STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2015-06

Joint Application of Northern Pass Transmission, LLC
and Public Service Company of New Hampshire
d/b/a Eversource Energy for a Certificate of Site and Facility

PREFILED DIRECT TESTIMONY OF HEATHER SHANK, ACTING CITY PLANNER

April 17, 2017

Background and Qualifications

Q. Please state your name, title and business address.

A. My name is Heather Shank. My work address is 41 Green Street, Concord, NH 03301. I am the City Planner for the City of Concord.

Purpose of Supplemental Testimony

Q. What is the purpose of this supplemental pre-filed direct testimony?

A. The supplemental pre-filed testimony provides clarification about my earlier testimony to the extent that such information was requested in data requests and/or raised during my technical session.

Concern

Concerns about Blight

Q. In your prefiled testimony dated November 15, 2017, you raise the concern that Northern Pass as proposed will result in blight in the City of Concord. You were asked during your technical session about the term "blight" and whether you are aware of any literature to support this concern. Could you provide additional information about your concern over blight?

A. Yes. In my work as a City Planner and a licensed landscape architect, my work includes the ability to make proper land use determinations and consider issues of blight. By way of example, under RSA 310-A:141, the term "landscape architectural practice" means "the performance of professional services in connection with the development of land areas where,

and to the extent that the dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the setting, approaches or environment for structures of other improvements, natural drainage and the consideration and determination of inherent problems of the land relating to erosion, wear and tear, **blight** or other hazards, to the extent that such services protect public health, safety and welfare." (Emphasis added). The term "blight" is applied to a deteriorating influence or condition which affects the value of a property or real estate. *Illustrated Dictionary of Architecture, Third Edition, 2012*.

While I am qualified to make determinations of blight in relation to proposed utility structures, I also found a number of articles in which utility structures have been referred to in the planning field in the context of blight. The articles discuss solutions to eliminate blight from utility lines. The relevant articles that I found are attached as Exhibit A. I also found an ordinance and resolution that address the burial of utility poles to diminish their "visible blight." The ordinance and resolution are attached as Exhibit B.

Q. Does this end your testimony?

A. Yes.

EXHIBIT 1

BY RUSTWIRE | DECEMBER 13, 2013 · 11:28 AM

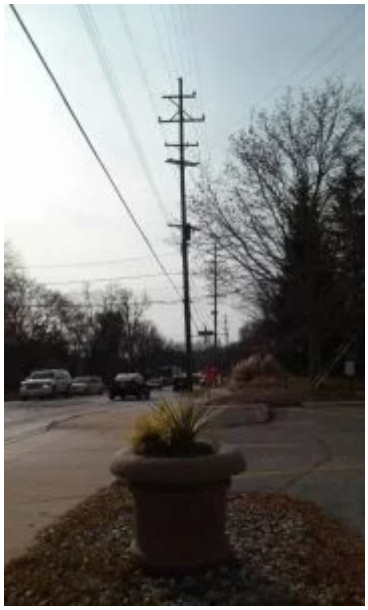
Does your community suffer from power pole blight?

I don't know about your community, but here in Greater Lansing there seems to be an intense love affair between public utilities and power poles. "Holy pincushions, Batman, you'd think they'd all been raised by a family of porcupine."

In some places, the primary roadway corridors look like a long, linear parade of power pole blight. Sadly, all too often this leaves communities in the region with disjointed and unpleasant streetscape aesthetics to viagra for sale overcome. I know Greater lansing is not alone, as I have seen power pole blight across many parts of the Rust Belt.

Seriously…in the middle of a roundabout?

Attempts have been made to convince area utilities to remove portions of the visual blight and bury the power lines, but that is usually greeted with consternation and rebuttals on the costliness of such actions. If the community or property owners wish to pay for burying the lines, they would be glad to oblige. As a result, instead https://twitter.com/drjonesbilly of a modern and efficient electrical grid, numerous locations end up with a cobbled together third-world styled electrical grid that struggles to maintain service during ice, snow, and wind storm events.



