



STATE OF NEW HAMPSHIRE
DEPARTMENT of NATURAL and CULTURAL RESOURCES
OFFICE OF THE COMMISSIONER

2E

172 Pembroke Road, Concord, New Hampshire 03301
Phone: 271-2411 Fax: 271-2629
TDD ACCESS: Relay NH 1-800-735-2964

April 28, 2023

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to RSA 216 A:3-o,I, State Park Gifts and Donations, authorize the Department of Natural and Cultural Resources, Division of Parks and Recreation (Department) to accept a donation of six used utility poles from Eversource Energy worth an estimated value of \$3,954 to be used as poles and hanging arms for park gallows style signs effective upon Governor and Council approval.

EXPLANATION

Utility poles are a specialty item that is not easily purchased as a commodity and Eversource Energy has assisted over the years to identify vendors for this unusual commodity. When approached for this project they offered to donate surplus poles to the Division that no longer meets their needs. Three of the donated poles will be used in Franconia Notch State Park for the sign upgrade project and the remainder will be stored at Bear Brook State Park to be used statewide in the parks as needed.

Respectfully Submitted,

Concurred,

(ISM)

Brian J. Wilson
Director

Sarah L. Stewart
Commissioner



DONATION AGREEMENT

THIS Donation Agreement dated May 8, 2023 ("Effective Date") by and between Public Service Company of New Hampshire d/b/a Eversource Energy, New Hampshire corporation with an office at 780 North Commercial Street, Manchester, New Hampshire 03101 ("Eversource"), and the New Hampshire Division of Parks and Recreation with an address of 172 Pembroke Road, Concord NH 03301 ("NH Parks").

WITNESSETH:

WHEREAS, Eversource has agreed to donate, assign, convey, transfer and deliver all of its right, title and interest in those (i) three Item No. 574096 – Pole, 40 FT LG, Class 4, Wood, Pine, CCA treated; and three Item No. 503533 – Pole, 45 FT LG, Class 4, Wood, Southern Yellow Pine, CCA Treated (ii) (the "Poles"), to NH Parks and NH Parks has agreed to acquire the Poles from Eversource, as more fully described herein; and

WHEREAS, Eversource and NH Parks now desire to enter into this Donation Agreement to effectuate the donation, conveyance, transfer and delivery of all of Eversource's right, title and interest in the Poles to NH Parks.

NOW, THEREFORE, in consideration of mutual promises hereunder, the receipt and sufficiency of which are hereby acknowledged by both parties hereto, Eversource does hereby grant, bargain, donate, convey, set over, assign, transfer and deliver unto the NH Parks and its successors and assigns, forever, all of Eversource's right, title and interest in the Poles.

The Poles are donated "AS IS" and Eversource makes no warranties of their suitability or fitness for any purpose. NH Parks will be solely responsible for any future maintenance, repair, management and/or disposal of the Poles and releases Eversource from any liability relating to the Poles.

Eversource disclaims any liability relating to the use by NH Parks of the Poles and NH Parks hereby waives any and all claims against Eversource relating to or arising from the Poles and NH Parks' ownership, use and or disposal thereof. NH Parks acknowledges that the Poles contain certain chemicals and/or EPA registered preservatives and NH Parks agrees to use and maintain the Poles in compliance with applicable law.

Nothing in this Donation Agreement, express or implied, is intended or shall be construed to confer upon, or give to, any person other than NH Parks any remedy or claim under or by reason of this Donation Agreement or any agreements, terms, covenants or conditions hereof, and all the agreements, terms, covenants and conditions in this instrument shall be for the sole and exclusive benefit of NH Parks.

This Donation Agreement and all of the provisions hereof shall be binding upon and shall inure to the benefit of NH Parks and Eversource and their respective successors and assigns.



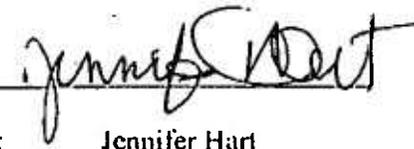
This Donation Agreement shall be construed and enforced in accordance with the domestic laws of the State of New Hampshire without giving effect to any choice-of-law provision or rule (whether of New Hampshire or any other jurisdiction) that would cause the application of the laws of any jurisdiction other than New Hampshire.

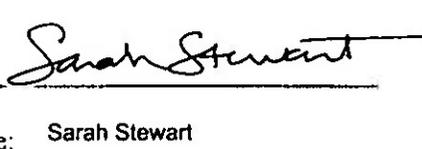
This Donation Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together will constitute one and the same instrument.

IN WITNESS WHEREOF, this Donation Agreement has been duly executed and delivered by the duly authorized representatives of the parties hereto as of the date first above written. NH Parks represents, covenants and warrants that the person signing below for NH Parks is duly authorized to do so.

EVERSOURCE: PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY

NEW HAMPSHIRE DEPARTMENT of NATURAL and CULTURAL RESOURCES: COMMISSIONER

By: 

By: 

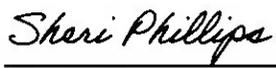
Name: Jennifer Hart

Name: Sarah Stewart

Title: Investment Recovery

Title: Commissioner

Approved as form, substance and execution:

 5/15/2023
Sheri Phillips Date
OFFICE OF THE ATTORNEY GENERAL

Archived: Friday, April 28, 2023 12:11:09 PM

From: [McLean, Allison A](#)

Sent: Wed, 5 Apr 2023 12:38:46

To: [Lyons, Johanna](#)

Subject: Utility Pole donation

Sensitivity: Normal

Attachments:

Utility Pole Donation Donation Agreement.docx 

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Jo,

Here is the donation agreement for signature. Also, here is the donation value of the 6 poles if needed:

3 Units Item #574096 @ \$606.27 ea	=	\$1818.81
3 Units Item #503533 @ \$711.70 ea	=	\$2135.10
TOTAL		\$3953.91

Let me know what more you need at this time, and what the next steps (and timing) look like when you know.

Thanks,
Allison

Allison A McLean, Manager
Community Relations and Economic Development
Eversource Energy
Manchester, New Hampshire
603/748-5244 cell
Allison.mclean@eversource.com

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