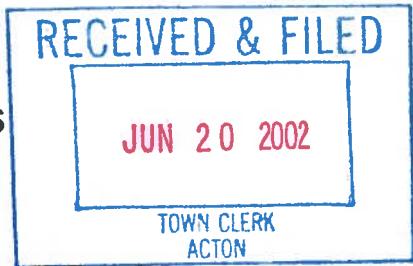


Selectmen's Minutes
April 29, 2002
7:00 P.M.



Present: Trey Shupert, Pam Harting-Barrat, Peter Ashton, F. Dore' Hunter, Town Manager and Assistant Town Manager. Meeting was televised.

CITIZEN'S CONCERNS

Chairman Shupert noted that Don Rhude Chairman of the Assessors passed away over the weekend. The Board extends its deepest sympathies to his family and friends.

None expressed

PUBLIC HEARINGS & APPOINTMENTS

SELECTMEN'S BUSINESS

AT&T Cable License compliance Special Meeting - Bill outlined the IT problems. They could not comply with completion date. We entered into discussions and there were still outstanding issues. Bill spoke about the letter from Rob Travers regarding the I-net and places needing hookup. First phase could be completed. If we are interested in additional locations we need to request it by a date certain which will be submitted by Bill. They will compensate the Town up to \$10,005 per quarter for communication related expenses. AT &T concurs with that amount. They will provide free Internet to schools and libraries under their educational and social contract. They also want to define who is responsible if something goes wrong .The Town wants to be sure the increases are not borne by the subscribers and we have said we do not believe we should discuss pass through of a lesser amount

Senior Discount – They discussed the discount and a 10% rate with expanded basic. Mr. Green agreed and revised the discount of 10% on all cable service packages. The senior discount was to be effective in 90 days after the sale to AT&T. Dore' Hunter acknowledged the agreement through Ms. McLaughlin's letter dated July 2000. In 2001 the discount did not appear and on Sept. 20th 2001 Traverse was written and it was discussed and it was implemented. He then found out that the implementation included expanded basic or basic. The issue is remaining, and he has spoken with him and he has had some discussion with Mr. Rely and they will go back and look at it. . If we don't have concurrence they he will advise he Board to subpoena Mr. Green to the continued Transfer Hearing.

Mr. Mark Riely counsel for AT&T Comcast– He said that they are working regarding the issues. He will speak with David Greene to find out the essence of the agreement.

Peter asked if we need to resolve the compliance issues before going forward with the transfer. Bill said prior to transfer these issues should be addressed and resolved.

Dore' asked about the transfer and the instillation of fiber optic which was used and AT&T found that the fiber that was insufficient. What happened to the fiber on the poles? The Town would like it taken down if.

CABLE TV LICENSE TRANSFER HEARING

Mr. Riley wanted to make note that these types of issues have been raised during their transfer in Boston, that these matters are separate from the License. This hearing is a merger at the parent level and clearly to keep separate allegations of non-compliance. He feels under the law they are separate, but they are committed to discuss these as well as I-NET locations and senior discount.

It is a merger to combine two of the largest companies in the country, which will create operations in 21 states and will create a stronger company and is an all-stock transfer with less debt. They are 95% upgraded Network.

Trey turned the hearing over to Bill Solomon. Bill referenced April 2, 2002 letter from Dept. of Telecom and Energy Cable Television. They have agreed to the \$10,005 per quarter and they have will not compensate the first quarter of 2002. .

Senior discount will be cleared up and the Senior Discount will be on expanded tier or cable service package the 10% would be on the entire package and will speak to Mr. Greene and to subpoena him to testify to the agreement.

Bill wanted to hear from AT&T about the delay of compliance with regard to I Net and whether they will comply with June 30 and June 29, 2000 letters regarding Senior Discount.

Mr. Riley stated that for the record the I-net is separate and distinct and are limiting and narrow. Mr. Travers will continue to work on those two issues. The side letter remains in place and enforceable even if there were not discussing the transfer. They want to reach a resolution quickly to build the I-net network and senior discount.

Bill said that he understands that Mr. Riley cannot talk to this and Mr. Travers is reviewing this.

He wants the Board to ask him to subpoena Mr. Greene for the next hearing.

Pam was concerned about the difference in interpretation between Acton and AT&T differences. Reily said that these are not pertinent to 394 tonight. It is his understanding they are working on those issues but again feels they are not included as part of the Transfer. He wants this issue resolved and will be speaking to the people that negotiate these licenses.

Mr. Riley said they would continue to give free service to library and Schools.

Dore' felt it is commendable to be looking as far back at Cablevision in their proceedings and we should transfer the license working toward resolution of the outstanding issues.

Peter asked about Comcast being in Massachusetts, he replied no, in Connecticut though. He wanted to know the views of 6.2E of the license for an access coordinator and have we gotten the outreach programming and training classes. He wanted to know if we are receiving these services.

Peter further spoke about the failed telecast of town meetings and he has received complaints, and most specifically the failure at town meeting. Mr. Riley will speak with Mr. Travers.