One would think that after a certain number of repetitive power outages and emergency repairs to broken, damaged, and fallen power lines, electric utilities would initiate https://twitter.com/drjonesbilly routine burying programs on their own to reduce the number of outages and their firm's long-term maintenance costs. Throw in discount viagra regular tree trimming efforts and eventually burying power lines doesn't look so expensive anymore. Apparently the bean counters differ on that assessment.

Years ago, power utilities were often active participants in economic development, community enhancement, redevelopment, and revitalization efforts. It was seen as a way to increase the utility's customer base. Today, some utilities can be a stubborn impediment to new initiatives and progressive streetscape design ideas. Whether this is a function of the short-term profit mindset or local firms being bought out or merging with multinationals is not entirely clear. Unfortunately, whatever the reason, local communities across the Rust Belt and other parts of the nation are left with paying the price of power pole/line blight with unsightly pincushionesque landscapes dotting the horizon.

No one is advocating for the burying of the entire power line infrastructure. That would be viagra for men impractical. But, in those areas where the power poles have become overbearing and omnipresent, or in places where redevelopment and revitalization efforts are trying to get underway, burying the power lines makes sense. As stakeholders in the community and https://twitter.com/drjonesbilly the Rust Belt generally, it is hoped the region's utilities will join any and all localized efforts to achieve a more aesthetically pleasant streetscape and overall community vision.

– *Rick Brown*

The New York Times

TECHNOLOGY

A Spreading Techno-blight of Wires

SEPT. 7, 2000

Richard C. Youngken, a city planner with an eye for design disasters, pulled into a parking lot next to a busy four-lane road in Middletown, R.I., and looked up.

There it was, a perfect specimen: a rugged brown utility pole that stood at least 40 feet high, topped with transformers and strung with wires leading off in every direction.

There were electric lines, telephone lines, cable television lines, even lines for the city's fire alarms — all of them joining on this tar-stained totem of technological ingenuity.

"It's just like, `Good God, what have you got on that pole?' " Mr. Youngken said incredulously, craning his head out the window before driving off to point out the next eyesore.

Hundreds of miles south, at a house in Faulkier County, Va., Fred Smith has his own problem with visual pollution. Through a window, he said, he can see a 200-foot cell phone tower that stands on a low ridge against an otherwise uninterrupted view of the Blue Ridge Mountains.

"They are putting them up all over the place," said Mr. Smith, who has written a letter to his local newspaper declaring the towers "this century's blight."

Mr. Smith and Mr. Youngken are just two crusaders in a growing movement against the encroachment of obtrusive, ugly technology into daily life. It is time, participants say, to realize that the devices we use in our cars and houses can have an impact on our physical environments. Some people may be fortunate enough to live in cities or newly developed suburbs where wires, cables, transmitters and receivers are buried underground or hidden on rooftops. But for many Americans, those wires and towers are all too visible.

In the last few years, people have started to fight for measures that will at least reduce the visual blight. Local government meetings are full of heated discussions about what can be done, and in extreme cases, what lawsuits should be filed. City planners are talking to utility and telecommunications companies, trying to fend off obtrusive additions to the landscape.

Some people active in the campaign are becoming well versed in the intricacies of telephone transmission lines and cellular equipment so they can argue intelligently with those who install them.

"People care about how these things look," said Mr. Youngken, who is the director of the Dunn Foundation, a small organization in Warwick, R.I., that is dedicated to raising awareness of the value of well- planned, pedestrian-friendly towns and cities. Part of the foundation's mission is to show people that the underpinnings of technology can be hidden.

"The hope," he said, "is that more people will expect it — and demand it."

More than 73,000 cell phone towers with heights of at least 200 feet are scattered across the American landscape, according to the Federal Communications Commission. But that does not include myriad other cellular transmitters and receivers, called cell sites, that are placed on lower towers or on poles and buildings. Some experts estimate that more than 100,000 cell sites are now in place.

Ted Kreines, a consultant in Tiburon, Calif., who advises local governments on doing business with telecommunications companies, said that the growth of such technology is just beginning. He estimated that as many as one million cell sites

would be installed by the time technology companies reached their desired capacity for wireless data and voice transmissions.

Utility poles and wires are even more common. According to the F.C.C., more than 180 million telephone cables stretch across the country. The country has more than three million miles of overhead power lines, according to the Edison Electric Institute, an association of utility companies.

