

BOARD OF SELECTMEN'S MEETING

FEBRUARY 9, 2004

7:30 PM – MUNICIPAL OFFICE BUILDING – HANOVER, NH

The meeting of the Board of Selectmen was called to order at 7:30 pm by the Chairman, Brian Walsh. Present were: Brian Walsh, Chairman; Katherine Connolly, Vice-Chairman; William "Bill" Baschnagel; Judson "Jay" Pierson; Julia Griffin, Town Manager; and members of the public.

The first portion of this meeting was not recorded. This presumably is when the Board addressed agenda item numbers 4, 5 and 6.

1. PUBLIC COMMENT

This portion of the meeting was not recorded.

2. PUBLIC HEARING FOR CONSIDERATION AND AUTHORIZATION TO EXECUTE LETTER OF INTENT TO NEGOTIATE A FRANCHISE AGREEMENT WITH HANOVER BROADBAND, LLC

Selectman Walsh opened the public hearing.

Town Manager Griffin provided copies of Attorney Rob Ciandella's draft Letter of Intent, which outlined the Town's intention to negotiate a franchise agreement with Hanover Broadband LLC for the deployment of broadband and Open Video Systems. She explained that the issue currently before the Board was whether they wished to authorize the Town Manager, on behalf of the Town of Hanover, to sign the Letter of Intent.

Terry McGarty, Co-Managing Director of Hanover Broadband Network (HBN), introduced himself and Archie Typadis, his Co-Director. He also acknowledged people in the audience from All Optic, the manufacturer HBN would use, and from OFS, who would assist with installation. Mr. McGarty said that if the Town entered into negotiations for the open video services franchise they would be the first to do so in the State.

Mr. McGarty explained that the Open Video System would be different from the typical franchise in that it would allow any user on the network to access the network and effectively become purveyors of services on this network. The architecture they were focusing on was one which would provide gigabyte capability on the backbone. It would be a fiber network that would enable other technologies such as wireless. Each user would have access to 10 to 100 megabytes of capability allowing for a wide variety of

access, services, feeds, and capabilities. The network could accommodate multiple information services, including broadband internet services, video, and telephony.

Mr. McGarty advised that HBN had entered into a relationship with Valley Net to provide the broadband internet services. Likewise, they were also having discussions with two satellite video providers relative to the video services aspects. Mr. McGarty said that "local" would be a key factor that would be stressed including: local customer service (Valley Net), local wireless providers, local ownership interests, and other local participation that will provide a very strong backbone to the overall network.

Mr. McGarty stated that this open access network would provide more, better, faster, cheaper service than exists currently and would do so by being the first open network to provide a level playing field by offering the same to everyone. This network would act as a Petri dish, developing a whole set of new services and business opportunities. It will be open for competition, options, access, enhanced users, more capabilities, economic development, and hopefully decreased costs. The overall approach would be to eventually connect a Hanover Cluster, which would include as many of the adjacent towns and cities as possible, to the Keene Cluster, involving the City of Keene and 26 surrounding towns, and to the Peterborough/Jaffrey Cluster.

With respect to costs Mr. McGarty stated that a year ago they were facing costs of \$3,500 to \$4,000 per subscriber. That number has since been reduced to approximately \$1,500 per subscriber. He said HBN believed that they would be extremely competitive with other alternatives since the network will have almost infinite capacity and so long as a user remains within the network, the marginal costs would be zero, or close to it. However, having to connect to the outside world, via the internet, would require additional costs.

Mr. McGarty opened the floor to questions or comments. Selectman Baschnagel asked if the Board or public could have copies of Mr. McGarty's computer presentation. Ms. Griffin said she did have a copy and would duplicate it for anyone that wanted them. Selectman Walsh opened the floor to the audience relative to the general concept and what was being proposed.

Selectman Connolly asked of Mr. McGarty's definition of "open". Mr. McGarty said this network would be open in that users could make connections within the network without having to go through a single control point, such as a telephone central office or cable head-in. The network would be fully interconnected which will reduce costs and improve capabilities. Ms. Connolly cautioned that "open" could be chaotic. She asked if users would be able to access the network at any time and at any volume of activity. Mr. McGarty said there would be limitations in the sense that customers could purchase connections at 10 to 100 megabytes per second. But the capacity for the backbone of the network would be so great that no matter how much activity was reasonably generated, as much could be gained by each user at all times. Firewalls and other levels of security would be added to help prevent viruses or other problems. Ms. Connolly asked if a user

could suddenly take up an infinite part of the capacity. Mr. McGarty said yes, if they wanted to pay for the service.

