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# BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**October 3, 2006**

**Acton Memorial Library  
7:30 P.M.**

Present: Chairman Foster, Andrew Magee, Lauren Rosenzweig, Peter Ashton, Dore' Hunter. The Town Manager and the Assistant Town Manager were present. The meeting was televised.

## **CITIZENS' CONCERNS**

Carol Holley, Pope Road, read a prepared statement she wants to have Perchlorate sampling rounds and citizen reimbursements for the citizens who have paid for the testing. She also wanted to receive the Material Data Safety Sheets, and noted that they have not been sent to the Fire Department.

Walter asked the Town Manager about their request to have sampling. The Town Manager also said the MSDS Submission would be forwarded.

## **SEWER COMMISSIONERS' BUSINESS**

None

## **PUBLIC HEARINGS & APPOINTMENTS**

**OPERATIONAL MINUTE – None**

### **VERIZON CABLE TV SERVICE LICENSE HEARING – Continued from Sept. 25, 2006**

The Chairman asked the Town Manager for an update. Don spoke about the Senior Discount issue and that Verizon does not want to negotiate in public. The Board does not get all the information due to the way we have to conduct our negotiations, it was noted that maybe at a State Level it could be corrected.

Don outlined Mr. Reip's comments and noted that the Board had not seen this. Don, John, Bill were in negotiations for a Senior Discount. William Solomon suggested we investigate the possibility of offering the discount at a later time. They had entered in to separate negotiations to address the Senior Discount. There will be no Senior Discount at this time. Don noted the revised version of the contract red lined and further revisions came though late today under cover of Bill Solomon. They printed out only the pages that had changes.

Andy Magee's comments were answered and the Board continued to reviewer. Provisions of services were discussed as well as PEG channels and PEG Video on demand. The listing of the PEG access are provisions negotiated by Verizon in the first licenses that was negotiated in other towns despite their desire to delete them. If Verizon offers it elsewhere they would potentially offer it to us.

Insurance Provisions - Selectmen Magee asked if Council was comfortable with this amount of insurance. He replied yes.

Definition of Town correct, Council said yes, it covers all.

Reasonable Time –Reasonable satisfaction time. Council said that he agreed with the vagueness of the section. Andy said that he would go forward with good faith.

Liquidated fees – Is this too low? Counsel said that some language changes have been made to address this remedy. They have changed the language, and damages would be if we choose another remedy. Counsel said that it was enough to address a fifteen year build out.

Walter spoke about audit reimbursement increased from 10 to 15 thousand. A payout schedule of the payments have been made.

Walter said that we have reviewed the questions and the Cable Committee concerns have been addressed.

Lauren thanked the CAC for their hard work. She also thanked William Solomon. She is pleased with most of the changes. She asked about a local office for Verizon, and do they have plans to locate in Acton. No provision in license for a local area office. They have 16 places in the area, and they might locate some where in Acton. They said it would be discussed in the next few months as they launch their services.

Andy asked about service area issue. He noted that it would be to their advantage to get people on board. Are a significant number of residents 65 % or 85%? Verizon said substantial, is 75 percent of this town.

Verizon noted they have issues with Condo Boards, multi family units and they need to be negotiated. It cost 10 million to build out Acton.

Walter noted the submittal of records in connection with the Licensing. A map of the cable service area. 8.5.5 is a way to address reports.

Dore' spoke about delays and process will have to review if it comes up. He was disappointed that the Senior Discount was not given. Dore' suggested that a selectman should be involved in future negotiations. Walter noted if we did that we could speak in Executive Session.

Peter noted that he had attended a meeting last week. He will support the license and suggested that the Manager write his suggestions about changing the law and working with the legislature.

Walter wanted to echo the Board members.

Terra Friedrichs, private citizen asked about level playing field and asked what the Selectmen thought. Peter expressed his concern about the level playing field. There are some concerns, but for example his was the senior discount. Council would be foolish to think the senior discount would be included in Cablevision's licenses going forward. Peter said that we have safeguards for the next 3 years.

Venki Srinivasan, Newtown Road, talked about Senior Citizen Discount. Digital Cable costs he reviewed noted that Verizon is \$17.00 cheaper. The prices will be more affordable than Cablevision with Senior Discount.