Fewer than 100,000 miles of lines are underground, the institute says, and most of those buried lines are in large cities. For example, American Electric Power, a large power company with customers in 11 Midwestern states, has buried only 12.3 percent of the lines that carry electricity along streets to houses and offices in its coverage areas.

Newer tendrils of technology are also beginning to entwine themselves around communities. Fiber optic cable, the backbone of many future high-speed Internet lines, can be now seen along some highways on utility poles. Television stations, which are required by the F.C.C. to deliver digital broadcasts by 2003, have asked the agency for permission to pre-empt local regulations controlling the number and size of towers so they can put up more towers. Metricom, a company that has built wireless data networks in Atlanta and San Diego so far, is putting radio transceivers on top of street lamps and traffic lights.

"Nobody realizes there are all these things going up there," Mr. Kreines said. "It's happening all over the country."

Two seemingly unrelated trends have led to today's landscapes — and to the current fights over control of them. Telecommunications experts say that deregulation is partly responsible.

The Telecommunications Act of 1996 not only led to more competition among providers of phone and cable services (and therefore more towers and cables), but also included a provision that protected companies from being shut out by local zoning laws. Under the 1996 law, no city or town can keep a cell phone company from putting up sites within its borders. The law adds, however, that local

governments may have some say over the locations of the towers that are about to spring up in their midst and how they look.

That is where the second trend comes in. While planning boards and zoning laws have long been in place, planning experts say, residents of cities and towns are starting to look at how those regulations relate to the overall aesthetics and characters of their communities.

"Americans are waking up to design," Mr. Youngken said. He has helped several towns create strategic development plans and has found that one of their first goals is to bury the above-ground utility lines. And when towns plan for the future, he said, some of their first thoughts how to avoid being overrun by cell phone towers.

Property values play a big role, too. The Dunn Foundation, in its research on utility lines, has found that real estate prices increase in places where lines have been buried. Mr. Kreines has seen real estate values drop when cell phone towers have been installed nearby. In a case in Ho Ho Kus, N.J., he said, a tax assessor determined that the aggregated value of property near a cell phone tower would drop as much as $660,000.

Telecommunications companies say they are trying to balance two opposing desires: cellular customers want clearer calls, and property owners want unobstructed views. But the companies say they try to be sensitive to aesthetics.

"We do the best we can to keep our facilities from looking unsightly," said Tracey Kennedy, a spokeswoman for Verizon, which provides wireless and conventional telephone service. "The last thing you want," she said, "are your constituents to be up in arms about their surroundings."

Some communities have found that companies are responsive to their requests. Several have asked cell phone companies to install cell sites on top of light poles or on buildings where they are less noticeable. And camouflaging is becoming more popular for the sites. Some cell phone companies have made cell phone towers look like pine trees, and in Arizona and California, cell sites that look like giant saguaro cactuses rise 35 feet above the desert.

When compromises cannot be reached, battles erupt. Search the Internet for "cell phone towers," and you will find dozens of Web sites that have been posted by people protesting the erection of towers that block their views.

In many cases, wireless companies have sued municipalities for the right to go forward with their plans. In others, local governments have sued to prevent construction. Mr. Kreines lists about 15 cases on his Web site (www.planwireless.com).

A few years ago, most cell-site lawsuits were won by the telecommunications companies. But some observers say that is changing as municipalities realize that they can place limits on construction and still stay within the law.

For example, in a case last year against Albemarle County in Virginia, the United States Court of Appeals for the Fourth Circuit ruled in favor of the county. The county's board of supervisors had denied an application filed by 360° Communications, a company that wanted to install a 100-foot tower on a ridge called Dudley Mountain. The company sued, but the appeals court ruled that the denial of that single tower did not have the effect of prohibiting the provision of wireless services. The county board, for example, might someday permit other towers or poles in other places.

Getting rid of ugly utility lines may be a tougher fight. Cities and property owners are usually expected to cover the costs of taking down the wires and burying them, a practice known as "undergrounding." The cost to communities can run from $500,000 to $3 million per mile, said Dan Weaver, an urban planner who coordinates a San Francisco campaign to bury utility wires.