Mr. McGarty advised of a statement made at a Senate hearing by a representative of Verizon in support of this approach of municipalities entering into public/private partnerships to provide fiber into the homes. Selectman Baschnagel countered stating that conceptually, Verizon could establish a portal that would accept voice over IP connections enabling consumers to then use the fiber to talk to that portal and go to the world. Mr. McGarty said he would love for that to be the case and added that HBN had been in discussions with Verizon's Chief Technical person.

Bob Strauss, of 7 Read Road, asked about the cost of this service to the customers. Mr. McGarty explained that network users would be assessed a monthly fee for service at a cost of approximately \$40 to \$45 for broadband connection of a 100 megabyte connection. They were considering two approaches to TV connection. One would be to build a video head-in where services would be provided directly by HBN. The other would be to work with a satellite video provider, possibly Echostar, to provide those services via the fiber. Mr. McGarty said unlike most if not all satellite stations today, this system would allow for local inserts. Mr. Strauss asked about the cost of these services. Mr. McGarty said if HBN were to build the system the costs would be approximately 10% to 15% less than the current Adelphia rates. Ron from Valley Net added that Valley Net was still in negotiation with HBN. He said that the pricing structure would really be based upon services and responsibilities. It had not been totally defined but they realized that their prices would have to be competitive with Verizon and Adelphia.

Bob Ashton, of 6 Occom Ridge, asked who owned HBN and whether the LLC was registered with the New Hampshire Secretary of State. Mr. McGarty explained that a Certificate of Good Standings had been filed with the Secretary of State. With respect to ownership it was owned 90% by Merton Capital, a financing entity primarily owned by Mr. McGarty's personal investment company and two other entities representing Mr. Typadis and a third partner, Mr. Bhagavan. Mr. McGarty reiterated that an offer had been made to Valley Net to also partake in ownership. Town Manager Griffin added that the Town chose not to have an ownership share, as they felt it was not appropriate. She said that there were some discussions about possibly offering a small percentage, 5%, of ownership to the Hanover Improvement Society.

Robert Russell, of 9 Occom Ridge, asked of the context of undertakings to bring fiber to areas that currently did not have broadband service or co-axial cables. Mr. McGarty reported that 80% to 90% of Hanover was readily accessible. He said that HBN was considering using wireless to access the not readily accessible areas, using the fiber as the backbone. Mr. Russell asked if the fiber would be distributed to areas currently outside of Adelphia's existing service area. Mr. McGarty said yes, but that it might not be economically justifiable to run fiber to every home in Hanover.

Bill Harper, of 3 Crowley Terrace, asked if the initial build would include the Etna Library, Etna Fire House, the Hanover Center Green, and/or parts of Lyme over Goodfellow Road. Mr. McGarty said Etna would be included in the first build out, as would the Hanover Center Green. He said generally, most of Lyme Road should be covered. Selectman Walsh said relative to specific location the Town would be looking for a roll out plan geographically in parallel with the negotiations and the franchise agreement. He said that one of the attractive pieces of this was making much more of the town geographically served with meetings such as this or School Board or school events.

Jeremy Kate of SegNet asked if it was possible to negotiate a franchise agreement in stages due to the federal preemption which allow this type of network to be created since HBN would be building infrastructure and not offering services. Attorney Ciandella explained that there were three different regulatory regimes. Video programming was subject to franchising at the local level. Internet access was in a state of flux. The FCC had declared it as an interstate information service not subject to regulation at the local or State level. The 9th Circuit Court of Appeals had declared it as a hybrid telecommunication service. Mr. Kate expressed concern that there would be a very low bar from a regulatory perspective to just get an agreement to create this infrastructure and then there is no oversight on how the system would then be used. He asked if everyone would be issued the same rates and if those rates would be posted. Attorney Ciandella said the immediate task before the Town was whether to negotiate an open video system franchise. The character of openness would apply beyond video programming to the other levels of service.

Luc Beaubien, of Etna, representing Finowen, a wireless carrier, expressed delight at this effort as it would provide an affordable backbone for his company. He noted for the record that broadband was available currently to residents of the Hanover Center area.

