

## **MINUTES OF SELECTMEN'S MEETING AUGUST 12, 2014**

Chairman Smith called the meeting to order in the Senior Center at 6 PM with Mrs. Walter also present. Mr. Hevy was not present.

### **I. APPROVAL OF MINUTES OF JULY 29, 2014**

Mrs. Walter moved, and Mr. Smith seconded, a motion to approve the minutes of July 29, 2014 as written. So voted.

#### **IA. APPROVAL OF SCHOOL WARRANT #1007 FOR \$58,158.02 APPROVAL OF GENERAL WARRANT #1008 FOR \$63,328.01 APPROVAL OF PAYROLL WARRANT #3 FOR \$199,653.72**

Mrs. Walter moved, and Mr. Smith seconded, a motion to approve the aforementioned warrants. So voted.

### **II. OLD BUSINESS**

#### **A. AWARD DIESEL BID**

Mrs. Walter reviewed a memo from Highway Superintendent Gary Jean recommending that the bid for FY15 diesel fuel be awarded to R. J. McDonald of Barre based on a bid of \$2.9481 with a .1022 markup. (Attachment #1) Mrs. Walter moved, and Mr. Smith seconded, a motion to award the bid to McDonald. So voted.

#### **B. TECO-BLOC TIF**

Mr. Smith noted that Techo-Bloc entered into a TIF agreement with the Town, but the Town has now been notified that the state has issued a notice of decertification. The Selectmen hope to speak with Techo-Bloc representatives, and will defer this item until the next meeting.

#### **C. TOWN HOUSE**

Mr. Smith noted that two weeks ago the Selectmen toured the Town House with a structural engineer to look at a potential problem. Also, Jeff Samuelson has provided an estimate to repair the gutters. He asked that the Selectmen meet to discuss Mr. Samuelson's proposal to fix the gutters as soon as possible.

### **III. NEW BUSINESS**

#### **A. CHARTER/COMCAST TRANSFER HEARING @ 6 PM**

- **TOM COHAN FROM CHARTER**
- **JAY SOMERS FROM COMCAST**

Mr. Smith opened the public hearing on the request of Comcast Corporation to purchase the North Brookfield cable franchise currently held by Charter Communications. He began by reviewing the rules of the hearing, which would begin with statements by both sides, and then questions from the audience and the Selectmen. After that there would be any arguments or rebuttals, time for more questions, and then closing statements by both sides.

Mr. Smith explained that under Massachusetts law, the Selectmen may only consider this transfer request on the merits of four items: Comcast's management experience, technical expertise, financial capability, and legal ability to operate a cable system under the existing license. No other criteria may be considered in making a decision on whether to approve or disprove the transfer.

Jay Somers, Senior Manager of Government and Community Relations with Comcast Corporation was present to speak on behalf of Comcast. He explained that Comcast and Charter have entered into an agreement whereby Comcast will provide cable service to North Brookfield. He promised accelerated deployment of technology that will allow enhanced Video on Demand and DVR service. He noted that Comcast offers reduced internet fees for families of children who receive subsidized school lunches until the child reaches 12th grade, and will also provide a computer for \$149 to those families.

Resident Mary Dolan asked Mr. Somers what the cost will be for phone, internet and television? Mr. Somers stated that he could not comment on that at this time, but he expects that Comcast will be competitive with what is being offered by others.

Charles Marshall asked if this deal between Charter and Comcast was contingent upon the Time Warner deal, and Mr. Somers stated that it was not.

Peter Barstow noted that he has 40 years of experience in dealing with the cable TV industry. He negotiated the first cable contract for North Brookfield back in the 1970s. He noted that Comcast states that they are qualified to run the North Brookfield franchise in the four major areas, but citizens are not able to verify this and must take them at their word. He said that according to Consumer Reports Comcast has an "abysmal" customer service rating.

Mr. Barstow asked what will happen to the Town's three public access channels when Comcast takes over?

Mr. Barstow went on to say that the cost of cable service in North Brookfield has gone up more than the rate of inflation. The Town has been unable to put a cap on these prices. He urged the Selectmen to vote no on this transfer request.

Mr. Somers stated that Comcast takes customer service very seriously; they spent \$1.2B last year on this. It is one of the company's top priorities. As far as costs, the cost of programming continues to rise, and Comcast has no control over this. If there are problems with signals they will fix it. As far as public access channels, if the current contract states that there will be three channels, there will continue to be three channels.

Claudette Marshall asked what would happen if the Selectmen say no to this request? Mr. Somers stated that someone would most likely continue to operate the North Brookfield franchise, although he was unable to say who. Mrs. Marshall stated that if this transfer goes through Comcast would have 98% to 99% of the customers in North Brookfield. Mr. Somers stated that he was unsure of the actual percentage, but it was certainly at least 80%.

Mrs. Marshall asked what could the town get with competitive bidding, and Mr. Somers stated that any resident is now able to go with satellite service or even reject signing up for cable service with Charter altogether. Mr. Somers stated that this hearing is about the transfer from Charter to Comcast. Any other company can come in and bid on providing service to North Brookfield.