Technical challenges contribute to the high costs, said Dave Gordon, a manager for American Electric Power. Construction crews, for example, must avoid things like water and sewer lines when they excavate. And while underground wires are protected from falling trees or high winds, Mr. Gordon said, they are often harder and costlier to repair when something does go wrong.

But many cities and towns argue that the benefits of putting wires underground outweigh the disadvantages. Planners show photographs of cities in the early 20th

century, when a haphazard sprawl of telephone and electrical cables crisscrossed every street. In new suburban developments, most developers do not even consider installing above-ground lines.

At least nine states have granted municipalities the authority to create special districts that could tax residents to cover those costs, according to the Dunn Foundation. In California, for example, a surcharge is added to utility bills to pay for burying wires in areas where landowners are also willing to pay for land surveys, connection fees, new street lighting and the cost of administering the special districts. Those services, Mr. Weaver said, can cost residents as much as $7,000 each.

But those who oppose unsightly towers and overhead wires say that is not enough. The California plan does not work, Mr. Weaver said, because the areas with the most overhead wires are usually populated by people on low or fixed incomes, who generally can't afford to pay to bury the wires.

"More and more people are getting upset because undergrounding just never happens," Mr. Weaver said. The joke in San Francisco, he added, is that some areas are on a "300-year undergrounding plan."

Mr. Weaver is researching new ways to pay for putting wires underground. One possibility, he said, is to charge a fee to property buyers and sellers in areas where wires are still overhead. That is no different, he said, from the fees that are typically included in the cost of houses in new developments where wires are buried.

Other options, Mr. Youngken said, include trying to hide the lines above ground.

As he continued his recent drive through the suburbs of Rhode Island, he described some of those efforts. Some cash-strapped towns have managed to move the wires to alleys or have requested heavy-duty wire that can be strung through tree branches. At the very least, he said, communities should require utility companies to get rid of unnecessary poles.

As Mr. Youngken talked, he passed a sign for Newport, R.I., which recently put some of its utility lines underground. "Now look," he said, pointing at the scenery whizzing by. The poles suddenly disappeared, and nothing but grassy lawns sloped down to a tranquil waterfront on the roadside.

"What a difference," he said. "Isn't it amazing?"

By Dan Ashley

Thursday, January 22, 2015

SAN FRANCISCO (KGO) -- There are 152,000 miles of overhead utility lines in California. That's enough wires to wrap around the globe more than six times. They are ugly and dangerous. For the last 50 years there have been efforts to put them underground, but there's still a long way to go.

There are wires for cable, phones, power and some wires that seem to go nowhere, a spider web of utility lines all over California.

"There are wires and poles everywhere," said Alex Aybes. He lives on a quiet street in San Francisco's Castro District. Outside his home, utility lines crisscross the road.

"It's a blight in the city," Aybes added.

To make matters worse, people have been paying to get rid of the wires for the last 50 years, but they are still here.

Utility customers pay about a dollar a month for a program that is supposed to bury all those wires. At the current rate of replacement, it will take generations to finish the project.

San Francisco Coalition to Underground Utilities chair Anne Brubaker said, "It will take 600 years."

Brubaker explained San Francisco is among the worst places for overhead utility wires in the state. She says, not only are they an eye sore, they are dangerous.

Overhead power lines are especially vulnerable in earthquakes and storms. One downed wire can take out power for thousands of people.

"A mylar balloon last year in Noe Valley hit the wires, took out 10,000 residents," said Brubaker.

San Francisco has already put roughly half of its utility lines underground, but 470 miles of wires still remain. Despite the threat of outages, the city has no plan to bury the remaining wires because it has already spent the money.

The last time the city buried any wires was on project on Octavia Boulevard in 2005. It ran so far over budget the city used up all the money that will be coming in for the next 15 years.

Brubaker added, "San Francisco spent beyond its means in the last round of undergrounding, which has caused it to halt it. However, all citizens of San Francisco continue to pay off that debt."

"I would hope that we've learned our lessons from the past and can actually have a plan moving forward. I think that problem in the past was that we didn't have a plan before," said San Francisco Supervisor Katy Tang.

Tang represents the Sunset District. Her district is cluttered with overhead lines that block ocean

views.

