

SELECTPERSONS MEETING

May 15, 2008

Present: Stan Judge, Lucy Evans, Heidi Behling, Shelley Winchenbach – Time Warner – 6:00 PM, Scott Ducott – Time Warner – 6:00PM, Jo Carpenter

Chairperson Stan Judge opened the meeting at 5:10 PM.

A discussion was held on the upcoming meeting with Time Warner and the public hearing on the draft franchise agreement.

Stan reviewed RSA 53C and the requirements for the public hearing. Stan also summarized the meeting held on Monday evening by citizens interested in expanding Time Warner's proposed coverage.

Stan also told the Board that he met Fair Point Communications regional manager and talked to him about Shelburne's phone coverage and lack of high speed internet.

Minutes

This item was tabled.

Sign

1. Voucher #13 was signed.
2. The following PO's were signed:
 - Waystack Frizzell - \$278.70 – legal fees
 - Gorham Oil - \$365.80 – heating oil – 101.2 gal @ \$3.6146/ gal
 - Leon Costello Co. - \$538.00 2 new tires for front of backhoe
 - Sanel Auto Parts - \$357.12 – April Highway supplies
3. Four Intents to Cut were signed – 1 for Bayroot and 3 for NewPage (2 on White Mountain National Forest land)
4. Yield Tax Certifications and the Yield Tax Warrant were signed.

Correspondence

1. Trout Unlimited –September Culvert Workshop
2. Society for Protection of New Hampshire Forests – Thank you for support of Amicus Brief
3. George Sansoucy for Town of Gorham – oppose motion to consolidate and request for limited hearing
4. Board of Land and Tax Appeal – two cases will be scheduled for consolidated hearing - order for settlement hearing is withdrawn
5. Dept. of Safety – Division of Fire Standards and Emergency Medical Services – Emergency Corps participation
6. Primex – Supervisors Academy – Gorham -6/9, 6/10, 6/17, 6/18
7. Primex Annual Conference – May 21 & 22 in Meredith

8. Dept. of Revenue Administration – questions about Trust Funds – Ray Danforth will answer
9. Munce’s Superior – pre-buy price - \$3.899
10. NH Retirement System – Pending Medical Subsidy Legislation
11. Fair Point Communications – Welcome Brochure
12. NRRA Annual Conference – June 9th & 10th in Nashua
13. NH Local Government Center’s Annual Conference – November 12 -14 in Manchester
14. Primex – Awareness in Action- NH Journal of Risk Management
15. Various Workshops & Newsletters

New Business

1. Road Agent Ken Simonoko – disposal of Old Cemetery Lawn Mower

Jo told the Board that Ken has order the new Cemetery lawn mower and it will be here soon. He is now asking the Boards permission to dispose of the old riding lawn mower which has not been used for a number of years. He feels it is of no value and he wishes to junk it.

By consensus the Board agreed to allow Ken to junk the old riding lawn mower.

2. Gilead Gravel Pit

Jo told the Board that Pike Industries will be opening a gravel pit off North Road in Gilead. Tim Bradstreet from Pike has approached Ken about the gravel truck using North Road in Shelburne for up to 50 trips today. Ken expressed concern about that many trips per day on that road. After discussion it was suggested that maybe Pike could run their truck empty on North road in Shelburne and full in Gilead. Ken said that he would still like Pike to post a bond but before any decisions are made he would like to meet with Pike and the Selectpersons.

The Board felt that this would be a good idea. The Selectpersons expressed concern about that amount of traffic on this section of North Road. They asked Jo to schedule Tim Bradstreet for the May 29th meeting and to research what rights the Board has in relation to the use of a town road.

3. Trailers leaving White Birches Campground

Jo explained that three trailers have left or are soon leaving the White Birches Campground. The campground is not open until May 1st so it is hard for people to get their trailers out before then if the want to leave so they often end up being on site on April 1st. Jo said that it difficult to get these individuals to pay their taxes after they have left and this

makes a lot of work for Sue and if they do not pay there is really nothing to lien. Jo said that she and Sue recommend removing these three trailers from the data base now.

By consensus the Board agreed to accept the recommendation to remove the trailers from the data base now so they will not receive a 2008 tax bill.

4. Financial Report

The Financial Report was reviewed. Jo pointed out that with the cost of fuel and heating oil that General Government Buildings has the potential of becoming a problem. At this point everything else looks pretty good. Jo will be monitoring the budget very closely.

Old Business

1. 911 Maps

This item was tabled.

