TOWN OF BELCHERTOWN
BOARD OF SELECTMEN’S MEETING MINUTES
MONDAY, SEPTEMBER 8, 2014
Selectmen’s Meeting Room, Lawrence Memorial Hall

Present: Brenda Q. Aldrich, Ronald E. Aponte, George D. Archible, William R. Barnett
Absent: Kenneth E. Elstein

1) Call to Order: Chairman Aldrich called the meeting to order at 7:30 p.m. with the
Pledge of Allegiance.

2) Sign Documents:
   a) Warrant #1510 was signed for $1,417,624.91.
   b) Routine documents
   c) Approval of Minutes: Mr. Aponte moved the Board accept the minutes of July 14, 2014 with Mr. Barnett being absent from that meeting. Seconded by Mr. Archible. Motion passes 3 – 0 – 1 (Abstain – Barnett).

3) Additions to the Agenda:

4) Appearances Before the Board:
   • 7:35 p.m. Frank Lomanno, Technology Advisory Committee – Discussed Proposed Charter/Comcast Cable Switchover: Frank Lomanno from the Technology Advisory Committee was present for this discussion. He stated that last week the Technology Advisory Committee met to discuss issues that they think are important and should be presented to the Selectmen. Charter and Comcast will be switching areas so that all of Charter’s areas in the northeast will become Comcast and Charter will get a bunch of customers from the Midwest. Mr. Lomanno stated that one of the important issues that kept coming up is email. What happens to email when and if this switch over happens. He stated that the meeting attended by both Charter and Comcast representatives it wasn’t clear what they were going to do. The Committee is recommending to the Selectmen that they take a strong stand on the Committee’s recommendations. Their recommendation is that Charter and Comcast have dual servers for at least three months so that you can use the Charter email account as well as the Comcast email account. They also recommend that an alias be set up this would allow you to write to Charter but it would go to Comcast email. He stated that was the biggest recommendation.

   Mr. Aponte stated that it is a best business practice to do that when there is a merger or change over. He hopes that it is on the radar screen for both Comcast and Charter. He would recommend six months instead of three. Mr. Lomanno
stated they recommend a minimum of three months. He does feel that six months would not be unreasonable.

Mr. Archible doesn’t feel six months is reasonable. He feels it should be more then that. He feels we are talking a lot of money with people’s business cards, billing transactions and everything else. Mr. Archible feels the Board should stick to their guns and insist on a year.

Mr. Aponte was in agreement. He feels it is a valid point, business cards, letter head are all real expenses that a business will have to incur as they swap over. He feels the Board should aim for the 12 months with that rationale that it gives businesses a chance to deplete existing stock and with the aliasing it would still work.

Mr. Lomanno stated there were a lot of other topics but email was the most important topic. He stated that the FCC and the Department of Justice are going to rule on this early next year. If it does happen there will be a transition period but neither representative had a definitive answer regarding the email so it’s important that the Board have a strong stand on it.

Mr. Aponte feels that until there is a signed document stating this is going to take place that Charter operational people can’t talk to Comcast operational people so nothing can be put in place. Until they can do due diligence everything will be up in the air. He does agree he feels the Boards job as Selectmen is to safeguard the Town as much as possible and feels this is a very reasonable request.

Mr. Lomanno stated that other then that everything that they asked them will keep going. The contract with Charter is 10 years and we are in year two or three right now and that will continue according to the representatives.

Mr. Archible moved that the Board tell Comcast that they want our constituents to have their same email for a year. Seconded by Mr. Aponte. Mr. Lomanno stated he could help the Board write up something if the Board needs help. Mr. Lomanno stated we have 120 days to respond to concerns. Motion passes 4 – 0.

- 7:50 p.m. LeeAnne Connolly, Conservation Administrator – Acceptance of Deed, Belchertown Land Trust Railroad Right of Way Properties: Ed Comeau was present for this discussion. He is the former Chairman of the Belchertown Land Trust. He is here to talk about the transfer of the land that they initiated last February. They are in possession of some of the land that is part of the rail trail. They own some or it, the Town owns some of it. Before he stepped down they had made a decision to transfer the land they owned to the Town so it could be contiguous. He showed a map of the rail trail. The Town owns the property starting on Franklin Street towards North Washington Street. He indicated that there are three sections of property that they want to transfer to the Town. As the BLT they weren’t doing anything with this property. The snowmobile club maintained it for the BLT. LeeAnne Connolly, Conservation Administrator came
into the meeting. Mr. Comeau stated that as a Board they made the offer to the Town last February and donated $10,000 to the Community Preservation Committee which is earmarked specifically for the rail trail maintenance. Ms. Connolly stated that this money was also for legal fees to do the title to do the title search. Mr. Comeau indicated that they’ve reached a point where it’s ready to move forward.

Ms. Connolly indicated she has the deed. She needs the Selectmen’s signatures which do not need to be notarized. She will also need the Conservation Commissioner’s signatures. The Commission has already approved it but did not meet tonight so they will sign at the next meeting. She said a year ago the Conservation Commission went out and walked the property with Mr. Comeau. They walked all the different parcels and did not find any hazardous waste or any problems with the paths. They were well marked and well used.