"Realistically, we cannot rely on just our allocated funding through the CPUC's (California Public Utilities Commission) utility undergrounding program," said Tang.

She has asked the city to explore how it can move forward with future projects. "So that we actually know, 'How long could it take for us to achieve X miles of undergrounding?'" Tang said. "Right now, it's all up in the air, we have no idea. It's literally all up in the air."

Tang hopes to have a recommendation to move forward to the rest of the Board of Supervisors later this year.

Written and produced by Ken Miguel

← Back to Original Article

Community News Focus

ANAHEIM : Anti-Blight Ruling to Be Appealed

August 11, 1995 | ALAN EYERLY

Trustees of the Anaheim Union High School District said this week that they will appeal a court ruling on a $174-million revitalization plan for the area around Disneyland.

"The plan will have unmitigated impacts on the schools," said Michelle Ouellette, an attorney with Best, Best & Krieger, a Riverside firm representing the district.

Ouellette said the city's environmental impact report on the so-called Anaheim Resort proposal does not adequately address that burden.

The Anaheim Union and Anaheim City school districts were among parties in a lawsuit that challenged the revitalization proposal. The case was decided in the city's favor last month when Los Angeles County Superior Court Judge Robert M. O'Brien ruled that the environmental impact plan had met all requirements.

The Anaheim City School District has yet to decide if it will join Anaheim Union, which voted Wednesday to file an appeal.

The Anaheim Resort plan is designed to eliminate urban blight in the tourism area near Disneyland over a five-year period. Improvements would include adding landscaping, burying overhead utility lines, widening streets and establishing uniform signage.

City officials maintain that the face lift is needed if Anaheim is to remain a magnet for visitors and convention business.

Historic farm saved from blight of power line

September 29, 2014
Steve Pollick Blog
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Sometimes government does listen to the people and responds favorably, and a recently settled case before the Ohio Power Siting Board involving Peninsular Farms – a historic, scenic, conservancy-protected site near Fremont in Sandusky County – proves it.

The Board approved a route for the 138,000-volt Hayes West Transmission project that avoids Peninsular Farms, this after a public outcry over an initial plan to run the **line** smack through the farms.

Black Swamp Conservancy, of Perrysburg, a farmland preservation trust, called the OPSB decision "a tremendous victory for conservation, now and for future generations." BSC credited a grass-roots campaign of letters, e-mails, and phone calls as being crucial to swaying the OPSB, which has final authority in siting of high-voltage electricity transmission **lines**.

The electric **utility** FirstEnergy initially planned in late 2012 to run new 138-kilovolt electric **lines** through the heart of Peninsular Farms, situated on a historic site on the scenic Sandusky River that BSC has preserved since 2001.

Along with individual efforts, the Conservancy engaged legal counsel, alerted the local media, and asked the community to voice their support for the property and conservation lands. In turn, hundreds of letters and emails were sent and phone calls were made on our behalf. In the end FirstEnergy re-drew its preferred, initial route to avoid this important historical and natural resource.

The transmission right-of-way initially proposed would have split the property with a 60-foot-wide swath and 80-foot tall power towers.

Rob Krain the conservancy's executive director, said that Peninsular Farms represents everything that makes northwest Ohio special. It harbors three miles of scenic beauty for boaters and fishermen along the Sandusky River. It supports more than 200 acres of prime Ohio farmland – some of the most productive in the state. And, the property features over 200 acres of woods, meadows, wetlands, and riparian areas that are home to deer, great horned owls, hawks, and countless other species. Last, but by no means least, Peninsular Farms is home to two pairs of bald eagles and their active nests. It is owned by Don W. Miller, who agreed in 2001 to protect it in perpetuity through a conservation easement held by the Conservancy.

"Not only is this an amazing natural area, but the farm has historical significance as well," said Krain at the height of the fight last winter. "In 1781, the Wyandot Tribe gave this land to James and Elizabeth Whittaker, making them the first white settlers north of the Ohio River between Pittsburgh and Detroit. The Whittakers established a trading post here, which was burned down by British soldiers during the war of 1812 (the foundation of which is still located here), and are buried on the property. "

Too often when it comes to such conservation controversies, money and politics win. No this time. And that is worth noting.