2. To Do List

This item was tabled.

3. Meet with Time Warner

Stan reviewed RSA 53C with Scott and Shelley and talked about how the public hearing will be run. Stan also updated Scott and Shelley about the group of citizens who wish to have the coverage expanded. Stan said that their concerns are not the focus of the hearing on the franchise agreement but that this gives them a forum to express their concerns.

Stan questioned Scott about the node by the upper entrance to North Road. Scott said that this node has been removed from the project. Stan described the mile with 25+ homes along North Road. Shelley described what "build out" means - as expanding from the existing service area and this cluster does not meet those criteria.

The Board gave Scott a letter that had been received from the Library Trustees requesting service for all Shelburne residents.

Public Hearing on Proposed Franchise with Time Warner

Present: List above and Public - Joan Chamberlain, Fran Chamberlain, Debbie Ryan, Mary Jo Landry, Larry Leger, Steve Andrews, John Carpenter, Roland Simard, Darlene Dube, Val Dube, Robert Corrigan (?), Dick Lussier, Pat Lussier, Bob Hickey, Nancy Burlison &

husband, Ben Werner, Betty Werner, Susan Zoino, John Henne, David Carlisle, Bill Davenport, Terry Davenport – attendance not taken

Stan Judge opened the public hearing at 7:16 PM He explained the purpose of the hearing under RSA 53C. He then explained the process and negotiations over 2 years that have brought this proposed franchise agreement forward.

Scott Ducott then described the project as the installation of a fiber optic line from Bethel to Berlin.

Dick Lussier asked what the purpose of the fiber optic line is and when the residents of Shelburne specified in the agreement can expect service.

Scott said the purpose of the line is to provide redundancy to the Berlin-Gorham area. He said the service is to be installed by the end of the third quarter of 2009.

Bob Hickey asked if Bethel currently has Time Warner cable and has the Board talked to Fair Point.

Scott said that Bethel does currently have Time Warner Cable and Stan said that he has spoken to the regional manager for Fair Point and Shelburne is not currently on their list for DSL.

Roland Simard asked if the line was coming through his section of North Road.

Scott said that the fiber was but not the cable line and he explained the difference between a transmission and a distribution line. Scott then explained the density requirements for a distribution line to be installed. Roland then commented that realistically if density and economics don't change then areas that are not proposed to receive service under the proposed agreement probably won't get the service in the near future.

Mary Jo Landry said that under this proposed agreement that Shelburne's density is proposed as 25 houses per mile. She asked what Randolph's density is. Shelley Winchenbach commented that she is not familiar with what Randolph's density is. Mary Jo commented that she heard that Randolph has full coverage.

Stan said that it is easier to get concessions when it is a distribution line that is being run. Scott said that there may be some lower density areas but it just not cost effective.

Steve Andrews asked what it would take to get service for everyone. Scott answered that they would have to engineer it and the economics would have to make sense – density perspective, levels of service, etc. Projects have to be economically viable.

Debbie Ryan said that she had done a survey of people who would be interested

Joan Chamberlain asked Scott to define density. Scott explained that it means an area with 25 homes/mile and is contiguous to the service area.

Jon told Scott that they have done a residential study of Route 2. She said that there are a higher number of home businesses along Route 2. She said that she will leave the list of signatures and interest for Scott to take back to review. Joan then about businesses along Route 2 and part of North Road.

Nancy Burlison said that she does not trust Time Warner. She said that she will not get service under the proposed agreement and probably never will so why should she support the proposed agreement.

Betty Werner said image the public relations that Time Warner could get by providing service to the whole town, She said that they could turn that into cash - Time Warner cares.

Debbie Ryan said the rest of the world is passing Shelburne by. Businesses are losing business because of lack of high speed internet. The businesses really need the service.

Dick Lussier asked if the proposed node by the Fire Station is maxed out. Scott said that it is and they have picked up housing within about a mile of the node.

Ben Werner said that Shelburne has 3 pipeline and 2 cell tower about to be built and the citizens have no choice. He said that the transmission line will go right by his house and he won't get it. He said Time Warner should care about people He said all Shelburne citizens should get the service.

Susan Zoino asked what sort of commitment Time Warner needs to run service. Shelly answered that if a home is near the plant (existing service) then may be able to expand to serve someone.

Scott said that Time Warner does not typically do contracts with customers. Scott said that he can not say tonight if there is any opportunity for expansion. He said that they will look at the documents submitted. Shelley said that she is concerned that the areas are not contiguous to proposed plant.