Ron Boehm, from Valley Net, said that the local participation of Valley Net was important in that they know where there are pockets in the subscriber base that do not have access to broadband via Etna Road or Hanover Center Road. He said it was in Valley Net's best interest to go places where they do not have to compete with Adelphia or Verizon. He said that as a local representative he would encourage the engineering group to expand to these areas and seek subscribers. Mr. McGarty reiterated that providing equal access, at comparable prices, for comparable levels of service, were essential to this open network.

Town Manager Griffin spoke of a survey that was conducted a year prior. She reported that approximately 900 of the 1,500 surveys mailed and were returned and that a majority of those returned were from people who do not currently have the availability of high-speed service. Ms. Griffin said that as long as this service could be provided at an affordable rate, these people wanted it. She agreed that the build-out and its timeline would be critical elements of the negotiations with HBN because that was what the constituents were saying that they wanted.

Selectman Connolly said that historically over the last few decades, newly created subdivisions were required to provide underground utilities. She asked if that would be an issue. Mr. McGarty said no, but it would drive up the cost slightly.

Kari Asmus, of 2 Sausville Road, asked what the fiber connections would look like in the areas where this type of service was not currently provided. Mr. McGarty provided images of the current version of what would occur at the individual residences which included installation of equipment approximately the size of a power meter. This equipment would then be connected to the system via utility poles, either in the middle or below existing wiring on the poles for telephone/cable systems. Town Manager Griffin advised that Verizon feels that this creates an unfair competitive advantage for the municipality because they could require make-ready at no cost. Mr. McGarty said in HBN's case they would have to pay the make-ready fee, which is the equivalent, or more than putting in new pipe. Ms. Griffin asked if HBN could require make-ready within a certain period of time. Attorney Ciandella said that New Hampshire was not certified at the State level to regulate pole attachments. They were regulated by the federal government, which has an arbitration-type procedure to resolve disputes if negotiations extend past a certain time. The basic rule is competitive, mutual, non-discriminatory access on the poles. There is not an obligation to create increased pole capacity. Mr. McGarty added that another unfair advantage expressed at the Senate hearings was related to the lower rates the municipality is given. He said under the RUS financing, HBN will be receiving a better rate than they would have achieved through the public market.

Bob Strauss asked why other internet providers were not granted access to these negotiations. Mr. McGarty said anyone else could come in. A local transport rate would be established. Mr. Strauss asked why AOL would want to join such a small market as this. Mr. McGarty said that in many ways this would be an ideal way for AOL to come in and provide advanced video services. Mr. McGarty said that he has been in discussions with AOL for a year and a half and has also talked with MSN. He said he has found that these larger companies are stumbling into each other, not knowing what they want to do and how to proceed with broadband. This provides a unique opportunity for Valley Net and other independent ISP's to start all over again with aggressive footing. Selectman Walsh clarified that someone currently on AOL could use this network to access AOL by paying the AOL's fees. Mr. Strauss asked if the cost would be the same. Mr. McGarty said that it would cost more to stay with AOL. Mr. Strauss asked how he would communicate to AOL of this new broadband service and of his desire to stay with AOL. Mr. McGarty said he did not know the answer to that but would respond at a later date.

Bob Bruce asked if HBN decided not to provide video services was it their position that the Town had no power to impose any obligations on HBN as an internet provider? Attorney Ciandella said the municipality had other hooks, such as the authority under RSA 53-C to private franchise or Open Video System. The Town also has the authority under RSA 231 to control the rights-of-way. Outside of the open video system, the

municipality would have a more robust RSA 231 authority than it would have with a certificated telecommunications provider. He said that it was the business of the Town to fully exercise its authority over the right-of-ways and address that in as comprehensive of a fashion as possible in this franchise negotiation. Mr. McGarty said in looking at the term "telecommunication service," that was not what HBN would provide. He said that there was an issue of a gray ground that HBN was working very carefully to address, as what happens here will establish precedent. Mr. Griffin countered that if one defined the relationship in simplistic terms, as only involving a video service, than the agreement might not be addressing all of the implications from HBN's standpoint or that of the Town's.