Mrs. Marshall stated that she has satellite service, and was told that the satellite companies are not allowed to offer internet service because the cable companies won't allow it. Mr. Somers stated that to his knowledge no one has prohibited the satellite companies from offering internet.

Mr. Smith pointed out that the Selectmen are only allowed to consider the four criteria already mentioned.

David Crevier asked who decides that an expiring license will go to Comcast? Mr. Smith stated that the Selectmen could ask for other bidders and have a public hearing similar to this one. Mr. Crevier stated that when he worked at Eagle Hill School he dealt with some Charter technicians and was not impressed. In addition, his mother who lives in Ware experienced some problems getting her Charter cable service restored after the 2008 ice storm.

At 6:30 PM Mr. Smith recessed the public hearing in order to open one on the application for a liquor license transfer for Bob's Deli.

At 6:50 PM the public hearing resumed.

LPAC videographer Ray Hebert asked Mr. Somers what will happen to the public access channels, and Mr. Somers reiterated that they will remain the same.

Charles Marshall noted that there is audio circulating on the internet of a 10 minute call from a Comcast subscriber trying to cancel his service and the customer service rep refused. Mr. Somers said that he does not deny that there are issues with some employees, but Comcast takes customer service very seriously.

Jason Petraitis asked why there is no service in the outlying areas of town.

Mrs. Walter stated that the Selectmen did ask Charter to investigate these areas, and in some cases they provided estimates to provide service to certain areas, and in other cases Charter determined that it would be cost prohibitive. Mr. Smith noted that this is the type of issue that should be brought up during the license renewal process.

Tom Cohan of Charter Communications arrived at 6:55 PM and expressed his apologies for being so late.

Mr. Petraitis asked Mr. Cohan about providing service to the outlying areas of town.

Mr. Cohan acknowledged that Charter uses a "distance formula" that requires approximately 20 to 25 homes per mile to make it cost effective to provide service to an area. If the area does not meet that guideline Charter will provide an estimate to the homeowners and pay the first \$3,000 towards the cost of providing service.

Mrs. Walter said that one of the difficulties in North Brookfield is that according to the state we have broadband service, but we really don't because the internet speeds are so slow. North Brookfield was left out of the state's Broadband Communities initiative, which ended at the West Brookfield line.

Mr. Cohan stated that Charter provides an internet speed of 30mb/sec in North Brookfield, which is the fastest offered in the state. Mrs. Walter said that she would challenge that, and Mr. Cohan said that if she isn't getting that speed she should request a service call.

Mrs. Walter stated that she too, was concerned about service to outlying areas, and stated that in this day and age internet service should be like telephone service used to be. It is essential.

Mr. Cohan stated that historically the telephone companies were subsidized by the government and were guaranteed a certain rate of return. Cable TV is an entertainment service; 40% of people do not sign up for cable when it goes past their homes. Verizon and AT&T were subsidized by the government, Charter and Comcast are not. They are not guaranteed the customers.

Mr. Smith stated that the Selectmen will try to negotiate for better service to the outlying areas when the contract is renewed.

Leo Egan asked if Comcast will be doing any infrastructure improvements, and Mr. Somers stated that he was not able to comment on that yet. Mr. Egan said that he has problems with his picture quality, and Mr. Cohan stated that he should request a service call.

In closing, Mr. Somers stated that he enjoyed the hearing and getting to know the residents. He said that he will be taking all of the comments from tonight back to the company.

Mr. Cohan said that Charter is looking forward to this transaction; Comcast meets the four qualifications. He noted that Charter's New England system is the smallest in the country and they have not been able to develop their business services the way that they would like. Comcast will be able to do that more effectively.

Resident Pete Oullette stated that it seems like the Town really does not have a choice on this transfer, but we will have the opportunity to discuss these issues when the license is renegotiated in two years.

Mr. Smith closed the hearing at 7:15 PM.

## **B. BOB'S DELI ALCOHOL LICENSE TRANSFER**

At 6:30 PM Mr. Smith opened the hearing on the request to transfer the liquor license and alter the premises of Tracey Butler dba Bob's Deli and Variety to Shree Sai Corporation dba Bob's Deli and Variety. (Available in the Selectmen's office)

Attorney Thomas Demakis, representing Vushnubhai Patel, owner of Shree Sai Corporation, asked the Selectmen to approve the transfer of the liquor license, along with the alteration of the premises, the pledge of stock and the pledge of inventory. Mr. Patel is purchasing the Bob's Deli and Variety business from Ms. Butler, and also the real estate where the business is located at 37 and 39 Grove Street from Robert Miner. Attorney Demakis stated that Mr. Patel wants to knock down the wall between 37 and 39 Grove Street and expand the convenience store into the space currently occupied by a restaurant.

Claudette Marshall asked what will happen to the restaurant?

