
BOARD OF SELECTMEN'S MEETING
Tuesday, November 30, 2010
7:00 PM at Town Hall Meeting Room

Present: Jess Dods, Chairman
Douglas Blanchard
Michael Phelan
David McDougall

Absent: Ann Roy

Also Present: Diana Schindler, Town Administrator

SCHEDULED APPOINTMENTS

No jess and no ann

PLEDGE OF ALLEGIANCE

Call to Order

SCHEDULED APPOINTMENTS

7:00 P.M. COUNCIL ON AGING INTERVIEW Robin Digiammo
The Board interviewed Robin Digiammo.

The Select board stated they have one opening and two candidates the COA will send a recommendation on December 14th. They will announce the appointment at that time.

7:15 P.M. HAMPSHIRE POWER TO DISCUSS MUNICIPAL ELECTRICITY AGGREGATION
Ken Elstein, Hampshire Council of Governments

Handed out articles on editorial and Springfield republican
Mr. Elstein represents Hampshire Council of Governments, he was an elected council for Belchertown, he left that job to take the HCOG job on July 1st.

This is for town depts., citizens, and organizations to come to them with requests, almost all of them are good, the problems all come with dollar sign. They try to resolve the dollar sign within their budget. He is there tonight to talk about, will not cost the town anything, in order to support this. Southampton is a member of the Hampshire County Insurance Trust. He further stated this is the first program for residents, they are proposing 15 towns signed up for this. They are proposing instead of the utility company to be the full supplier, HCOG will get tighter and aggregation all the town together to compete for the best price on the supply side.

Three step process:

Has to be approved at town meeting, this article is on the special town meeting warrant for December 14, 2010.

The vote authorizes the Select Board to change the supplier from the utility such as WMECO to the council of government

To be approved in Boston. The state attorney general will have comments to make the public will be invited to make comments as well.

The HCOG would seek out supplies of electricity and buy power from that plant at a discounted rate and not have to do anything with the infrastructure (poles and lights) and it is a commodity exchange. He explained everyone buys electricity. WMECO, the National Grid, ISO of New England, what determines the price is who are you buying it from, what your contract is for. They

do thirty pays and they do a meter reading on the cost of that. The profit sharing customer will receive a check. Mr. Elstein gave an example: everyone buys and sells to the grid at the wholesale price, if they bring in 5 mega lots of electric at 8am on Tuesday they pay same price as someone paying an hour at 8am on Tuesday regardless of their volume. The other utility companies are not selling it at cost. The actual delivery is still the responsibility from the utility company. Mr. Elstein asked if one of the board members could be the contact person. Doug will be the contact person. Ms. Schindler will send him Doug's info.

Chairman Phelan asked Mr. Elstien to be present at the town meeting.

7:45 P.M.

CHARTER COMMUNICATIONS LICENSE RENEWAL

with Tom Cohen and Town Counsel Bill Hewig

The license agreement expired on August 2006, they have had an extension. Ms. Schindler said there are three people that did not want to continue on the cable committee. There also was a different relations person from Charter. The cable committee reviewed the old contract and made recommendations for the new license. Chairman Phelan asked if there was a report from the Cable Committee. Diana said they reviewed both contracts at that time they were interested in the senior discount, they had issues with customer service requested a shorter wait time, and they discussed the PEG items. PEG- public access channel. Most of the comments they received were about the high speed internet.

Comments on build out:

Ms. Schindler sent the towns concerns when we had a public hearing. The density requirement in the proposed contract of 30 houses per mile and in order to have construction done by charter at no cost of residents, Ms. Schindler sent this to Town Counsel to review. The question was asked if Charter can give the town a reduced density, so the town's subscribers do not have to pay construction costs.

Mr. Tom Cohen started from scratch, they discussed back in April at the public hearing, he went back and added the line extension formal and changed the length of the drop from the standard of 150 feet to 250 feet, and he added the senior discount rates, which were the issues that were raised at the hearing in April. In his three years he has dealt with one homeowner in Southampton, which was taken care of. If the construction was under 3,000 to get someone, if they customer was willing to sign the two year rate lock contracts, they will weigh the construction costs, they do not want to spend 3,000 to someone's house and have basic service and them cancel it.

If you look at the prior contract, the contract does not state anything about the distance from the road. Ms. Schindler stated the average number of homes per mile is 15.

David asked if the internet can be part of the license, Mr. Hewig stated no.

Mr. Hewig further stated he does not find any density requirement on the prior license. Mr. Hewig stated he does not find any authority for charter to charge people because they have a long driveway for on a road density area according to the current effective license. Mr. Hewig is looking at the current contract and stated these terms are still in effect with the 1997 contract.

Selectman McDougall stated we shouldn't have to penalize the people who are setback.

Chairman Phelan asked Mr. Hewig if the old license is better than the proposed license. Mr. Hewig stated yes, times have changed. The old is in effect until the new license is approved. Can

they delay licensing to keep the old going? By mutual consent they will agree this license if full force effect.

Ms. Schindler stated three years ago, they were having hefty problems with Charter, she contacted Comcast and they will have to build over charter, it will be too costly to build the infrastructure.

