

**SELECTMEN'S MEETING  
UPSTAIRS MEETING ROOM  
1 AVENUE A, TURNERS FALLS, MA  
MONDAY, December 8, 2014**

Meeting was opened at 6:10 PM in the Upstairs Meeting Room. Present were Selectpersons, Mark Fairbrother, Chris Boutwell, Mike Nelson; Town Administrator, Frank Abbondanzio, Executive Assistant, Wendy Bogusz

**Joint Meeting with the Cable Advisory Committee, Discuss the Town's contract with Comcast  
Jason Burbank and Mark Fairbrother are present as Cable Advisory Committee Members  
Peter Epstein, Attorney for Cable Negotiations**

Epstein suggests 10 items that are outstanding that are in summary of Towns proposal and Comcast proposal he prepared in April 2013.

- 1) Customer service office in Greenfield,
- 2) Annual capital funding
- 3) Definition gross annual revenues
- 4) Number of peg access channels
- 5) High definition Band Width
- 6) Number and locations of origination sites
- 7) Level playing field language
- 8) Service available to residents of Montague
- 9) Distance parameters
- 10) Senior Discount

Customer service office: Continue to operate in Greenfield or Montague or contiguous town if office is moved. Epstein believes Comcast will agree to keep office in Greenfield. Comcast is trying to get away from having an office. We want to push this and we need to push them. Comcast did not propose this in its draft, doesn't mean they won't agree. We should push on the customer service issue, not fair to force customers to drive long distance to return equipment, etc. Comcast prefers not to have in their franchise agreement but we differ in our opinion

Capital funding: Current license requires Comcast to pay the town 5% of gross annual revenues and Comcast agreed to continue this. Last Epstein knew it was \$108,000 (April 2013), Amounts are passed through in current license; language could be similar to annual funding which could be paid to board of selectmen or to the access provider. Cable Advisory Committee proposed \$150,000, Comcast proposed \$100,000. Current license Comcast paid PEG directly. No reason it shouldn't be payable to issuing authority and they will decide how it is dispensed. Give some to cable access corp, some to school and some to town for cable related purposes. Town would want a separate agreement with local access provider. Comcast adds 11.5% interest. Assuming we don't need all up front, makes a difference in how subscribers are hit with pass through

Definition of gross annual revenues: Comcast agreed to 5% but their definition wasn't as inclusive as Peters, we will stay with Peters definition as Comcast should agree with this. Non subscribers revenue is a large part of the difference, types are advertising, shopping revenues, fee on fee revenues. The only difference is Comcast gave a lesser definition than current agreement.

# of access channels: Current license has 2 we asked for 3, Comcast proposed 2, not sure how much programming is getting done. Epstein doesn't see a huge issue with this, many communities have 3. We should stay with 3 not an outrageous request.

Request High definition bandwidth: this is problematic, Comcast proven to be rigid and not want to do this. Most access channels are produced in high def then have to down grade to analog before transmitting it. No reason they can't provide one additional channel in high def, have plenty of bandwidth. Not unreasonable for us to request some availability of HD bandwidth, not asking them to provide HD equipment; particularly with a ten year license. We could negotiate the timing of when they do it. Comcast wants to just say No, but have already said Yes elsewhere to HD, just haven't agreed in our region yet. Why can't it be done? Is it a financial issue, tech issue or political issue? Keep this on the list. Comcast needs to get a license so there needs to be some give and take. There is not an explicit time limit to working under a denial. Hopes to have an agreement in placed and signed in January

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Remote origination location: Where programs can be originated live, we proposed 10 locations Comcast came back with 4 sites, town hall, high school, access studio and FCTS. Comcast had given us the cost to build out the locations, \$70,000 for Montague library and Turners Falls library was \$65,000. The committee would have to talk with some people in the access community to see where programming is originated. If we require more locations, Comcast will build it and charge the users. Comcast charges maximum interest allowed by Feds (11.5%), they do not have to charge this.

Level playing field language: Not in our proposal, expired license had such language. This is negotiable, not required state or federally, but under no obligation to agree with this. Nothing says this is a terrible thing FCC cast a lot of doubt on the legality of this. If Town was building a broadband internet network, it wouldn't apply; only applies if we were building a cable network.

Service to all residents without additional charges: Comcast said No. They would have to extend system to areas not serviced. Comcast just referenced current formula, 20 subscribers per areal mile/40 subscribers per underground mile. We asked Comcast to provide cable service to Meadow Road, Chestnut Hill area and Taylor Hill area. Industrial Park was recently provided access. This should be made a discussion.

Senior discount: We proposed a senior discount, Comcast did not, it is possible they provide a discount but would be done in a side letter.

The next step is to sit down with Arron Sanders. It would be useful if Peter Epstein attends and if we do it the right way, we can resolve this and settle it. Meeting will be set up in December or early January.