Bill Harper asked what the monthly rate would be to a transcriber on King Road in Etna for this service being proposed. Mr. McGarty said that would be dependent upon the transit costs and volume. The issue was how we deal with the tier one carriers who basically set the rates on interconnection to the internet backbone. He suggested HBN work together with the people of Hanover to find a way to improve that situation for the people of Hanover. Mr. McGarty said he could deliver 100 megabytes per second, streaming from point to point with basically no material additional charge on the network, mainly because the backbone was substantially large.

Jeremy Kate asked if HBN would invoice customers a monthly fee for the fiber connection. Mr. McGarty explained that in an open network, the venders would charge the customers for service. HBN would establish the rates and all of the customers would pay the same rate for comparable services. Mr. Kate asked if HBN would be locally situated in the area to service the network should there be a break in the fiber. Mr. McGarty said yes, there would be a manager here in town and facilities to do it. There will be a service level agreement with the Town for repairs and restoration of services similar to that which telephone and internet service providers have with their customers.

Alan Johnson asked when the last obstacle from the pole would take place and what costs would be associated with that to the user. Mr. McGarty explained that those costs would be included in the overall costs of creating this network. He said that connections to the individual homes would occur only after a homeowner indicated their intent to become a customer.

Selectman Walsh shared his frustration over the lack of competition for these services in the area. He said that the current cable company had the Town locked up in an exclusive franchise agreement. He acknowledged that in many places it was difficult to receive a satellite signal. He said that one of the real opportunities here was the possibility of creating free competition, across multiple parts of the communication network, which would influence services and prices. He admitted that Hanover may end up no better off than it was currently but said that it was not likely that the Town would wind up worse off. The odds were good that we end up better due to competition and new technology.

Selectman Walsh asked to address the Letter of Intent and review its contents. He suggested adding visibility into operations, map of the service area, phasing the Franchise Agreement, expansion of capacity, insolvency or bankruptcy, to letter B, Menu of Possible OVS Franchise Elements, based on comments made from the public. Mr. McGarty suggested adding the issues of service level and service reporting. Mr. Bruce stated that there should be clarity as to the validity and enforceability of this agreement should HBN not provide OVS. Mr. McGarty explained that it would be necessary for HBN to provide the OVS, as they would not be eligible to apply for pole attachments without offering it. Selectman Baschnagel added that a condition of the USDA financing was that HBN provide the OVS. He said they would lose their funding if it was not provided. Bill Harper asked that there be some mechanism to provide for affordable transfers within the network regardless of the size of the file. Town Manager Griffin said the notion of the open network would facilitate this sort of communication within the network. Mr. McGarty added that once a customer had a portal then they would be able to connect anywhere else on the network at no cost. Ms. Griffin said this was what appealed to the Town, particularly from an educational perspective. They were encouraged by the notion that schools could communicate with one another. She said that the Town would want to be able to describe that ability in the franchise agreement to the extent that it can without foreclosing any opportunities that might come up in the future for more improved methods of communication.

Mr. Kate reiterated his desires that the rates for these services be published and readily accessible. He also expressed concern for complaints made against the service and questioned how they would be mediated. Selectman Walsh pointed out that the Selectboard had become very good at listening to complaints. Selectman Baschnagel said rather than placing the Town in the position of listening to complaints he would prefer that the agreement provide the Town some leverage on the franchisee to resolve any problems that might arise. The existing agreement is very one sided in that respect; the Town has no ability to effect change. Mr. McGarty cautioned that these agreements typically have warranties, liabilities and arbitration clauses. Mr. Bruce added that the FCC has jurisdiction oversight for such matters. He argued that traditional systems have oversight at the State and local levels, enabling consumers to register their complaints. Attorney Ciandella disagreed stating that RSA 53-C in New Hampshire specifically permits the franchising authority to get into the areas of consumer protection. The FCC has not preempted the idea of franchising open video systems. It was something that needed to be talked about. He agreed that the effective resolution is not to put these problems in the lap of the Selectboard but rather to have a mechanism in the agreement that compels the operator to resolve them. Selectman Connolly said that the Town had never had the experience of having to deal with the customer franchise service in their current endeavors with Adelphia. She said though the law permits it, it does not demand that the Town be the arbitrator of any problems. Attorney Ciandella said the law says that it is a subject matter that the Town may consider in this franchising exercise. His point was that the most effective way for the Town to position itself is to use leverage to have disputes resolved timely by the operator.

Ron Boehm, of Valley Net, said what was important, insofar as open video systems and the video recording of the current meeting, is that the Board make sure in their talks with Adelphia that this network receives this signal without charge. We need to be sure that we can work together with CATV-6 to share that programming.

