

Board of Selectmen
September 14, 2010 Meeting Minutes

Members Present: Chairman Elaine Puleo, Al Springer, and J. April Stein

Also present: Town Administrator Rebecca Torres and Administrative Secretary Leslie Bracebridge

Meeting opened at 6:30 PM

Police Chief Harding:

- The speed bumps are up for the winter on Lakeview Road.
- The paving is on for tomorrow in front of the fire station.
- The Thursday, September 16 Personnel Board meeting will review filling an open position within the Police Department to address shifts that will otherwise go unfilled during officer absences.

Guests:

Neighbors on the west side of town hall, Ken and Linda Rotondi accompanied Selectmen on a tour of the solar panels behind town hall, specifically to assess two trees on the property line recommended be taken down because of their afternoon shading of the solar panels.

- Rotondi's understand solar panels are a good thing and they want to do the right thing for the town.
- They don't like cutting down trees and expressed frustration that there wasn't adequate pre-planning.
- A few years ago the Rotondi's made a request to Selectmen to take down trees on the boundary line that was supported by Selectmen at that time.
- The original site configuration was for 2 poles. The shading now experienced developed when 2 more poles were added to the project.
- The panels were placed to minimize loss of energy through transmission to the building, to accommodate the leach field and to leave the field intact for large community social activities.
- The trees could be topped.
- Is there data to compare how much CO² the trees are "sucking up" versus the CO² not produced due to the panels? Another tree could be planted to offset any loss.
- There is a difference of about 20 kilowatt hours since August 6.
- In another month the leaves will be gone and the sun will be different.
- Ken wants to see data over a period of time. (The town hall data is not online.)
- It is estimated a 4-6% loss of electricity production on pole #4.
- If it will make a real difference, the Rotondi's would rather see the trees topped than taken down.

Conclusion: Data will be monitored as the leaves fall to see how that change effects energy production.

Broadband Committee member Weezie Houle:

- The May 1, 2010 annual town meeting passed an article (11)* with language enabling the Select Board to join the Wired West municipal coop (currently 45 towns – see map at wired-west.net website) to deliver fiber to the home in Western Massachusetts. The cooperative's steering committee has been working all summer:
 - Lawyers have researched the Massachusetts General Laws (MGL) for the best way to facilitate the goal within the existing laws, as creating new laws is long, contentious and invites opposition.
 - MGL Ch 164 47E, which originally allowed towns to build or acquire a power generating plant has been amended to include distribution of cable TV and other telecommunications services.
 - Many towns throughout the commonwealth already use the statute for municipal electrical facilities.
- A 2-step process is required for a town to belong to a municipal lighting plant cooperative:

- Each town must first have two positive town meeting 2/3rds majority votes a minimum of 2 months apart and with a maximum time lapse of 13 months between the two positive votes.
 - Then the town votes to join the cooperative. Weezie will do more research on the details.
- Governance at the local level may either be a new elected board in the town or be under the oversight of the Select Board. Or, the Select Board can start out as the oversight committee and at the next annual town election elect a staggered term board.
- The cost to the town will be limited to someone taking minutes for the Board meetings.
 - There are no filing fees and there is nothing to pay to the state to become a lighting plant.
 - No building would be needed; based on some of the other cable rules, the wires can be considered to be “the plant.” The definitions are loose. It’s a town department.
- Shutesbury has to have a “lighting plant.”
 - A cooperative can be as small as two towns’ lighting plants. There could be more.
 - Holyoke has a lighting plant that serves the town, school and the public with broadband.
 - Existing coops are distributing broadband services to other towns.
 - Springfield had to create a lighting department to join Holyoke.
 - Could Shutesbury join Holyoke? No, Holyoke has no reason to run fiber optic for Shutesbury.
- What is the advantage over the high speed Internet? Relative speed.
 - DSL: Operates at 52 mega-bites/second
 - Cable is 5 times faster than DSL and brings phone, internet and TV – a “bundled” service.
 - Fiber-optic would come to Shutesbury homes under Wired West:
 - Is 100 or 1000 times faster than either of the above.
 - Each customer has a dedicated fiber, so one customer’s speed doesn’t go down when the neighbor goes on line as happens with other types of services.
 - This would be “state of the art on earth right now.”
- The cooperative would be a publically owned non-profit with members of the board of directors from every town. It’s not big business.
 - Member towns would share any profits and ten years down the road towns will get income.
- Any other technology getting to all towns people is not going to happen. This group is committed to bringing Internet to every home in the 45 Western Massachusetts towns regardless of the take rate.
 - People can finish contracts with other companies before signing on.
 - It will have better steadier rates than private company rates.
- The model could be funded by bonding and with investors, or there is a model strictly through bonds.
- This would help people working at home; it would increase property values.
- Wired West has the support of legislators, the Franklin Regional Council of Governments and the Massachusetts Broadband Institute (MBI) which has access to American Recovery and Reinvestment Act (ARRA) funds being used to support the middle mile, to bring fiber to the center of every town.
- Wired West is not dependent upon the middle mile being complete.
- Because Shutesbury already has fiber to the school and at Baker Road, that “lights” the DSL boxes, we are nicely positioned to get it to the homes quickly:
 - Wired West will be first come, first served. It is conceivable that if Shutesbury pushed through both votes in 6 months we could see fiber in January 2012.
 - The most important thing is to move successfully.
 - People who have dial-up are “ready to go.”
 - Lake and people in the south west portion of Shutesbury don’t have DSL.
 - Some people will not want to give up their \$19/month DSL. They don’t have to.
- Customers would pay between \$80 and \$150/month for the full package: Internet TV and phone.