Ms. Aldrich indicated that her property abuts the property. She stated that it is really well maintained. She stated it is a wonderful piece of property. Ms. Connolly stated that a lot of people use it. Ms. Aldrich indicated that there have even been horses on the trail.

Mr. Comeau indicated that they had received CPC money to have the property surveyed and that it was a very tedious job as there were no clear makers on the property. It was surveyed the best they could and did boundary markers the best they could. Everything has been recorded with the deeds. Ms. Connolly stated we would be picking everything up to the north and west of Franklin Street. Ms. Aldrich questioned if the snowmobile club would still continue to maintain. Mr. Comeau indicated that it would be up to the snowmobile club. She hopes they do as they’ve done a fabulous job with maintaining it. Ms. Connolly stated the Commission has worked with them on Lake Wallace and believes that they will continue to maintain the rail trail.

Mr. Aponte stated that he had concerns regarding a clear title, and it sounds like there are no known hazardous issues. He questioned if that had come up through title searches. He was told there was nothing like that at all. Ms. Connolly stated that the Town Attorney stated it was a very difficult title to search.

Mr. Barnett confirmed that the Endelson Mill property is not involved in this in any way. It was confirmed that it is not.

Mr. Aponte questioned legal fees and if everything has been done on the legal side or if there are still outstanding legal issues. Ms. Connolly stated the legal fees have been taken care of. Mr. Aponte questioned if any of these parcels have any building potential whatsoever. Mr. Comeau stated you would have to be very creative to build on them. Ms. Aldrich feels they are lovely pieces of property, well maintained and they are used.
Mr. Comeau stated that if the Board is willing to take ownership of these pieces of property its just going to help protect them.

Mr. Aponte moved the Board of Selectmen endorse the deeds for the properties discussed this evening from the Belchertown Land Trust. Seconded by Mr. Barnett. Motion passes 4 – 0.

- 8:00 p.m. Todd Ford, Hampshire Council of Governments – Electricity Discussion: Mr. Ford indicated that he had brought with him, Brian Murphy, who is part of the aggregation team. Ms. Aldrich indicated that she does have a lot of questions. She stated that Mr. Ford had indicated that Mr. Aponte had signed off on some of the questions and he has gone through the questions. She is going to let Mr. Aponte lead off the discussion.

Mr. Aponte presented background information indicating that several months ago the Board of Selectmen entered into an aggregation agreement with the Hampshire Council of Governments (HCOG). Subsequent to that there had been several versions of documents and questions going back and forth between the Attorney General’s Office and the Hampshire Council of Governments and then with the Department of Public Utilities (DPU). The COG working as our agent attempted to respond to the questions. The bottom line is the Attorney General’s Office as well as DPU had concerns with the answers, they felt some weren’t complete or didn’t like them for whatever reason so now this is the third time of the questions and the responses. These are dated August 1st. As Mr. Aponte went through the questions from DPU and the Attorney General and the responses proposed by the HCOG and he does have some questions. He said some might be such that they don’t want to discuss them in a public meeting because its private information he certainly understands and believes the Board would be willing to sign a non-disclosure agreement if it’s believed the information is personal, financial information for the HCOG.

Mr. Aponte stated he was going to start with the Attorney General questions and there are at least 15 of them and he will paraphrase the questions.

✔ Regarding the annual amounts annual generated by the “2¢ adder” – how is that adder going to be utilized by the HCOG? This is obviously above and beyond their wholesale price of electricity. Is it for operation and maintenance? There are other questions discussing start up costs and so on so he’s just going to leave it open ended on how they will answer the question.

Mr. Murphy introduced himself stating that he is with Colonial Power Group an Energy and Consulting Company based in Marlboro and said that he would try to answer the question. He said that they’ve guided communities like Belchertown in the design, implementation and ongoing management of these programs. He stated that in fact his company has done every single aggregation that exists in Massachusetts as of today other then the Cape Cod project. His company brings a
lot of experience with this particular process. He stated the questions the Town has are not unusual. They are things that have been seen before in other proceedings. He stated as the agent for their clients they attempt to answer the questions as best they can but sometimes the Attorney General or the DPU asks to have someone from the Town please answer and that is why there is a third iteration before the Board. The Two-tenths of a penny adder is within range of what the fees are to cover the cost of investment in this program and the cost of ongoing management. Those costs include all of the historical costs that the Council has incurred from the long and often tortuous path to get to where we are today and to also account for ongoing operations. There is going to be a tremendous need to invest in some technology in particular data exchange between the Council of Governments and the supplier that it’s chosen by the Town and the utility is primarily what that fee is going to be used for. Mr. Aponte stated that was kind of what he anticipated – that it would be operational / maintenance type of things.