Allen Johnson said to upgrade to 10 megabytes would be an easy upgrade for the current network. When those links were first being installed across the country and throughout the world a 10 megabyte capacity was considered to be more data capacity than the entire internet capacity was using worldwide at any given second. He said to be able to have that locally was amazing. One would never run out of capacity. To further that point he said 10 gigabytes is only a tiny fraction of the theoretical capacity of the physical fiber wire. To upgrade the system would require no alteration to the fiber plant except to swap out the boxes on the utility poles. He said that it would be in the Town's best interest to get this fiber plant. If HBN failed, someone else would come along and buy the network. Regulation can come later.

Selectman Walsh asked if there were people present who thought that the Town should not enter into a Letter of Intent to negotiate a franchise agreement for open video service with Hanover Broadband LLC. There being none **it was MOVED by Selectman Walsh and Seconded by Selectman Baschnagel that the Board authorize the Town Manager to sign a Letter of Intent on behalf of the Town acceptable to her reflecting tonight's conversation with Hanover Broadband LLC. THE SELECTMEN VOTED UNANIMOUSLY TO AUTHORIZE THE TOWN MANAGER TO SIGN A LETTER OF INTENT ON BEHALF OF THE TOWN ACCEPTABLE TO HER REFLECTING TONIGHT'S CONVERSATION WITH HANOVER BROADBAND LLC.**

3. DISCUSSION REGARDING POTENTIAL REZONING OF WATER COMPANY LAND ABUTTING GRASSE ROAD PHASE III FOR DEVELOPMENT OF AFFORDABLE HOUSING

Bob Strauss, Chairman of the Affordable Housing Commission, explained that the proposal would be to rezone approximately 14 acres of Water Company land from "F" Forestry to a newly created zoning district "GR-3". He pointed out the parcel in question on a map displayed and its relation to Reservoir One. Selectman Walsh stated that the contours of the land moved water across Grasse Road I and Grasse Road II. Town Manager Griffin added that this land would be away from the reservoir, on the down slope heading toward Grasse Road Phases I and II, where the runoff is directed away from the reservoir.

Mr. Strauss advised of the Water Company's resolution to endorse this zoning re-designation enabling this lands use for affordable housing. He said that the Water Company's approval was only one in a number of hurdles that would have to be achieved before affordable housing could be developed in this area. Town Meeting approval was needed to accomplish the rezoning.

Mr. Strauss advised of the College's plan to develop an adjacent piece of land, owned by the College, as Grasse Road III housing. This too will require Town Meeting approval to change the zoning of that land from "SR-1" Single Residence to "GR-3" General Residence. Mr. Strauss said that the College had chosen to move forward with this project now, rather than wait for Master Plan implementation to change the zoning of this area. He said that the Affordable Housing Commission was concerned that if they did not pursue their options relative to this area, in concert with the College's efforts, then the College would likely design their plans without incorporating the affordable units within it. He said that even if the Town approved the rezoning proposals it would not mean that there would be housing units on this land. It would just mean that the 13.8 acres would be divided 52% to the College and 48% to the Town.

It was Mr. Strauss' belief that the Planning Board would agree with the College's zoning proposal. He advised that density figures for "GR-3" had not yet been set but the Master Plan does permit densities in this area of 1 to 5 units per acre. If successful at Town Meeting, the Town would be entitled to 10 or 12 units at this site. The hope would be to have these units incorporated into the College's cluster development planned for this area. The College could build the units in exchange for the land. They could then be managed by the Town could be subcontracted to a housing authority. Another option would be for the Town to build these units with the help of Twin Pines Housing Trust, similar to the situation at the Gile Tract. Town Manager Griffin sensed that a preferred approach would be to see how Town Meeting votes on Dartmouth's Grasse Road Phase III rezoning and its potential link to the rezoning of the Water Company land. At Town Meeting 2005, a plan could be presented to answer questions about who would own the land and who would manage it for the purpose of providing affordable housing.

