

Members present: Kevin M. McCormick Michael J. Kittredge, Jr.  
Christopher A. Rucho Siobhan M. Bohnson  
John W. Hadley

Mr. McCormick convened the meeting at 7:00 p.m.

**Read and Acceptance of Minutes from Previous Meeting**

Motion Mr. Hadley to approve the regular session meeting minutes from July 23, 2014, seconded by Ms. Bohnson, all in favor.

**NEW BUSINESS**

1. Review proposed Wetland Bylaw and consider voting to include it on the warrant for the October 20, 2014 Semi-Annual Town Meeting

Mr. Gaumond advised that the Conservation Commission is proposing a Local Wetlands Bylaw to better protect our wetland resources than the Wetlands Protection Act. It also provides greater flexibility to enable the Commission to work with applicants and citizens. Tonight the Board of Selectmen is being asked to accept the draft bylaw and agree to include it on the warrant for the October town meeting.

Motion Mr. Hadley to accept the bylaw and include it on the warrant for the October town meeting, seconded by Mr. Kittredge, all in favor.

2. Concurrence on the appointment of Valmore Pruneau to the Earth Removal Board as the designee of the Water District effective August 7, 2014 for a term to expire on June 30, 2015

Motion Mr. Rucho to concur with the appointment, seconded by Mr. Hadley, all in favor.

3. Concurrence on the appointment of John Hadley to the Open Space Implementation & Strategic Planning Committee as the designee of the Conservation Commission effective August 7, 2014 for a term to expire on June 30, 2015

Motion Mr. Rucho to concur with the appointment, seconded by Mr. Kittredge, all in favor.

4. Concurrence on the appointment of the following police officers to serve as Special Officers for detail assignments effective July 1, 2014 through June 30, 2015 at \$42.00 an hour: John Annunziata of Boylston and John Gaughan of Clinton

Motion Mr. Rucho to concur with the appointments, seconded by Mr. Hadley, all in favor.

5. Consider accepting Free Will donations in the amount of \$117.00 from the July 27<sup>th</sup> band on behalf of the town

Motion Mr. Rucho to accept the donations, seconded by Ms. Bohnson, all in favor.

6. Consider voting to adopt the ESCO Project Resolution

Mr. Gaumond earlier sent the Board the request from Bank of America, the funding source the Town Administrator, upon the recommendation of the Finance Director, moved forward with. They sent a draft resolution to be adopted by the Board. Town Counsel will be making some changes to the resolution and he recommends the Board adopt the resolution which states the amount of money the project will be using and says that the town is agreeing to the terms and conditions of the lease.

Motion Mr. Hadley to adopt the substance of the resolution and authorize the Chairman to sign

the form as approved by Town Counsel, seconded by Mr. Rucho, all in favor.

**OLD BUSINESS****1. Follow up on 405 Prospect Street 61A**

At the last meeting of the Board the Board voted not to exercise their right to purchase the chapter property. Town Counsel and the counsel for the buyer for the developer, are working on an agreement to prohibit development of a 40B project at that location. He expects to have that finalized this week and in the event that they do not finalize the language Mr. Gaumond will inform the Board. It will be included on the next agenda. Mr. Rucho questioned the time limit on the process and whether the Board would have sufficient time. Mr. Gaumond advised that the deadline is mid-September and if the language is not resolved the Board would have sufficient time to call for a special town meeting to appropriate funds to purchase the property.

**2. Consider Finance Committee Reserve Fund Transfer to fund improvements at the Council on Aging**

This is a follow up from the Board's conversation with the Council on Aging and their meeting with FISP. The \$2,500 will cover the two changes to the rooms, and does not include installing a door to the entrance of the main room. Mr. Gaumond will continue to work with the landlord on that.

Motion Mr. Hadley to approve the request, seconded by Mr. Rucho, all in favor.

**MEETINGS, INVITATIONS & ANNOUNCEMENTS**

1. Mr. McCormick announced the new town hall number 774-261-4010, which will connect you to all the departments. It was also noted that any of the employee telephone numbers will accept faxes and the line for incoming faxes was just installed. Telephone voice mails also go to individual emails.