Call with Peter Epstein ended at 7:07 PM

**Approve minutes of December 1, 2014**

*Nelson makes the motion to approve the minutes of December 1, 2014. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother – Aye*

**Public Comment Period: Individuals will be limited to two (2) minutes each and the Board of Selectmen will strictly adhere to time allotted for public comment.**

- Suzanne Kretzenger asked if there have been further discussions about the planters and stated about \$250 worth of perennials were taken out by mowers at the Montague Center Common. She is told to contact Tom Bergeron
- J. Singleton asks about the local cable providers contract expiring soon. He is told it will be on next week's agenda
- C. Collins: Has heard they are moving local channels to the 200's which will cause a lot of aggravation for people.

**Robert Trombley, WPCF Superintendent**

**First ½ FY2015 Sewer Abatement Requests**

*Nelson makes the motion to not abate the FY2015 First Half bill for 61 Fourth Street, Turners Falls. Second ½ bill to be changed to reflect summer water use of 26,000 gallons = \$161.72. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

*Nelson makes the motion to not abate the FY2015 First Half bill for 34 Randall Wood Drive. Second ½ bill to be changed to reflect summer water use of 16,000 gallons = \$99.52. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

*Nelson makes the motion to abate the FY2015 First Half bill for Adams Road, abatement in the amount of \$167.94 with a bill of \$292.34 due. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

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*Nelson makes the motion to abate the FY2015 First Half bill for 16 Hatchery Road. This location has well water so is identified as a flat rate user, minimum bill charge \$36 resulting in an abatement of \$136.00. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

*Nelson makes the motion to not abate the FY2015 First Half bill for 121 Greenfield Road as water went into the sewer. Second ½ bill to be changed to reflect summer water use of 4,000 gallons = \$36.00. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

*Nelson makes the motion to abate the FY2015 First Half bill for 7 Highland Circle, abatement in the amount of \$107.98 (swimming pool filled). Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**Michael S. Longo, Turners Falls Municipal Airport Manager  
Request for Waiver of a building permit fee of \$65.00 to strip and re-shingle the roof at 321 Millers Falls Road, Turners Falls**

*Nelson makes the motion to approve the waiver of a building permit fee of \$65.00 to strip and re-shingle the roof at 321 Millers Falls Road, Turners Falls. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye*

**Walter Ramsey, Town Planner**

**Approve FY2014 Green Community Annual Report to DOER**

Ramsey: This is the fourth annual report since the Town was designated in 2010 and I'm looking for permission from the Selectmen to sign off on this report. Highlights are: Montague has reduced energy use by 14% from the baseline year FY2008. Town owned buildings have an 18% decrease in energy use from the baseline year. This trend for reduced building energy use has been apparent for the last 3 fiscal years, evidence that the ESCO and WWTP efficiency improvement have made a significant impact. Vehicle fuel and traffic light usage has remained steady from the baseline year, as no changes have occurred for either those categories. No major efficiency projects were conducted in FY14 and the energy use reflects that. There are energy efficiency projects planned for the Shea Theater and Sheffield School and these projects should allow the Town to reach the 20% energy reduction goal by the fifth year of the program. We keep track of new homes and commercial buildings built since stretch code became effective and one home has been built. No vehicles were purchased under the efficient vehicle policy, however one exempt vehicle was purchased by the police department. The Shea Theater was added to the base line energy use inventory and that added at 3.8% energy use increase that was adjusted back to 2008. In the last fiscal year the town was awarded \$84,000 for HVAC improvements to the Shea Theater which are being planned for during the 2015 construction season

*Fairbrother makes the motion to approve and sign the Green Communities Annual Report to DOER and authorize the Chair to sign the document. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye*

**Broadband Committee Appointments, 2 years until 6/30/16, Kevin Hart , Peter Vichi**

*Fairbrother makes the motion to reappoint Kevin Hart to the broadband committee effective December 8, 2014 to June 30, 2016. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother – Aye*

*Fairbrother makes the motion to appoint Peter Vichi to the broadband committee effective December 8, 2014 to June 30, 2016. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye*

**Charles Jenkins, Revio Energy**

**Lease Proposal to develop a solar array on the capped landfill off Sandy Lane**

Jenkins: We are looking to lease landfill and build a solar array there. Prior to this meeting we have reached out to your commercial base with industrial interest and we have executed an agreement with FCTS to be "oftakers" or customers of our green initiative of solar power. We believe it is a form of economic development; it is a way to attract and maintain businesses. We have been working around the area for several months, and we are dealing

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with several towns and many companies in the area. We now have approximately \$150 million invested in this area. We feel this is an opportunity for the Town to participate in a manner without having to be an offtaker itself as we found out that is not a position the Town is interested in taking. We do see a way to utilize your landfill that will produce revenue for town in several different ways, aside from the land lease you have the opportunity for reoccurring revenue from taxation of the system and a building permit could be \$50,000 on a project like this. Already have several executed agreements from people who want to be offtakers and we are aggressively looking to move forward with any piece of land. The landfill is a fantastic way to refurbish land.