Mr. Strauss suggested that if the Town did not act on this now the College would be hesitant to add these units into the design of their clustered development. Ms. Griffin said it felt rushed to her and that it would not be practical for the Town to obtain direction at Town Meeting in May not knowing the outcome of Dartmouth's proposed rezoning vote. Selectman Walsh said that functionally he was attracted to the notion of incorporating 12 units of affordable housing among the College's planned 125 units, rather than having the affordable units stand alone. He said with respect to the Town taking operational responsibility, he was less enthusiastic about being the landlord for 12 scattered units. This would pose a new administrative and management burden on the Town that he was not yet comfortable with. He said that personally, he was for it. The Town should be taking land like this, not critical to the watershed, and finding ways to turn it into affordable housing that can be done as part of larger developments. Selectman Connolly cautioned that the Planning Board had not yet visited the idea of "GR-3". Its creation was a response to an amendment originally posed to put Planned Residential Developments into the "SR" zones. She said last year the Planning Board declined to rezone this area to single-residences for an assortment of reasons. She said until the Planning Board sets out the zoning amendments and votes in favor of or in opposition to, she would suggest that the Commission delay action.

Selectman Baschnagel questioned if this was the correct place to locate affordable housing for people earning \$25,000 to \$40,000 per year. The site is only accessible by cars, not public transportation or walking or bicycling. Mr. Strauss explained that the Commission was focusing on a population of primarily Lebanon residents who work for the College. Mr. Baschnagel suggested letting the College provide for those people. Mr. Strauss countered stating that if the Commission owned these units they would be able to keep the rents down over time and would not have to necessarily provide these homes to College employees. Town Manager Griffin question if this development would create a sufficient demand for service for the College to provide public transportation to and from it. Selectman Connolly questioned if all of these units would be for rental only. Mr. Strauss said no, but added that a good portion would have to be rentals. Town Manager Griffin said that many people from the public had suggested making these units available to Town or School District employees. Selectman Baschnagel suggested that those people would be earning greater than 80% of the average median. Mr. Strauss countered that single-person households were a growing element in the Census, it was up to 30%.

Selectman Pierson explained that part of the Water Company's decision was their support for the concept of providing affordable housing. They wanted assurance from both the College and the Town, before land is distributed, that affordable housing will be provided. Selectman Walsh expressed concern that this not be seen as a nibbling at the Water Company's land. He said it would be very important to communicate verbally and visually so that people see that this is land the Water Company owns but that it's not part of the watershed. Selectman Pierson advised that the Water Company's vote was, "*To re-indorse the re-designation of this parcel of HWWCo from Forestry to GR-3 since it is not in the watershed.*" Ms. Griffin agreed that the Town Report would have to include a pictorial depiction that shows how it is not in the watershed. Selectman Baschnagel countered that many people were more worried about giving up forestry land than giving up watershed land. He said that there are many pieces of the Water Company land that could potentially be given up with this same rationale. They do not want to see this preserved piece of land nibbled away. Mr. Strauss said if affordable housing was going to be built in Hanover, it must be done on land that the Town provides. There was so little of that available, that when the opportunity arises the Commission must go for it. He argued that this was the only piece of Water Company land that was adjacent to municipal services. He said that affordable housing would have to be attachable to municipal services. Town Manager Griffin said it would be important for the Commission to state their case to the voters in those terms: adjacent to municipal services, adjacent to a parcel that is seeking to be rezoned for the construction of more densely situated housing, adjacent to already existing neighborhoods served by infrastructure, differentiating this land from the other pieces of Water Company land that could be nibbled away because they are not in the watershed.

Mr. Strauss advised that the College and Affordable Housing Commission would be meeting with the Conservation Commission on February 11th to present their zoning proposals. He advised of another parcel of land on Balch Hill that the College would propose to be rezoned as "NP" to meet open space needs. He said that would be a big

enticement to the Conservation Commission. The question is should these two pieces be tied together?

Kari Asmus recalled a zoning proposal from a year prior involving College- owned watershed land being given back to the Water Company. She asked of the fate of that land today. Mr. Strauss said he did not know but said that a covenant could be placed on a piece of land to restrict it from development.

Selectman Walsh appreciated Mr. Strauss efforts to bring this matter to the Board's attention. He asked if the Board needed to act in any way. Town Manager Griffin said the Board should decide if this matter should be brought to Town Meeting this year or next. Selectman Pierson asked what the problem was with proposing a warrant article that would be contingent upon another. Ms. Griffin said this issue was timing and that there was not enough time to think through other possibilities. She suspected that the College would not be able to begin building these units until the summer of 2005. Selectman Connolly said it probably was not a great idea to go to Town Meeting with a warrant article generated by the College's timetable. Selectman Walsh said implementation planning should be done in parallel with physical planning. He was in favor of the Town not acting until 2005. Mr. Strauss asked for something in writing to that effect. Town Manager Griffin offered to communicate to Paul Olsen the Board's thoughts on this issue.