**FUTURE AGENDA ITEMS**

Mr. Rucho would like an update on the Crescent/Goodale Street intersection. He thinks it is an important project which needs to be completed as there was another bad accident and the Board voted on May 7<sup>th</sup> to go forward with the improvements. Mr. Gaumond advised that he did speak with the DPW Director yesterday and asked him to put this on the fast track. He has ordered signs and the transition is underway. Mr. Rucho stated that the main reason why we voted this on May 7<sup>th</sup> was we didn't want the project done when school was in session and there have been two serious accidents since that time. Mr. Gaumond will get a formal update. Mr. Rucho would rather not wait for an update, he wants the project completed and we can then get an update on why it has taken three months.

Mr. Rucho noted that prior to the meeting he heard that the office is working on installing a drop box. He advised that with taxes due last week some of the residents were outside sliding their payments under the door. He wants to make sure that is something we are working on. Mr. Gaumond explained that we didn't want to bring the ugly red box to our new location and we are working a solution with assistance from the Municipal Light Plant who has offered some funds to purchase the unit as they also have mail delivered to town hall.

Mr. Rucho thanked all the town employees for all their hard work during the move, everybody in every department, as this would not have been as easy without them. They worked loading and unloading boxes, he saw employees cleaning windows in their offices, and he thanked them for their hard work.

Mr. McCormick thinks the new town hall sign in front of the building is very nice. Mr. Gaumond was very pleased and excited to see it installed.

Mr. McCormick informed the viewing public that the reason the voice and video are poor is some of the cable equipment is being repaired and they are still waiting for cameras. Everything will be resolved relatively soon. Mr. Rucho asked if we knew the date the cameras will be installed. Mr. Gaumond advised that today they moved all the equipment from the MLP to this location and Monday the electrician's work in the basement was completed. Other equipment is still on its way and we will have wireless microphones for this room. He will get an update from Britney on how things are going and when we will be moving forward. Mr. Rucho would like to look into the acoustics in the meeting room. Mr. Gaumond does not believe it will be a problem when we have real microphones and when we start recording we will need to get a sense of how the wireless microphones are working.

**Public Hearing to Consider the Request for Transfer of the Cable Television License Held by Charter Communications, Inc. to Comcast Corporation**

Mr. McCormick announced that it is 7:15 p.m. and he read the following public hearing notice. In accordance with the provisions of the Cable Communications Policy Act of 1984, 47 USC §521, et. seq., and with the regulations of the Massachusetts Department of Telecommunications and Energy, Cable Television Division, 207 CMR, §§2.03, and 4.03, the Town of West Boylston, acting by and through its Board of Selectmen, hereby gives notice that it will conduct a public hearing on August 6, 2014 at 7:15 p.m., in the Selectmen's Meeting Room, 140 Worcester Street, West Boylston. The purpose of this public hearing will be consider the desirability of approving the Request for Transfer of a cable television license held by Charter Communications, Inc. to Comcast Corporation. At this hearing, the Issuing Authority shall consider evidence of Comcast's: (a) Management expertise; (b) Technical expertise; (c) Financial capability; and (d) Legal ability to operate the cable system under the existing license. All members of the public, representatives of the Cable Operator, and all interested parties are invited to attend and to be heard. Board of Selectmen, advertised on July 21 & 28, 2014.

Mr. Gaumond explained that the agenda package includes correspondence from William Hewig of Kopelman and Paige, a transfer bulletin from the Department of Telecommunications & Cable, a press release from Charter and Comcast announcing the agreement, and a memo on the procedures of the transfer, and correspondence from residents.

Gerry Buckley, Director of Governmental Relations from Comcast introduced Ben Pearlman who is responsible for their local government affairs. He is the primary contact for Comcast. They are very excited about the transaction, and have entered into an agreement with Comcast whereby they will take their systems and be the new cable operator in West Boylston. It will be one of the most technically advanced cable operations in the country. They have deeply advanced technology, offer xfinity tv, have the ability to download content, save it and watch it later, and they have an X-1 DVR converter so you can download those to your devices. They are committed to being a good partner and giving back to the community. They have a scholarship program called Leaders and Achievers, are involved in all community events, hold community volunteer event days, and support local organizations. They have a digital literacy program for low incomes students who they are eligible for internet services for \$9.95 a month and can purchase a computer for less than \$150. Tonight they are requesting a transfer, they operate over 240 cable systems in Massachusetts, all of which were through transfer. Mr. Hadley asked if the equipment Comcast has is different than Charter. Mr. Buckley explained that the difference is in some of the data that is running the equipment. Mr. Hadley asked if the boxes will be changed to Comcast. Mr. Buckley believes that would be determined. They have some restriction on exactly what they can look forward to and they cannot get into that. They have successfully integrated all of their equipment into 240 other communities.