Fairbrother states the capped landfill is very boggy and rather unstable and not much flat space at the spot. Mr. Jenkins replies they would at least like to know there is an opportunity here before sending out engineers. Looking for some kind of intent before moving forward.

Abbondanzio: Walter and I have met with him, they know what they are up against.

Discussion

Jonathan ?: Australis has signed a contract with Revio, but very much like the idea or repurposing the landfill and like the idea of telling customers they get their energy locally

*Nelson makes the motion to approve access to Revio Energy to the capped landfill off of Sandy Lane for the purpose of engineering studies for a potential solar farm through January 31, 2015. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**Town Administrators Report**

**To approve Annual Miscellaneous Permits (Class II, Class III, Common Victualler License, Entertainment License, and Lodging House License)**

*Nelson makes the motion to approve the Class II Vehicle License in the amount of \$100 each to the following businesses: Bob's Auto, 303 Avenue A; Koch's Auto Sales, 98 Turners Falls Rd.; Mark's Auto, Federal Street; Montague Garage, 10 Station St; NB Motor Sales, 460 Turners Falls Rd; Rau's Sunoco, 531 Turners Falls Rd; Semaski General Contractor, 186 Turners Falls Rd; Stones Equipment Repair 476 – 477 Federal Street; Jarvis Auto Sales, 71 Eleventh St. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

*Nelson makes the motion to approve the Class III Vehicle License in the amount of \$100 each to the following businesses: Bob's Auto, 303 Avenue A, Turners Falls; 531 Turners Falls Rd. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

*Nelson makes the motion to approve the Common Victualler Licenses in the amount of \$35.00 each to the following businesses: Subway, 57 Avenue ; Scotty's, 66 Unity Street; Country Creemee, 268 Millers Falls Road; Ce Ce's Chinese Restaurant, 57 Avenue A; 2<sup>nd</sup> Street Baking Company, 104 Fourth Street; Twisters, 52 Avenue A; Roberto's Family Restaurant, 196 Turners Falls Road. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

*Nelson makes the motion to approve the Entertainment License in the amount of \$50.00 to the Montague Book Mill, Greenfield Road. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

*Nelson makes the motion to approve the Lodging House License in the amount of \$35.00 to the F.C. Housing Authority. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**HallKeen Management Preliminary Offer to Convey TFAC (Senior Center Building) to Town**

Abbondanzio: Hallkeen owns the Powertown complex and have owned it for 30 years now and are in the process of selling it to Silver Street who will renovate all the buildings In they process they offered to sell the senior center to

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the town for \$1. We have a lease that expires in September of 2016. The building has a lot of potential for future uses even if we did not continue to have the senior center there. Selectmen should ask that parking go with the Senior Center building. The new owners are willing to do that as long as they don't run into any nonconforming issues with their buildings not having enough parking. David Jensen didn't feel there would be any issues with the non-conforming use. I am recommending we entertain the offer and tell them we are taking this to Town meeting and the offer is contingent upon that.

Nelson asks what would happen if we continued to lease the building and the study came back that we should stay in that building how would we go about making the improvements if we are leasing the building? This would be a step in being able to make those improvements.

Fairbrother wants parking issues looked at prior to going to Town meeting

*Fairbrother makes the motion to accept the offer of buying the Senior Center building for \$1.00 from HallKeen contingent upon the parking issues being worked out favorably, and forwarding along to Town meeting. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother – Aye*

Nelson wants to see a list of all town owned property in the Town's possession to see if there are any so we can get rid of. Frank has been in touch with Douglas Auctions and they are in the process of looking at 38 Eleventh Street, 2 vacant parcels on Wendell Road and any others we would be auctioning off.

**Colle Building Awning Replacement**

NE foundation for children is the sole occupant of the Colle building and will be changing their name to Center for Responsive Schools Inc. as of January 1, 2015. They would like to install awnings that have their new name printed on them. There are 3 awnings that would have their name, three others would be over the entrance doorways that have the lettering Colle on them. They are intending to pay for the cost of the 3 larger awning that have their names on them at a cost of \$7500 - \$8000 plus lettering. They are asking that the Town pay for the cost of replacing the awnings over the extra doorways at a cost of \$3550 plus the cost of printing the word Colle. As these are over the common doorways, I think their request is reasonable. It would be paid for out of Colle Revenues. We have a balance right now over \$200,000, it is a capital fund that has been built up over time

*Fairbrother makes the motion to authorize up to \$4000 plus cost of printing to install 3 awnings over the common doorways at the Colle Building, costs to be paid out of the Colle Receipts Reserved for Appropriation. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye*

*Nelson makes the motion to adjourn the meeting at 8:15 PM. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*