeMaio reported that they seemed happy with the communication on behalf of the town.

Northern Pass Stipulation: as stated above Town of Clarksville is not signing. Member DeMaio will be contacting Steve Ellis -- Pittsburg, and Allen Coats -- Stewartstown.

Select Board have agreed to wait to pay the Town of Pittsburg a week or two the 2017 first installment of the Waste Disposal and Fire and Rescue appropriations.

Other Business: Cemetery-- Carney Lot. Member DeMaio met with Dana Nordberg and in order to properly set monument for the Carney lot after careful review, had to move 2 feet into the adjacent unsold lot. Sexton to be notified that the adjacent lot is not to be sold unless it is sold as a cremation lot only.

Member DeMaio will be meeting with Mr. Nordberg to determine which monuments will be repaired this year. Member DeMaio asked if monuments chosen for repair went a little over the \$3,000.00 would that be okay. It was asked that repairs be kept under \$3,000.00.

Old Business: Client # 20170530 Application has not been returned to Town as of June 12, 2017, 2:25PM

New Business: None

Chair Roche made a motion to adjourn meeting of Monday June 12, 2017. Motion was second by Member DeMalo. Vote: Unanimous. Meeting adjourned at 6:55 PM.

Minutes approved:



Judith E. Roche



Melvin C. Purrington



Ramon F. DeMaio

Date: 06/12/2017

Selectboard: Allen Coats, James Gilbert & Jim Nuttall

Minutes of 06/05/17 were approved as written.

- Road Agents:**
- Aaron Joos emailed his road agent payroll and was also at the meeting.
 - Bruce Owen was in with his payroll.
 - Aaron told the Board that he is grading East Side Roads. He has received several "Thank You" for burying the cow holes on North Hill Road.
 - Aaron said that Jeff Pettit's daughter has been complaining to Aaron's wife about North Hill Road.
 - Jim asked Bruce about the "Stop" sign by Solomon's Store and whether it was too low and if there is a certain height for the road signs? Bruce said he put it back at the same place that it was. Jimmy asked Bruce to measure the "Stop" sign to make sure it is where it should be.
 - O'Reilly Auto Parts electronic statement agreement was not signed due to needing a paper trail for items purchased.
 - Question if we had heard anything from PSNH about the tree on Back Pond Road? No
 - Allen asked Bruce why there was duct tape on the State "Road Closed" sign on Route 145? Should have detour signs by Bishop Brook Road.
 - Bruce was told about the big hole at the beginning of Center Street which needs cold patch. Bruce said he would fix this week or the beginning of next week.
 - Allen asked Bruce to move the "30 MPH" speed sign at the north end of Bishop Brook Road back south on Bishop Brook Road. Allen said with the permission of Jim and Jimmy he will contact Troop F to have the State Police patrol Bishop Brook Road more.
 - Allen swapped the flags out in the Town Park and told Bruce that there is a few gouges in the lawn of the park which were made when he plowed the sidewalk. When plowing the sidewalk he needs to keep the plow on the sidewalk.
 - Allen received another call from Scott Mason, NP Representative, about the NP Archaeological Agreement. The Board told Aaron that they are not signing this agreement. Allen has called Scott and told him of the decision. Scott had another idea that NP could put that Stewartstown not in favor of the overhead power lines. The Board represents the Town and the Town's people voted that the power lines were to be underground. Jim said on record we voted on not signing the NP Agreement. Aaron as Stewartstown Road Agent has signed up to make a public statement at one of the NP meetings. He is stating that he is neutral but has a few questions. Aaron will send us a copy. If Northern Pass goes through need to leverage the repair of the Town roads to better than they are.
 - Jim made the motion not to sign the NP Archaeological Agreement, Jimmy seconded the motion and the full Board agreed.
 - Aaron said that starting at Brigham's going down South Hill Road he has put gravel. It is going to be washboard so he is going to use some liquid chloride on this section.
 - Jim called Aaron about a tree that had come down on South Hill Road which has removed.
 - Allen called Troop F and spoke with Jim Crossley, Dispatcher, about the traffic on Bishop Brook Road.
 - Mike Savard has just come back to Stewartstown and Bruce put a load of gravel over where the driveway is so he can get into his yard. Question to ask Bruce at the next meeting is if the Town got charged or if Mike paid him for the gravel and his time. This has been tabled for next weeks meeting 06/19/17.

Police: Allen said everything went well at the Regional Dispatch Meeting, Thursday, 06/08/17, until the end of the meeting. The subject of Colebrook going with another Dispatch. Greg Noyes stated that all projects that Colebrook is involved in they threaten to pull out. Allen said that Greg Noyes did a good job clipping Colebrook's wings. The Dispatch Formula consists of: Core Towns assign what the Non-Core Towns pay and then subtract it from the total. The remaining balance due is separated by the amount of calls for the Core Town. There was more discussion on the dispatch formula.

Sewer: - Eastern Analytical, Inc. – Stewartstown Septage Lagoon's laboratory report
- Discussion about the mileage that April Busfield and Brian Bissonnette charge. The mileage that was charged for going to the Septage Lagoons has not been paid as of yet. Need to speak to April and Brian on this issue. There was more discussion on the mileage issue. Comment made that there is a time when mileage is warranted but driving to get a bolt and washer.

Budget: - No Business

Welfare: - No Business

Health Officer - No Business

E.M.D. - Jimmy said that Bill Allen went to an emergency management class which he had requested prior to the class to spend one night and ended up staying the second night because the class ended late. As long as he stays within the EMD budget. Bill will be asked what time the class ended


Tax Delinquent: - No Business


Other: - Jeannine Burns, Stewartstown Day Committee Member, was in the meeting requesting \$1,600 for Stewartstown Day. Jeannine said they are trying to refurbish the Stewartstown signs coming into Town. She said there are not a lot of members and that the funds are low. Jimmy made the motion to approve the \$1,600, Jim seconded the motion and the full Board approved. Allen commented that the sign reads "West Stewartstown" and Jimmy said because it is the Village of Stewartstown. There was more discussion on this issue and the signs will not be ready until the end of August.

- Dog Issue: Jimmy said that he received a call about a person (Jane Burke) being attacked by a dog belonging to Katrina Marchand. Jimmy had a report on the incident for Allen and Jim to read. The dog does have his rabies shot but is not registered with the Town. Jimmy said the State Police were called and when they got to Stewartstown they were here for 4 minutes and had to leave due a call from Errol and has not gotten back to the Town concerning this issue. Katrina has told Jimmy that she will pay the medical bills for this incident. Jim asked Jimmy if he told Katrina that she needs to register who dog with the Town? No he did not. The Town does not have a Dog Ordinance – the State does which we can adopt. Jimmy will contact Katrina to inform her that she needs to register her dog(s) with the Town. There was more discussion on this issue.
- Invoices and checks were reviewed and signed by the Board.
- There will be no Selectmen's Meeting, Monday, July 3, 2017

Meeting adjourned at 5:50 p.m.

Approved by,


Allen Coats


James Gilbert

Jim Nuttall

Stewartstown Selectboard