Tom Cohan of Charter Communications reports that they use Cisco or Motorola. The X-1 is an

enhanced box which Charter does not offer. Ms. Bohnson asked if there is an average cost to the household and will there be an increase if they have to pay for boxes. Mr. Buckley stated that the transaction will not have any impact on prices consumers pay. On integration of the system, Comcast will make it as easy as possible for Charter customers. Ms. Bohnson asked if in all the other towns was there an increase to the average customer. Mr. Buckley replied no, not based on the transaction. Mr. Rucho asked about the monthly bills. Mr. Buckley replied no. Mr. Rucho would like the residents to know that we do not have much say on this. We would have to prove that Comcast does not have the legal, financial or managerial expertise. Mr. Rucho asked if there will be a down time in services or change in phone numbers. Mr. Cohan advised that phone numbers will remain the same, internet will have to change, and there will be lengthy notice so they can notify everyone. It will be months for a seamless transition. The bill will say Comcast relatively quickly and no one will lose services. They will take over the same plant Charter has occupied. Mr. Rucho shared that he has looked into Comcast for his son and everything is comparable. Mr. Buckley advised that phone numbers are portable. Mr. Rucho asked if we will still have our cable programs. Mr. Buckley explained that they are obligated to do that under the licensing requirement and there is not in a town in Massachusetts where they do not provide cable access. Mr. Cohan advised that the West Boylston license still has 9 years to go. Mr. Rucho understands that there was a question with Charter as to whether you had to get cable boxes for every room. Mr. Cohan explained that when you go all digital there will be a requirement for a box on every set. Mr. Buckley advised that Comcast is all digital boxes and adapters.

Ms. Bohnson asked about all the things they do in a community and questioned how our town would compare with getting some of these things like the scholarship program. Mr. Buckley advised that the Leaders and Achievers program is open to all towns and does not depend on the size. She asked if we were eligible for the Community Event Days. Mr. Buckley explained that what usually happens is a community organization will approach him and say we want to get a project done such as a painting job. They come out and do some pre-work so on the day of the project it goes quickly. Ms. Bohnson asked how you would educate the community about that. Mr. Buckley explained that it is publicized. Mr. Rucho asked if the cable committee who worked on the contract looked into this. Mr. Gaumond explained that it is outside the scope of what they do as they advise on cable contracts. When the contract was finalized many of the members took a step back. There are no other Board questions at this time.

John Schlichte, 58 Central Street, stated that he is not a current member of the Cable TV Advisory Committee at this time, and there is only one person left on the committee. He has some questions and information. There was a very good article in the Telegram and Gazette on July 30<sup>th</sup> written by Ellie Olson, which summarized things we are dealing with. It would not change the town's license. We have been asked to approve this within 120 days, however, the FCC approval will not take place until 2015. For that reason we might not want to jump on this. He realizes that they are saying it is important for them not to answer specific questions because they have to wait for the legal transfer of closure. What if the town says no and the response in the article was hopefully we do not get to that. When we had our contract with Charter, the contract in existence would continue until we come up with a new one. If the FCC approves this, then it would mean we would have the option to have the contract continue or consider a request for modifications. He came up with information on Comcast and looked at four surveys of Comcast versus another providers. They included comments such as Comcast gets bigger, you get poorer. From 2009-2013 the basic increase was 68%, the premium was 21%, the highest of all the cable companies. Of all the companies the public was not overly thrilled with them, Comcast and Time Warner were the lowest. He found out that there is quite a variety in their pricing. Clinton basic is \$7.76, Leominster \$10, Sterling \$19.50, Shirley \$21.51 and Ashby

\$22.30. Besides the premium differences the channels vary town by town. He asked about the average cost and in looking over the prices there are a lot of different things to consider, but the average is \$75. He thinks since the town has 120 days to respond we get more information. He asked if the FCC does not approve this is the whole thing null and void. Mr. Buckley replied yes. Mr. Schlichte noted that you would not find that out for 180 days. Mr. Buckley would like the approval tonight. He was in Ludlow last night and it was approved, Grafton didn't approve, but said they wanted to wait. Mr. Schlichte thinks we need more information. The transfer is good for Charter and Comcast and in way is it good for us. He did visit their office and saw things like home security that we do not have available now. His suggestion is maybe consider something you may be able to sway us with. You might consider offering the town free boxes for some time. He has some interest in what is available for support for public access television and that would take the route of putting some of these shows on the internet. You indicated you had a similar set up as Charter. Perhaps public access television programs could be included in the on demand category.