- **Aside:** Fiber will not solve the absence of cell service problem. Some residents have installed a device in their homes that amplifies the cell reception by plugging it into DSL that provides cell phone reception within 5,000 square feet. It acts as a mini-cell tower, 3G and AT&T specific. Phone numbers are registered so neighbors can't also use it. During a power outage there will be problems.
- Uniform town meeting warrant article wording is already being written.
- If it fails at either town meeting, the town has to wait 2 years before trying again.
- More information is coming soon.
- Starting with as little overhead as possible, the Wired West would still have to hire a manager and installers, creating jobs locally.

Topics

1. **Special Town Meeting:**

- Selectmen unanimously voted to hold a special town meeting on October 26th when they anticipate Free Cash will be certified.
2. Selectmen voted to hold an All Boards meeting on October 5, 2010. Two items already on the agenda:
- Community Preservation Committee update
 - Planning Board: Talk about the state plan for management of forest lands.
3. September 9 Conservation Commission Meeting with the Kestrel Trust concerning Brown property:
- In the presence of Kestrel Trust Executive Director Kristin DeBoer, Lois Brown presented her family's situation to the Conservation Commission which includes an offer to the town to purchase conservation property. (See 8/31/2010 Select Board meeting minutes for a summary of the situation.)
 - The Conservation Commission favors purchase of the land to add 200 acres to a preferred linking block of contiguous open space for wildlife.
 - The Kestrel Trust would help pay for appraisals of the property.
 - The big question is how to address the dam, which will take full assessments. The Conservation Commission suggested they would be willing to foot the bill for that research.
 - A 2005 document states that it would cost \$390,000 to repair the dam.
 - A current assessment is needed for both rebuilding and breaching the dam, including permitting issues, is it really going to take a 404 permit, which is a 5 to 10 year process?
 - We need a handle on the scope of the dam's status.
 - Becky will meet with Liz Lacy who has done a number of dam breaches in the area.
 - There's no available funding for dam management.
 - Office of Dam Safety has 4 people.
 - The American Rivers offers a maximum of \$100,000 for construction and \$75,000 for permitting.
 - Any dam work could potentially cause the town to absorb road construction costs also.
 - A federal forest grant fund would pay 75% of purchase costs, and the town would own the land, but it would not fund any of the dam management costs
4. Update on Gas Clean Up.
- There is still no date from the Department of Environmental Protection (DEP) for a meeting.
 - Good test results are back on the soil that was under the plastic on the back field.
 - The Highway Department will re-pave Leverett Road tomorrow at 7:30 AM.
 - Installation of Monitoring wells? Work cannot be scheduled until a cost is known and if the fall special town meeting needs to be asked for funding.
 - O'Reilly, Talbot and Okun's Jim Okun will have the interim phase report done at the end of this week, to be brought to the DEP follow-up meeting.
5. Celebrate Shutesbury on Saturday September 25:
- The Market will be there.

- Some Selectmen may make it.
- Bouncing, speed pitching, big tag sale.

Select Board Actions

1. Appoint a Union 28 Hiring Committee Representative:
 - Selectmen unanimously voted to appoint George Arvanitis as the Union 28 Hiring Committee Representative with Becky Torres as the Alternate Representative.
2. Selectmen unanimously voted to approve the minutes of August 31, 2010 as written.
 - Selectmen received notes from a meeting with September 11 Athletic Club event promoter Tonio Sagen and public safety officials.
 - Becky has a flier from a similar but smaller New Salem event that occurred between noon and 5 PM that states the event took months of planning.
3. Massachusetts Broadband Institute (MBI) Conference meeting last week:
 - Showed the maps for each community. Shutesbury's needed some adjustments.
 - MBI is helping fund consultants and costs for Wired West.
 - Another meeting tomorrow in Northampton will have an overlap of information.
 - There is a good amount of activity right now because in nine months they have to spend a major portion of the ARRA money or send it back.
4. Selectmen signed vendor warrants totaling \$109,097.58.
5. Selectmen signed payroll warrants totaling \$81,253.13.
6. Selectmen unanimously voted to sign the Commonwealth of Massachusetts Department of Veterans Services VSS/VS6 certification form.

New Topics

1. Selectmen unanimously voted to sign a non-disclosure agreement between National Grid and the Town of Shutesbury.
2. Selectmen will put the Chief's officer request on the next agenda. April will meet with Chief Harding on Friday.
3. A comparison of last year's Town Hall use of kilo-watt hours to this year's use with the solar panels shows almost \$200 savings since their installation this summer.
4. Elaine will draft a note of congratulations to the Amherst Board of Selectmen on making a rapid and wise choice of John Musante as Amherst's new Town Manager.

Meeting adjourned at 8:45 PM

Respectfully submitted,

Leslie Bracebridge
Administrative Secretary

- * **Article 11.** A motion was made and seconded to enter into immediate discussions with other Western Massachusetts municipalities with the intent of entering an inter-municipal agreement, by and through the Select Board, pursuant to Chapter 40, Section 4A of the Massachusetts General Laws, for the purpose of establishing a universal, open access, financially self-sustaining communication system for the provision of broadband service, including high-speed Internet access, telephone and cable television to the residents, businesses and institutions of these municipalities.
Passed unanimously.