Mr. Coehn stated they have been under the assumption of the new proposed contract and not the current contract. He further stated the contract we have has been expired.

Mr. Hewig stated the current existing license arrangement with Charter is governed by the terms of the 1997 license, charter is in violation with the federal and state statutes by provide cable service with town without a license and that is illegal. Mr Hewig continued the proposed license agreement is not effective until the select board signs the contract. Ms. Schindler stated Mr. Cohen has been saying they have been operating under the new guidelines. The contract in place right now is public ways and private ways.

Chairman Phelan asked where we go with the license agreement. Mr. Hewig said they had a public hearing, next is to determine the terms whether terms propose rafrite, figure out the money, determine if license is satisfactory, if not continue to negotiate with terms and conditions that are reasonable.

The money is for the peg, bill had three issues legally objectionable they resolved one two are still open they need those resolved and issue of the drops; we are not happy with 30 houses per mile and would like another proposal.

Selectman McDougall asked Mr. Cauley what the density is per mile. Mr. Cauley stated 15.

Are private roads, cul de sacs and common driveways in the new contract?

Mr. Cohen stated they want as many customers as they can get and get them in a cost effective way.

Chairman Phelan stated we want private ways included, the common driveways, ancient ways (discontinued roads), and the board proposed reduced density of 15 houses per mile. Is subdivision requirements addressed in there? Mr. Cohen stated 20 to 25 feet is the lowest they will go. Three things that came in the memo from Town counsel, indemnity, level playing field and police powers.

Chairman asked the board what they would like to do. Selectman Blanchard is for the 250 feet drop, Selectman McDougall asked what the drop distance is in Easthampton. Mr. Cohen stated 250, Ms. Schindler stated 225. Chairman Phelan proposed 300 feet. Mr. Cohen stated he will think about it.

There was a discussion regarding liquidating damages. Mr. Hewig stated the liquidated damages are very effective.

MOTION: liquid damages to be in the proposed contract. (MCDOUGALL, BLANCHARD)
Voted and approved 3-0

Chairman Phelan asked when we call customer service where are the phones being answered? Is the call center here? Mr. Cohen stated they are all over.

Ms. Schindler stated there is one issue with the access moneys. She would like to televise meetings and expand to more meetings and would like to have education program from the school, they talked about getting a connection to the school to get live programming, front of new town hall to Norris, and she spoke with someone from charter.

Tom stated they can bring the cable there.

Ms. Schindler continued to say we have been working with Easthampton cable, and we are trying to go into a partnership with them to get more access program going. She stated we have citizens that would like to do programming; we have a room set up to teach people how to set up,

How much money, part of it is the length of the contract one of the issues is that they did not ask for the grant money from Charter until after the contract last they are amortizing that grant for the previous grant?

We received 30,000 grant to do peg activities we are saving to set up new program at new town hall, we have spent little of that money, we are end of term of license she asked for that grant it is amortized for a period if time on subscribers bills, the money we get in the grants is a charge to the homeowners, she said it is .43 cents, there is a annual fee of three thousand dollars,

Chairman Phelan said we need to be careful of that, once you know what the number is how much money we need and how much is it going to cost the consumer on their bill. We do not have a department doing that; she has been trying to do this with Easthampton for a couple of years.

Ms. Schindler asked the board to have a meeting with her and Greg to talk about the numbers.

Chairman Phelan asked to get a response from Charter in thirty days, December 14th

December 28th the board will be meeting.

I. APPROVAL OF MINUTES

No minutes at this time

II. SIGNATURES

a. Payroll Warrant & Bill Warrant

No warrants at this time

b. PCF's

No pcf at this time

II. TOWN ADMINISTRATOR'S REPORT

See attached-

Copy her items here.

RE: Town Administrator's Update – November 30, 2010

1. Request from Estate of Julia Baraniuk re: sale of estate home. Needs signatures from Chair, Clerk and Treasurer for permission to sell property to benefit the charities (including the Fire Department & Library Trustees).

MOTION: To nominate David McDougall as temporarily clerk. (BLANCHARD, PHELAN)

Voted and approved 3-0

MOTION: To sign the deed and all required documents. (BLANCHARD, MCDOUGALL)

Voted and approved 3-0

Chairman Phelan announced this is the gift they voted at last meeting, sign on behalf of library and fire department.

2. For information purposes: Norris School Committee is discussing a possible application to the School Building Assistance (SBA) for the roof replacement. Expect information regarding application within the next month or so.

Ms. Schindler stated the Norris School Committee is applying for School Program in January, if they cannot get it we will have to look at other school options; it is up to 65 percent for school building. The school committee estimated \$500,000. Ms. Schindler stated the leak is on the addition, they sealed the walls. She stated it is on the capital plan as a one year replacement, the application needs to be in by January 26th, at that time they can decide to phase it in.

Selectman McDougall asked to have the school committee come in and meet with the select board to get additional information.

3. Update – naming of Helen Drive Park. See attached email from Park Commission chair. Original discussion occurred November 16 during department head meeting.