Attorney Demakis stated that the business would be removed as the convenience store expanded.

Ms. Butler explained that one side of the building contains her convenience store business, and the other side contains the restaurant. The restaurant is on a month-to-month agreement with no lease.

Mr. Smith stated that he was not aware that an existing business would be put out. He said that he would like to defer action on this until the Selectmen have a chance to speak with legal counsel.

Mr. Demakis stated that the issue regarding the restaurant does not affect three of the four transactions being requested. He said that he understood why the Selectmen would want to defer approval of the alteration of premises piece. He admitted that he had been confused as to what was happening, and that these plans had not been made clear in the submitted paperwork. He asked that the Selectmen approve the other three transactions.

Mrs. Walter asked if the intention was to become a liquor store, and Ms. Butler stated that it will be a convenience store that happens to sell alcohol, just as it is now. Attorney Demakis stated that if the expansion is allowed the proportion of goods to alcohol will remain the same.

Ms. Butler stated that she did not understand why the Selectmen were deferring this matter. Mr. Smith noted that the information that was submitted was not made clear. He said that the Selectmen are not prepared to vote on this tonight, and will defer action until the next meeting on August 26<sup>th</sup>.

### **C. SEWER DEPARTMENT EMPLOYEE UPGRADE**

Sewer Superintendent Rodney Jenkins, Sewer Administrative Assistant Laurie Lapierre, along with Sewer Commissioners Charles Haddock, Don Smith, and John Farmer, were present to discuss a possible upgrade to the Administrative Assistant position. According to Mr. Jenkins, Ms. Lapierre performs possesses a Grade II Sewer Operator's license, and regularly performs Operator duties. In addition, she has covered some emergencies when Mr. Jenkins was unavailable. Ms. Lapierre is making \$13.49 per hour after 14 years on the job. The department is asking for a \$2/hour increase in her pay.

Mr. Smith stated that he has twice spoken with Ms. Lapierre about this. While he is sympathetic, the question about parity among the other administrative employees is important. The only way this can happen is a job description that indicates the new responsibilities and how much of Ms. Lapierre's time is devoted to those new duties.

Mr. Haddock noted that this request was first made in 2010. North Brookfield is surrounded by towns with higher pay scales. Ms. Lapierre has done this job very well for 14 years. They do not want to lose her. The additional funds could come from the Enterprise account.

Mrs. Walter said that the town should not lose someone with Ms. Lapierre's technical and administrative skills. With the departure of the Water Department Administrative Assistant we cannot afford to lose both at the same time.

Mr. Smith noted that we are talking about a job upgrade here.

Former Selectman Jason Petraitis said that he was on the Board back in 2010 when the first request for this was made. It did not happen because the Board did not have direct evidence that she was performing the operator duties. He said that the Selectmen should not risk losing this employee.

Mr. Smith said that he did not disagree with that statement, but he would like some time to review the documentation that has been submitted. In addition, Mr. Hevy should have the opportunity to weigh in on the subject.

At 8 PM Mr. Smith called for a brief recess while the cable access videographers changed the DVD. When the meeting resumed, Mr. Jenkins stated that this does not raise taxes because the money comes from the Sewer Enterprise fund. Mr. Smith said that he rejects that argument; every dollar that the Sewer budget increases their budget increases the fees paid by sewer users and taxpayers.

It was agreed to post a meeting for this Friday at 3:30 PM to discuss this issue, along with the estimate from Mr. Samuelson to repair the Town House gutters.

#### **IV. ANNOUNCEMENTS**

##### **A. PLANNING BOARD HEARING NOTICES**

Mr. Smith reviewed three public hearing notices from the Planning Board. (Available in the Selectmen's office) The first hearing will be held on August 20<sup>th</sup> at 7:15 PM to discuss the reformatting of the town's zoning by-laws, the second hearing will be held the same date at 7:25 PM to discuss adding the definition of Medical Marijuana Treatment Dispensary to the zoning by-laws, and the third hearing will be held the same date at 7:30 PM regarding a Marijuana Dispensary/cultivation location. All of the hearings will be at the Senior Center.

##### **B. VACANCIES ON TOWN BOARDS**

Mr. Smith announced that the Selectmen are still looking for volunteers to fill vacancies on the Finance Committee, the Town Beach Committee, the Capital Improvement Planning Committee, and a Fence Viewer. Interested candidates should contact the Selectmen's office.

##### **C. IMPORTANT ANNOUNCEMENT REGARDING THE TOWN HOUSE TOMORROW AT 2 PM**

Mr. Smith informed everyone that tomorrow at 2 PM at the Haston Library Senator Steve Brewer and Representative Anne Gobi will be present to make an important announcement regarding the Town House. Everyone is welcome.

## **V. FUTURE AGENDA ITEMS**

There being no further business, at 8:15 PM Mrs. Walter moved, and Mr. Smith seconded, a motion to adjourn. So voted.

Respectfully submitted,

Leslie Scott Burton  
Administrative Assistant