Mr. Buckley state that it is possible, however, he couldn't get into that type of detail. As far as the ratings, Comcast is a big target and gets a lot of arrows shot at it. Every day they try to improve their customer service they are constantly trying to be perfect. As far as programming, they have 240 cable systems that have been adopted by Comcast. All have different rate structures and some because of the FCC rate regulations. As far as programs, the channels they acquired have a lot of the rate structures and they have made attempts to bring everything together. During the FCC transfer you cannot request any modifications. You have a license and you live by the license. We have provided quite a bit of information in the 394 filing.

Tom Cohan advised that until one year ago 49 of the town were rate regulated and that is why there is a difference. Charter will swap its New England system to Comcast and Charter will become an even larger system in the Midwest. They were never a large cable company in New England. They have one call center in Worcester. With Comcast coming in, serving pretty much all of Massachusetts, it will be a real enhancement. By clustering the customers you get a lot of benefits as well. Charter will have more leverage in dealing with the programmers as programming costs cause rates to go up. Mr. Schlichte left copies of the information he gathered from other towns nothing that Comcast's stock prices have gone up 20% this year.

Mr. Rucho advised that his experience with the Comcast calling customer service was very good. Mr. Hadley asked if they will keep the call center in Worcester. Mr. Buckley explained that they operate 3 call centers in Massachusetts and going forward you try to put them strategically in different places. They are picking up 53 more systems in Massachusetts and all of Central Mass will go to Comcast.

Ms. Bohnson pointed out that even if the Board does not approve the request, we will have no choice. Mr. Buckley stated that is correct. If you do nothing, the FCC does not consider that a denial and at the end of 120 days it is considered approved. Ms. Bohnson asked if the more approvals they get makes it look better to the FCC. Tom McEnaney of Kopelman and Paige advised that once the 120 days passes it is deemed approved. Jim Pedone, 1 Pheasant Hill Run, stated that he came tonight because he has a lot of friends who have Comcast and he is excited that the switch will happen. It is all digital and everybody will need a box for each television. They have more in their channel line up than we have now and he thinks it is a great thing and the town should move forward with it. Mr. Rucho asked do you know if you get the box or the \$9.99 adapter. Mr. Buckley stated that there are going to be certain things they are going to put in place. Mr. McCormick thinks we should move forward and thanked Mr. Schlichte for all of his comments. He added that reviews can be all over the place.

Motion Mr. Rucho to close the public hearing, seconded by Ms. Bohnson, all in favor.

Motion Mr. Hadley to consent to the assignment and change of control with Comcast and Charter and to authorize the Town Administrator to prepare a resolution similar to the one in the 394 form for signature by the Board of Selectmen, seconded by Mr. Kittredge, all in favor.

Motion Mr. Rucho at 8:20 p.m. to enter into executive session under the provisions of Massachusetts General Laws, Chapter 30a, Section 21, Part 2 to discuss strategy with respect to litigation regarding the Reservoir Motor Lodge if the chairman declares that an open meeting may have a detrimental effect on the negotiating position of the public body, seconded by Ms. Bohnson. The Chairman declared that an open meeting may have a detrimental effect on the negotiating position of the public body and the Board will not reconvene in open session. Roll call vote: Mr. Kittredge yes, Mr. Hadley yes, Mr. McCormick yes, Ms. Bohnson yes, Mr. Rucho yes. Tom McEnaney of Kopelman and Paige will be joining the Board for the session.

Motion Ms. Bohnson at 9:10 p.m. to come out of executive session, seconded by Mr. Rucho. Roll call vote: Ms. Bohnson yes, Mr. McCormick yes, Mr. Hadley yes, Mr. Kittredge yes, Mr. Rucho yes

With no further business to come before the Board, motion Ms. Bohnson at 9:10 p.m. to adjourn, seconded by Mr. Rucho, all in favor.

Respectfully submitted,

Approved: August 20, 2014

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Nancy E. Lucier, Municipal Assistant

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Kevin M. McCormick, Chairman

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John W. Hadley, Vice Chairman

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Christopher A. Rucho, Clerk

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Michael J. Kittredge, Jr., Selectman

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Siobhan M. Bohnson, Selectman