

SELECTBOARD MINUTES
AUGUST 1, 2016

Meeting opened at 6:01pm

Present: Alan Vint, Chair; David DiNicola
Duane Pease, Town Administrator

Chair advised audience that this meeting is a working meeting of the Selectboard and the public does not have an inherent right to speak. Going forward there will be one warning to audience members who speak out of line and then they will be ejected.

Alan motioned to open a Board of Health meeting and then reconvene the Selectboard meeting, Dave 2nd; vote 2-0 and meeting adjourned at 6:03pm.

Selectboard meeting reconvened at 6:36pm, all present.

Warrants reviewed; Payroll: \$9,020.26; Expenses: \$131,197.92 with a question on \$13,863.78 for MLP Manager and Engineering for the wireless internet.

Minutes of 7/13/16 approved on motion by Alan, Dave 2nd; vote 2-0.

Minutes of 7/18/16 approved on motion by Alan, Dave 2nd; vote 2-0.

Mail reviewed; nothing of importance.

First item on agenda was Town Spoils. Under chapter 30b, section 15f; towns may dispose of excess materials when it is appropriate. This would be items of no or little value, time saving disposal of materials, etc. Going forward, any recipients of these “spoils” will have to sign off upon receiving them.

Joe Kearns gave update on the Gateway lawsuit against the Worthington withdrawal. There was a conference call with Attorney Jim Lempke; there has been little activity over the summer. The members will continue to review and develop a plan to go forward with. The biggest issue is the 14-20 million dollar Op-Ed that will be owed in the future. Worthington does not want to pay there share of this amount.

Board was advised the COA Consortium has paid the outstanding legal balance owed for the creation of the Consortium; the Town received a check for \$1,000 which represents the 4 town's share of the billing.

The MBI informational meeting on the wireless internet was discussed next. Bill Ennin of MBI was present for the meeting in the auditorium. Alan felt it was somewhat embarrassing and the Town came across badly and Alan sent Ennin a letter of apology on behalf of the Town. Dave felt the project should slow down and there should be more communication between Fred Goldstein, the engineer and Steve Harris of the communication Committee with the Selectboard.

There was extended discussion regarding the project including obtaining a 3rd party review of the financials of operating the project. Alan said everything is muddle right now and an amendment to the Zoning By-Laws should be brought before the Town. if the By-Law does not pass there is no point in going forward. Sherri Venditti questioned why the tower could not be placed at another location in town such as the Slocum property. This location does not have access and the costs of running the fiber to this sight would be costly as it is approximately 3 miles from the nearest fiber location. A right-of-way would have to be obtained and power would then have to be run to the tower. During the discussion, Howard Knickerbocker felt many of the remarks from the Board were directed at him. He felt he gave an unbiased analysis of the system and used the date provided for the analysis. Maureen Sullivan felt the Planning board was left out of the discussion on siting the tower and the townspeople need to know what it is going to look like. Also, it will be harder to sell if some residents are only getting 5mb speed while others are receiving 25mb.

Marin Laurel-Payne questioned what funds were available and what other monies could be used if the project went over what MBI had allotted. Alan said there was \$310, 000 for construction and \$270,000 for professional services allotted. Middlefield was the first town to obtain funding while WiredWest has not received any money to date. The town, through its legislatures is lobbying MBI and the governor's office for using the professional services portion for the build out. The town has applied to MBI for an extension on using the funds until 6/30/17. Both Alan and Dave agreed there has been a failure to communicate between all the parties.

Last item on the agenda was the Open Meeting Law complaint filed by Mitch Feldmesser. Prior to the opening of the meeting, Alan gave Dave a draft copy of the response for him to review. Alan read the response including the comments of the other two members of the Zoning Board of Appeals that had previously stated they could not work with Mitch. Mitch was not present at the meeting but Maureen Sullivan was and took exception to the response, she stated Mitch was not appreciated on the ZBA and alleged the response letter was done outside of the public meeting and was a violation of the Open Meeting Law. Alan said he would prefer not to air dirty laundry in public but since this was an open meeting, he read the complete response. Dave said he read the letter and did agree with its contents. There was further discussion and Alan said there were also other complaints about Mitch including lack of cooperation and lateness of notices. Maureen stated she would like copies of the above.

Alan motioned to send the letter as drafted, Dave 2nd; vote 2-0 and letter to be sent.

Alan motioned to adjourn, Dave 2nd; vote 2-0 and meeting adjourned at 8:36pm. minutes respectively submitted by:

Duane Pease
Town Administrator

Minutes accepted with/without changes by:

Alan Vint, Chair

David DiNicola