6.4a he says \$110,000 was to be spent to upgrade studio and wanted to know if they ever were performed.

Trey asked about after we continue this meeting and they come back and when will the transfer happen. Timing and what is in it and why should we consider. They are projecting approximate close the end of the forth quarter. The benefits are increased negotiation power that this combined entity has. It has been frustrating negotiating with those not under the same regulations. They will be getting more new equipment at a more competitive price because of their size.

Trey asked about merging companies and possible layoffs he would be interested in seeing what their people were offered. He feels that the layoffs will be borne by the corporate employees. He doesn't feel that their middle management and service people will have little or any layoffs.

John Covert had several comments. He feels that Senior Discount letter could be read either way. He noted that he has calls from people complaining about the Senior Discount. Boxboro offers a 20% across the board. In terms of I net that it was clearly that other town buildings could be added without cost during the duration of the contract. The License is to receive detailed reports of hours spent by the staff at the Head End and all of the programming offered. He feels that we were promised greater capabilities and we received nothing. He is concerned about how things will happen at the local level and we need to know for sure that the intentions are to reverse what has been done since the last merger and give us what we were promised during the last merger process.

Stu Gilmore received a call regarding where the high-speed access is and He believes we should be getting it. He felt that if we had it 50% people would use it. We have been promised it Spring 2001 and now during the 3 and 4th quarter. He feels AT &T is large and will slowly filter down on how things should be done by them. It was noted that most of the people who worked on the Internet live in this town and surrounding towns.

Mr. Riley agreed that he understands the need and AT&T will complete launching it in August not December. They have 80% already upgraded and we will bring it up to 90%.

Peter said we should have annual performance hearing as outlined in the contract

PETER ASHTON - Move to Authorize Atty. Solomen to subpoena David Green as necessary for next public hearing to testify senior discount. DORE' HUNTER - Second. UNANIMOUS VOTE

. DORE' HUNTER - Move to continue the hearing to May 20th at 7:15 – PAMELA HARTING-BARRAT – Second. UNANIMOUS VOTE.

DORE' HUNTER – Moved to authorize the Chairman to sign the subpoena on behalf of the Board. PAMELA Harting-Barrat – Second. UNANIMOUS VOTE.

OTHER BUSINESS

NONE

CONSENT AGENDA

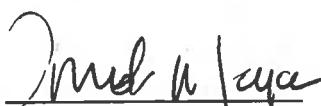
DORE' HUNTER – Moved to Approve the IT director's request to dispose of monitors at the Hazardous Waste Day. PAMELA Harting-Barrat – Second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

Nashoba Valley Church request for using the Town common for a prayer service. The Board approved.

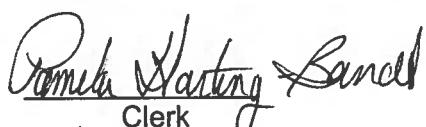
EXECUTIVE SESSION

PAM HARTING-BARRAT – Moved to go into Executive Session to discuss Collective Bargaining -PETER ASHTON - SECOND. The Board will only return to open session to adjourn. Roll Call taken by the Clerk, All Ayes.



Christine Joyce

Recording Clerk



Pamela Harting Barrat

Clerk

4/7/02

Date

April 26, 2002

TO: Board of Selectmen/Sewer Commissioners
FROM: Trey Shupert, Chairman
SUBJECT: Selectmen and Sewer Commissioners Report

APRIL 29, 2002

THE MEETING BEGINS AT 7:00 P.M IN ROOM 204

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

- 1 7:03 **AT&T CABLE LICENSE COMPLIANCE** – Enclosed find documents in the subject regard.
2. 7:15 **CABLE TV LICENSE TRANSFER HEARING**– Enclosed please find documents in the subject regard.

III. SELECTMEN'S BUSINESS

3. OTHER BUSINESS

IV. SEWER COMMISSIONER'S REPORT

V. CONSENT AGENDA

NONE

VI. TOWN MANAGER'S REPORT

NONE

VII EXECUTIVE SESSION

3. **There will be a need for Executive Session for the purpose of litigation. Please see the enclosed materials.**

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.

GOALS 2001-2002

1. Resolution of on-going Labor Negotiations (Peter/Trey)
2. Improve Communication with Town Boards (Peter)
3. Towne Building Reuse (Walter/Dore')
4. ALG process be used for purpose of Budget Planning for FY '02 (Peter/Trey)
5. Residential and Commercial Growth (Walter/Trey/Pam)
6. Open Space and Recreation Plan (Peter/Walter)
7. Health Insurance Trust Agreement (Peter)
8. HDC Bylaw Review (Dore'/Peter)
9. Decision on Pentamation Accounting System (Dore'/Pam)
10. Process Planning for "Life after NESWC" (Pam)

FY 2000 GOALS carried forward

11. Public Safety Facility (Dore'/Trey)
12. Determine future of Vallencourt House - 17 Woodbury Lane.
13. Provide looking at salary levels in the organization, include liaison with Personnel Board (Trey /Peter)