EXHIBIT 2

TOWN OF WILLISTON

ORDINANCE

Regulation of the Placement of Utility Lines Within Public Road Rights of Way and Public Property

Pursuant to the provisions of 19 V.S.A. §1111, 24 V.S.A. §2291, and Chapter 59 of Title 24 of the Vermont Statutes Annotated, the Williston Selectboard hereby ordains as follows:

ARTICLE I. PURPOSE

1.1 The purposes of this Ordinance are:

(a) to compensate the Town for the additional costs of maintaining, repairing and replacing public highways which are encumbered by public utilities and utility lines within the Town's highway right of way and to otherwise protect the public investment in the existing highway infrastructure;

(b) to reimburse the Town for its costs in reviewing plans for placing utility lines/apparatus in a public highway and to ensure compliance with permits issued therefor;

(c) to improve visual quality along major traveled ways and other areas in the Town and diminish the visual blight and clutter created by above ground utility lines;

(d) to minimize the disruption of overhead utility services as the result of inclement weather and other factors;

(e) to implement the objectives of the Williston Town Plan with regard to the burial of utility lines where feasible to advance the community's goals for enhancement of visual and historic resources.

ARTICLE II. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

2.1 "Town" shall mean the Town of Williston.

2.2 "Installed Underground" shall mean the placement, including by directional boring, of utility lines (including individual service lines, transmission lines and distribution lines) below the finished grade of the right of way and the removal (if appropriate) of all poles, guy wires and related structures used to support overhead utility service. "Utility Apparatus" as defined in this Ordinance may be mounted on pads at ground level within the right of way, if such will not interfere with the convenience of the public.

2.3 “Overhead Utility Service” shall mean the location of utility lines, typically for electrical, telephone and cable television service, or for traffic signals, above ground, supported by utility poles and related structures.

2.4 “Person” shall mean any individual, firm, company, association, society, corporation or group.

2.5 “Public Improvement Project” shall mean any project undertaken by a local, state or federal body for the benefit of the general public, such as, but not limited to, road or bridge construction or the development of a park.

2.6 “Public road”, “public road right of way”, “town street” and “town highway” shall have the meaning set forth in 23 V.S.A. §4 (13).

2.7 “Public Works Director” shall mean the Public Works Director for the Town of Williston.

2.8 “Utility Lines” shall include any wire, cable, conduit or other material for the transmission or distribution of electrical, telecommunication, audio/visual or other signals, impulses or energy and any pipes or lines for the transmission or distribution of water, wastewater and gas.

2.9 “Utility Apparatus” shall include equipment used in connection with a utility service such as transformers, switches, amplifiers and other similar equipment. “Utility Apparatus” shall not include utility lines or poles or related structures to be used to support lines or apparatus above ground.

2.10 “Town Manager” shall also mean his or her authorized representative.

ARTICLE III. UTILITY SERVICE INSTALLATION REQUIREMENTS

3.1 Unless otherwise approved by the Williston Development Review Board, all utility lines hereinafter constructed shall be installed underground in the right of way of any road or highway hereafter constructed which is to be dedicated to the Town as a public road or in a separate utility right of way adjacent to any such public road.

3.2 Any individual utility service line which originates in a public road right of way and extends to any building or structure hereafter constructed (including residential, commercial or industrial) shall be installed underground.

3.3 On all other town streets, utility lines shall be placed underground during major public improvement projects. (Without limiting the foregoing, all new streets or portions thereof which are proposed to become town highways shall be deemed to be a major public improvement.) The Williston Selectboard may waive this requirement for specific projects upon a determination, after a public hearing, that placing utility lines underground is not economically feasible.

3.4 Street lighting, if proposed for any project regulated under this Ordinance, shall be installed to meet minimum IES (Illuminating Engineering Society of North America) standards and shall be served by underground electrical service.

3.5 No work shall be performed within a town highway right of way without securing a permit from the Williston Public Works Department. (The requirement to secure a permit shall also apply to Town departments, fire districts and stormwater utilities.) All work performed pursuant to a permit issued hereunder shall be in accordance with the Public Works Specifications for the Town of Williston.

ARTICLE IV. FEES/PERMITS.