Selectman Connolly asked for permission to convey the Board's intention to the Planning Board during their review of said amendments for these areas. Town Manager Griffin suggested communicating to the Conservation Commission and Planning Board that the Selectboard is comfortable with the notion of rezoning this particular triangle of land because it is not in the watershed and because it is the only Water Company land appropriately developable for affordable housing.

Mr. Strauss agreed and thanked the Board for their time.

4. RECOMMENDATION TO SET PUBLIC HEARINGS TO CONSIDER THE PROPOSED BUDGET FOR FY 2004-2005

This portion of the meeting was not recorded.

It was noted that the Board had already set these public hearings for 7:00 pm on February 23 and 25, and March 1 and 3, 2004. Town Manager Griffin asked if the Board was in agreement with the order by which the budget would be reviewed. The Board agreed.

5. BANNER REQUESTS: HANOVER LIONS AND HOWE CORPORATION.

This portion of the meeting was not recorded.

6. APPROVAL OF MINUTES: JANUARY 19, 2004

This portion of the meeting was not recorded.

7. ADMINISTRATIVE REPORTS

Ms. Griffin reported that she would be meeting the following day with Bob Sokol and several members of the Town Meeting Task Force to work on a survey to gain feedback on the Town Meeting process. They will also host a pancake breakfast and Town Meeting chat on March 20, 2004 at the Richard W. Black Community and Senior Center. Breakfast will be served from 8:30 to 10:00. The roundtable discussion will immediately follow. Child care services will be provided.

Staff will also be meeting with members of the Recycling Committee on February 11, 2004 to review pricing options for recycling alternatives.

A Water Company Board Meeting will be held on February 11, 2004 to review a draft report from the consultants on the recommended technology for implementation of a water filtration plant at Reservoir One.

Work at the wastewater treatment plan is ongoing and on schedule.

8. SELECTMEN'S REPORTS

Katherine Connolly

Ms. Connolly reported on the Planning Board's continued review of Simpson's subdivision on River Road and the Richmond Middle School.

Bill Baschnagel

Mr. Baschnagel reported on the Planning Board's approval of Dartmouth's expansion to the Thayer School.

An Institutional District Task Force had been created to look at Heidi Eldred's zoning amendment proposal to change setbacks in the "I" zone.

Mr. Baschnagel reported that the College is going to look at other alternatives to providing parking on campus.

Jay Pierson

Mr. Pierson reported that the Board of Assessors met and reviewed 5 cases. Recommendations would be forwarded to the Board by weeks end.

The Recreation Board was meeting simultaneously with the Selectboard, the Chamber would meet the following evening.

The Pond Party will be held on February 21, 2004. Ms. Griffin added that the Youth in Action group would host a pancake breakfast at the Richard W. Black Community and Senior Center that morning from 8:00 or 8:30 to 11:30.

Brian Walsh

Mr. Walsh reported that the Howe Library Board of Trustees would meet on February 12, 2004.

9. OTHER BUSINESS

There was no other business discussed.

10. ADJOURNMENT

It was MOVED by Selectman Connolly and SECONDED by Selectman Pierson to adjourn the meeting. THE SELECTMEN VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 10:32 PM.

SUMMARY

- 1. It was MOVED by Selectman Walsh and Seconded by Selectman Baschnagel that the Board authorize the Town Manager to sign a Letter of Intent on behalf of the Town acceptable to her reflecting tonight's conversation with Hanover Broadband LLC. THE SELECTMEN VOTED UNANIMOUSLY TO AUTHORIZE THE TOWN MANAGER TO SIGN A LETTER OF INTENT ON BEHALF OF THE TOWN ACCEPTABLE TO HER REFLECTING TONIGHT'S CONVERSATION WITH HANOVER BROADBAND LLC.**
- 2. It was MOVED by Selectman Connolly and SECONDED by Selectman Pierson to adjourn the meeting. THE SELECTMEN VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 10:32 PM.**

Respectfully submitted,



Peter Christie, Secretary

These minutes were transcribed by Beth Rivard.