Ms. Schindler said she sent an email to Mark Reed and his response is in their packets tonight. The park commission will be meeting Tuesday, they feel the new park should not be named for a new person; they passed along, she felt the board should be involved in the park commission.

III. OTHER BUSINESS/ANNOUNCEMENTS

Upcoming Events/Meetings

- December 14th and 28th Select Board regular meeting Town Hall Meeting Room
- December 14th Special Town Meeting Norris School

IV. ACTION LIST

Review Select Board Meeting Schedule for 2011

MOTION: To approve the Select Board meeting schedule for 2011. (MCDOUGALL, BLANCHARD)

Voted and approved 3-0

Bob Blanchette stated the finance Committee met tonight they reviewed the STM warrant articles and asked if the board would be willing to meet next week so they can express their feelings about the articles.

Chairman Phelan suggested scheduling a meeting with the Finance Committee on December 7th to discuss the warrant articles.

Award IT Service

Ms. Schindler compiled a synopsis of what they received. She stated they have thirty days to review the award. Chairman Phelan asked for her recommendation.

Ms. Schindler stated there is one that had extensive experience, they had ten municipal references, b/c the person was a one person operation wait times were longer. Selectman Blanchard stated it is important we have someone with more than one employee. She sent the proposals to eight or nine people.

MOTION: To award the contract to IBS. (MCDOUGALL, BLANCHARD)
Voted and approved 3-0

V. DISCUSSION ITEMS

Tax Title Property Auction

Ms. Schindler gave the board a list of tax tile property. There is a property on Strong rd with five acres. Chairman Phelan stated it is land locked. There is a piece on Brickyard rd very small and on the Begley property she has a large file, she cannot find the advice from town counsel. She had an auction notice of what they did on that, she asked if they want to schedule an auction. Chairman Phelan asked if they will get enough money to raise the cost. Ms. Schindler stated Mrs. Slattery has the amounts owed to the town. Ms. Schindler said they do not owe that money anymore b/c we own the property. Chairman Phelan asked if they want to schedule a walk around and he asked to keep this on the agenda.

ISO-with Building Inspector to discuss info for better rating

Richard Oleksak, Building Inspector

Mr. Oleksak said he has been a building inspector for nine years and this is the first time he has met with ISO. He tried to find an old report as to why the rating was so low. Chairman Phelan asked when he meets with the ISO rep, can we get a copy of the old report, so they can compare it.

VI. OPEN TIME FOR PUBLIC

Will be held in the beginning of meetings starting December 28th

Ed Cauley notified the Select Board they did not get the grant they applied for, the town came in 7th. Chairman Phelan asked for his list of priorities.
(see attached)

Mr. Cauley said repairs have been delayed because of lack of funding; they should be done within next year.

Mr. Cauley stated #1 that needs immediate attention Middle Road; he would also like to do Boulanger and Couture Road.

Selectman Blanchard asked if we should include other departments if they have a list as well.

The Board asked Mr. Cauley about the roof on the Norris school. Chairman Phelan asked Mr. Cauley to look at the roof and give advice.

There was a discussion regarding the trees in the town, trees that have fallen, tree maintenance. He said David Garstka should have a realistic number in his budget right now we are giving him \$3,600 and he asked for \$10,000.

Evaluation, they have not been doing maintenance the same with the roads, we are going to be moving.

Ms. Schindler said the old school house needs a new roof she is not sure where that fits in their priority and the library has a leaking roof.

Chairman Phelan stated roofs' leaking is a big issue.

They need to look at public safety.

MOTION: to put together a public safety complex committee. (MCDOUGALL,)

Selectman Blanchard said we have the BRC to continue.

Ms. Schindler stated there is a meeting on December 2nd and Doug could bring it up to them and asked them to continue, she further stated when they talked about it originally they set it up where they would be the committee.

MOTION: To send out a request to all boards and committees asking for a list of priority items and the cost. (BLANCHARD, MCDOUGALL)

Voted and approved 3-0

Selectman McDougall said they should do this in January.

Personnel Policy Procedure Board Hearing re PPPB recommendations

Mr. Cauley stated he and Diana discussed the policy recommendations and she stated to him, in her opinion, the hearing should be a separate meeting.

Mr. Cauley said they have always had meetings with the select board so that they would be informed as well and he would like to do that again, he would like to have the hearing at a Select Board meeting and any comments from public or employees would be taken. He further stated if they have the hearing when both boards are present, or if they want to change it or send it back to study. Chairman Phelan asked what about having the hearing at the all boards meeting on January 11th. Ms. Schindler said she is concerned with that date because we do not have a storm closure policy in place and she suggested the hearing be scheduled for December 28th. Mr. Cauley stated if that is the case they should have it sooner than later. Mr. Cauley stated he will handle the postings.

**VII. EXECUTIVE SESSION M.G.L. C30A, Sec 21 Nothing at this time
ADJOURN**

MOTION: To adjourn the meeting. (MCDOUGALL, BLANCHARD)

Voted and approved 3-0

Having no further business, the meeting was adjourned at 10:00 P.M.

Respectfully submitted
Regina Shea-Sullivan
Administrative Assistant