4.1 Except as otherwise provided herein, prior to the issuance of any permits to perform work in a town highway, the applicant shall pay such fees as established from time to time by the Williston Selectboard. All fees shall be paid to the Williston Public Works Director and shall be non-refundable.

4.2 The following alternative methods of payments may be utilized with the approval of the Public Works Director:

(a) monthly, with payments due and owing within fifteen (15) days of Town's invoice;

(b) an annual payment may be made in the amount determined by the Public Works Director providing that:

(1) the annual payment is made on or before the first day of May in each year;

(2) an accounting of the fees actually due and owing by the applicant for work performed in the previous twelve (12) month period is made on or before the 30th day of April of each year. If the accounting reveals additional sums are due from the applicant, payment of such sum shall be made within fifteen (15) days of Town's invoice. Should the applicant have overpaid the actual fee, the amount of the overpayment shall be credited to applicant's annual fee for the next fiscal period.

4.3 Should Town determine that work has been performed beyond that which was approved in a permit (the "approved work"), the applicant shall immediately cease all work until all required fees have been paid. In the event work has been completed beyond the approved work, all unpaid fees shall be paid within seven (7) business days of Town's written notice to applicant.

4.4 Except as otherwise provided herein, no work shall be performed in, upon or under a town highway without a permit having been issued by the Williston Public Works Director.

4.5 In the event of an emergency when it is not reasonably possible to secure in advance a permit from the Williston Public Works Director, work may be performed on a town highway on the conditions that:

(a) on the next business day following such work application is made to the Williston Public Works Director; and

(b) all required fees are paid at the time of application.

ARTICLE V. ENFORCEMENT AND PENALTIES

5.1 Any person found to be in violation of any provision of this Ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof.

5.2 The Town may commence appropriate enforcement proceedings against any person who fails to cease all violations within the time prescribed in Section 4.2 and may seek to recover fines in an amount not exceeding Five Hundred Dollars ($500.00) for each violation per week, with each week the violation continues considered a separate offense. The Town may also seek injunctive or other appropriate relief.

ARTICLE VI. ENACTMENT

This Ordinance is a civil ordinance which shall take effect sixty (60) days after the date of its adoption by the Town Selectboard.

Adopted by the Williston Selectboard
December 7, 2009

Effective February 8, 2010

RESOLUTION NO. 090078

Expressing the support of the Council for the remediation of blight by the Planned Industrial Expansion Authority of Kansas City, Missouri, in the Armour Gillham PIEA Area, including the relocation of utility lines; and directing the City Manager to assist in this effort.

WHEREAS, the City Council passed Ordinance No. 060105 finding that a blighted, unsanitary and undeveloped industrial area exists in an area generally located on the north side of Armour Boulevard between Warwick Street on the west and just east of Gillham Road on the east (Armour Gillham PIEA or Plan Area) and approved a general plan for its redevelopment (General Development Plan) as prepared by the Planned Industrial Expansion Authority of Kansas City, Missouri (Authority); and

WHEREAS, in response to the solicitation of the Authority, Armour Boulevard, L.L.C. (Developer) submitted an industrial development contract proposal to redevelop properties within the Plan Area, including Yankee Hill Apartments, Clyde Manor, Bellerive, Park Central Apartments, 3411 Gillham Apartments, and also including public improvements and accessory uses related to the redevelopment of the properties (hereafter, the Project); and

WHEREAS, after due consideration of all proposals and the financial and legal ability of prospective developers to carry out proposals to develop projects in the Plan Area, on December 1, 2006, the Authority adopted Resolution No. 1166 approving the industrial development contract proposal of Armour Boulevard, L.L.C. for development of the project; and

WHEREAS, the Council found that the overhead utility lines in the Plan Area were a blighting condition; and

WHEREAS, the Council acknowledges that Missouri case law supports the position that the costs of relocation of utility lines which contribute to blight be borne by the utility company; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council hereby expresses its support for the remediation of blight by the Planned Industrial Expansion Authority of Kansas City, Missouri, in the Armour Gillham PIEA Area, including the relocation of utility lines, at the expense of the utility company. The City Manager is hereby directed to assist the Authority in this effort.