Wayne Smith said that he would like to challenge Time Warner's economics. He said if the line is going to a larger area and service will expand in that area then that fact should be taken into account when considering Shelburne. Scott explained that this is not the case. The fiber optic line is only for redundancy not to offer primary service.

John Henne said that he will get service under the proposed franchise and he does not have a problem with Time Warner making a dollar. He said he also is confident that the Selectpersons care about the town but he would like the Selectperson to try to expand the service before the franchise agreement is signed.

Shelley explained that when the negotiations started the line was transport only and they were only going to serve three buildings - town office, library and fire station. She said

that Time Warner later agreed to feed home in area of the node. She said that Time Warner has walked away from negotiations in some towns that would not compromise.

John Henne said I think there is room for expansion. We can wait.

John Carpenter said that he sat in on the negotiations. He said I think that the selectpersons got what they could. He said that the Selectpersons need to let the line go through now. He said there is no other company that wants to come to Shelburne. At least we have this company that wants to work with us.

Val Dube asked if time Warner could find out the cost for expansion and perhaps the town could vote on paying for it.

Scott said that has not happened before but it doesn't mean that it can't happen.

Dick Lussier said that he believes that the Selectpersons have done a good job. He said the he thinks that there will be future opportunities. We really need to get this system installed.

Stan said that there is a lot of activity around getting broadband for the North Country. He then described several of them but he said in the end not much progress has actually been made.

Bill Davenport said that he has been out of the loop. He said he has a business and will not get the service. He said he needs the service and wants to know what to do to get it. Shelley again spoke about proximity to plant.

Deb Ryan asked how long it would take to review and incorporate the information submitted tonight into the agreement.

Scott said that this information would be separate from the proposed franchise and Time Warner would need commitments before moving forward.

Darlene Dube asked if there were grants available to pay for this and if someone could direct people to these grants.

John Carpenter asked if the proposed franchise agreement is limiting. Scott said it is a non-exclusive agreement and it would allow for expansion.

Mary Jo Landry asked if Time Warner had done a marketing survey and were assumptions based on numbers of people not number of people taking the survey. Shelley said a survey was originally talk about but went to franchise route, she said that they do look at the number of houses, their design statement is based on statistics on the number that will actually take the service.

Joan Chamberlain said that the citizens group is asking Time Warner to look at two other areas in Shelburne. She said that high speed internet access is crucial for economic development of the area. She said there are some good jobs available for people who want to work at home but no one from Shelburne can apply for them.

Larry Leger asked if the cable will be run above ground or under ground. Scott said it will be mostly above ground on existing Public Service poles but it will go underground where there are no poles.

Larry asked if they would pay property taxes. Scott answered that he would file a property inventory every year.

Nancy Burlison said that Coos County is facing hard economic times. The state is trying to help expand high speed internet into Coos County. This could really turn into a good PR opportunity for Time Warner if they were able to look at this project a little differently.

David Carlisle said that he is in the proposed service area and would really like to get the service but he would like to have the Selectpersons re-examine this proposal and try to expand on it. He said if it is signed it might make it impossible for the other 70% to get service.

Roland Simard said that he understands that is about the economics for Time Warner but people in Shelburne would sign up because there is no other choice.

Steve Andrews said that he just heard about this two days ago. He asked why it had not been brought forward sooner.

Stan commented that all Selectpersons meetings are open to the public.

Dick Lussier commented that Federal help should be available for rural areas to help get high speed internet service.

Mary Jo Landry asked if the minutes of this meeting could be posted on the website. Jo will talk to Ben Mayerson about that.

The public hearing was adjourned at 8:55 PM

The Board reconvened at 9:15 PM.

Old Business

4. Time Warner – Draft Franchise Agreement

The Board discussed the comments made at the public hearing. It was noted that the draft franchise agreement was discussed in the Selectpersons Report in the town report.

Stan said that he feels that the Board should sign the franchise agreement. He said that Time Warner may walk if we try to re-negotiate and I think we need to get then here. Lucy and Heidi echoed this sentiment and asked that the agreement be placed on the next agenda.

Other

1. Health Renewal

Jo told the Board that she and Ken are seriously considering changing the co-pay to \$10.00 and the prescription coverage to 0/30/50. She said she will inform the Board of their decision at the next meeting.

2. Cleaning Person

Jo said that there is only one application so far but she thinks a job description should be developed before anyone is hired. The Board asked that this be placed on the next agenda

Adjourn

The meeting was adjourned at 10:12 PM.