Dore' noted hearing from citizens by form letter, and noted that the letter he got from the citizen who wrote his own letter was much better than the form letters.

PETER ASHTON - Motion to accept the license in its current form understanding that a couple of issues are to be resolved. ANDY MAGEE - second. UNANIMOUS VOTE.

Bill Solomon noted Exhibit C PEG Channels has not been completed. We need to put numbers for our community Public Channel 8 and government 10 and Educational 9. The side letter was discussed the revenue paid by subscribers and listed for PEG access Capital to have on the bill, or not on the bill at all. This is used to calculate the subscriber fees paid to the Town. Verizon sought to exclude this and they ended up including gross revenue. The side letter says we don't have to pay the 5% PEG until the town provides evidence that it is currently paid by Comcast. Bill Solomon suggested the Board sign the side letter in a separate motion.

Walter asked about the side letter and why was it not included in the contract.

DORE' HUNTER - Moved we execute the side letter. PETER ASHTON - second. Bill Solomon felt it was a fair request and the solution is not perfect but acceptable. UNANIMOUS VOTE

Walter asked about the side letter being reviewed and signed tonight. Bill Solomon said it shows good faith negotiations. Verizon agreed to not require language about capital excluded, if the other company did not pay it.

Mr. Train spoke about the side letter was part of the process. Reasonable evidence simply writing to us and saying what is paid.

Andy Magee said that good faith is not a question it was negotiated in good faith. Andy is comfortable with this now.

Mr. Hickey, resident spoke about the form letter and he wanted to come in personally. He noted he supports the license and also was concerned that the senior discount was not offered.

## **SELECTMEN'S BUSINESS**

### **QUARRY ROAD ACCESS EASEMENT AGREEMENT- REVISITATION OF YIN AND CREIGHTON PEET'S PROPERTY AT QUARRY ROAD.**

The Peet's have given water rights and the Peet's will give an easement over their property to access another parcel and to pass and re-pass on this property. Don is comfortable. Andy noted no relation with the Magee's. PETER ASHTON – Moved to Approve the Agreement. DORE' HUNTER – Second. UNANIMOUS VOTE

## **CONSENT AGENDA**

Waiver of NARA Park Fees request from two schools. The Board approves the waiver, but if additional out of pocket costs occur, they would have to incur the fees. Peter abstained as his child is in the music program.

State of the Town will be discussed at the next meeting, the Board was asked to come up with ideas.

Walter asked the Town Manager to bring back for some discussion the capital items. The various departments have been solicited for items and to update the Five Year Plan. The Board

asked for an update with what we have done, and have the Town Manager take a stab at a priority list.

Lauren spoke about expedited development permit for quick developments for companies out there looking for a site.

Water Resources meeting went well and next meeting is on the October 11, at the school conference room

Peter will discuss the Town Manager's review next meeting.

## **TOWN MANAGER'S REPORT**

None

### **EXECUTIVE SESSION**

None

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Recording Secretary

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Clerk, Board of Selectmen

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Date:

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**  
**MEETING AGENDA**  
**OCTOBER 3, 2006**

*The Acton Memorial Library*  
7:30 PM

**I. CITIZENS' CONCERNS**

**II. SEWER COMMISSIONERS' BUSINESS**

(None scheduled)

**III. PUBLIC HEARINGS AND APPOINTMENTS**

1. 7:30 VERIZON CABLE TV SERVICE LICENSE HEARING (CONTINUED)  
Enclosed please find materials in the subject regard.

**IV. SELECTMEN'S BUSINESS**

2. QUARRY ROAD ACCESS EASEMENT AGREEMENT  
Enclosed please find material in the subject regard, for Board consideration.
3. OTHER BUSINESS

**V. CONSENT AGENDA**

None

**VI. TOWN MANAGER'S REPORT**

**VII. EXECUTIVE SESSION**

**ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

## **FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

October 16	November 27
October 30	December 11
November 13	December 18

### **Goals 2006-2007**

1. Morrison Farm Development Recommendation (Foster)
2. Monitor Labor Negotiations (Ashton)
3. Policy Review/Improve Inter-Board Communication (Foster)
4. ALG process to be used for purpose of Budget Planning for FY08 (Foster/Magee)
5. Middlesex Pension Alternatives (Ashton)