

Henry H

From: ED <EDIN2010@msn.com>
Sent: Friday, July 29, 2016 9:36 AM
To: CityClerkHenry Heck
Cc: Alderman Christopher Etori; Alderman David Allaire; Alderman Gary Donahue; Alderman Matt Bloomer; Alderman Melinda Humphrey; Alderman William Notte; AldermanScott Tommola; AldermanSharon Davis; AldermanTom Depoy; AldermanVanessa Robertston; Gordon Dritschilo
Subject: DPW Committe Report--for attachment to BOA Packet---or left on desk.

Rutland Board of Alderman—Committee Report

Public Works Committee Meeting, July 28, 2016

Convened at 5:30 p.m.

Adjourned 6:30 p.m.

Committee Members Present: Chair Alderman Ed Larson

Other Aldermen Present: Alderman David Allaire

Others Present:

City Public Works Commissioner Jeff Wennberg

City Attorney Charles Romeo

Al Dean—City Attorneys Office

Melissa Pierce—Comcast

Steven Marshall—Comast

The Public Works Committee could not maintain a quorum with only one member present and no other ad-hock available Alderman. No action was taken other than to provide a report to the full board on the discussion of the proposed Special Conditions for the Installation of Buried Conduits and Wiring within Accepted City Streets.

The issue came to light when a cease and desist order was served on Comcast relative to work being done on Green Hills Lane. Commissioner Wennberg outlined the history and necessity of the changes in the permit conditions. In May of 2016 it came to his attention that conditions on permits from 2011 contained eleven special conditions, however these were causing difficulty in terms of coordination with the existing City Ordinances and application of the permits relative to individual utilities.

City Attorney Romeo indicated that his office could not find where the Special Conditions had ever been approved by the Board of Alderman, although there had been numerous meetings but no approval.

Al Dean indicated that the proposed Special Conditions were very similar in nature to other communities in terms of protecting he City from liability, fees and size restrictions on underground conduits across or on public lands.

Some of the issues brought up related to Condition #7 and the term “strands” for which neither Comcast or the Commissioner could offer a definition of that term. Comcast officials stated this may have dealt with early telecommunications wiring but todays systems were different. The City Attorneys Office agreed to research different wording relative to Section 7 and provide this in a rewrite of the Draft Proposal.

Section 6 also drew questions about the condition that a permit applicant shall make access to additional available conduit to any person at prevailing commercial rates. Comcast indicated they see a liability issue in that and do not rent out their conduit space. The City Attorney suggested a rewrite of the word shall to the word "may."

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Section 8 relating to the onetime fee of \$0.24 per linear foot was questioned as to why a pre fee with potential reimbursement if the final length of the project is less than projected. Would it not be better to bill after project completion? Al Dean indicated that this section was similar to most other communities he researched in how they approached the matter, and was mid-line in costs as well.

Several questions arose over the requirement for conduit construction to leave space for free municipal usage by Rutland City only. This is pursuant to Title 21 ROR sec/3922.

Comcast indicated they would have no problem utilizing slightly larger conduits if the City mandated such.

As for the current Cease and Desist Order relative to Green Hills Lane Construction, the City Attorney advised that the Commissioner of Public Works would have authority to enter into an Ad-Hoc agreement with Comcast to allow that project to continue. The project is 99 percent complete and would serve several entities in that area, including a new acquisition by Green Mountain Power. The Commissioner agreed he would bring an Ad Hoc Agreement Permit to the Board of Alderman for approval.

Comcast representatives were advised that if they desired to submit email or some additional correspondence that this would be welcomed and added to the meeting minutes.

The City Attorney indicated they will be providing the Board of Alderman with a new Draft Conditions for ratification.

If these two documents are submitted the Chair intends to request a rules suspension so that the matter can be taken up at Board of Alderman meeting.

No action was taken and the report is informational with hope that the new conditions will be adopted by the full Board of Alderman.

Ed Larson—Chair Public Works Committee.