✓ So the question he had is knowing that it has been kind of a long drawn out process is that two-tenths of a cent adder is that going to be addressing not only the ongoing operational expenses but also addressing those start up costs and what he’s really getting at here is can we expect as we go through program can we expect the adder to either go up or come down?

Mr. Murphy indicated that the adder should be static. He believes that’s an important part of the contract between the Council and the Town. He said that it’s pretty much set in stone. Mr. Ford stated it certainly wasn’t going up.

Mr. Aponte stated he has many questions but thinks that as he asks them they may answer other questions.

✓ Mr. Aponte questioned with regards to annual costs (operating costs) which is one of the things the attorney general is specifically asking for and the response was that the Town was not aware of such costs which is true but he feels that as a member of the HCOG and as a representative of the Town that is something that he would like to know. Once again if we know that the costs are “x” and the adder is going to be “y” and “y” is less then “x” the business man in him says how is this sustainable? He thinks that is an important thing as we move forward – to make sure this business model that the Council of Governments is relying upon is sustainable and that we don’t get hit with some type of additional adder or something along those lines. He questioned if the annual cost (realizing these are projections) is that something the HCOG can provide to the Town? He is assuming that they have gone through this exercise as the program has been set up.

Mr. Ford stated that he is very comfortable to sit down and go over that in more detail but probably not in public session. Mr. Aponte was agreeable to that and is willing to sign a non-disclosure agreement. He said if it isn’t something presented
to the entire Board of Selectmen it would be something he would share with town officials and the Board of Selectmen.

✓ The next question, and once again from the attorney general’s office, is with regards to the fact there are Council of Governments member communities (or members) that are part of the program and there are “outsiders”. Are there discounts that will be provided to the member communities?

Mr. Ford questioned as part of the aggregation? Mr. Aponte confirmed as part of the aggregation. Mr. Ford stated there would not be.

✓ Mr. Aponte questioned why not?

Mr. Ford stated that everyone in aggregation has to be treated the same. Mr. Aponte questioned by statute and Mr. Ford confirmed yes, per DPU. Mr. Aponte stated that it’s not like 1.5 or .0015 of an adder for Belchertown. Mr. Ford confirmed that we could not.

✓ Mr. Aponte stated the next question from the attorney general’s office is with regards to the relationship between Colonial Power and the HCOG. He asked if Mr. Ford could just explain that relationship and how Colonial Power fits into the workflow.

Mr. Murphy stated that they have been retained to assist the Council in the design and implementation and perhaps a little bit in the management but mostly on the front end of the process due to our significant expertise in guiding communities through the State approval process and bringing them to market. Its his current opinion that the Council has adequate resources to manage it on an ongoing basis but Colonial Power will be there to help put the RFP out to supplier so as the Council acts as our agent, Colonial Power acts in some ways as the agent in some respects with the Council of Government related to the development of the program – significantly this approval process and secondarily taking the load out to the market place and shopping it around to the suppliers. It preserves the independence of the Council and its member towns and keeps them at arms length of the market. They act as their intermediary. Mr. Aponte confirmed the reimbursement and if it comes from the Council of Governments via the adder as part of the operational costs.

✓ Mr. Aponte stated on the next question that he’s not even sure what the attorney general is asking so he’s going to read verbatim. Please state whether the municipality (Belchertown) plans to file a revised aggregation plan once the Hampshire Council of Governments has finalized attachments to its contract with Colonial Power. If the municipality does not intend to file a revised plan please describe why the municipality believes that it should not be required to do so. Mr. Aponte stated the
question he would have is why the Town would even consider filing a revised plan based on a contract and partnership.

Mr. Ford stated that we wouldn’t. Mr. Murphy agreed with Mr. Ford, the Town wouldn’t file a revised plan. Mr. Aponte stated that when you start talking about revised plans it sounds like a whole lot of work for the Board of Selectmen, for the town officials. Mr. Aponte stated that the answer to that was don’t worry about revised plans.

✓ Mr. Aponte stated that once again from the attorney general’s office describing the relationship with Colonial Power and the COG is they are talking about providing blind analysis directly to the municipalities in the event Hampshire Power which is not to be confused with Hampshire Council of Governments making a bid. He stated the answer there is the Town understands Colonial Power’s blind analysis will also be provided when evaluating any potential electricity sale agreement proposals. He stated he reads that assuming that Hampshire Power is going to be one of the many suppliers that are going to be addressing the RFP’s that go out. Colonial Power independently will provide an analysis of the dozen or so suppliers and Hampshire Power may be one of those dozen but Colonial Power will provide that directly to the Town without the HCOG even seeing it making it the “blind analysis”.

Mr. Aponte was told that he is correct.

✓ Mr. Aponte has another question that he may know the answer to it but will ask it anyways. The attorney general’s office is discussing the “non-members” those municipalities that are not part of the Hampshire Council of Governments and whether or not they will have a vote on how the “adder” is utilized.

Mr. Ford stated they would not as you are only a member of the policy making team if you are a member of the Council of Government which membership is open to any town or city in the Commonwealth. Mr. Aponte confirmed that only municipalities with COG representation will be able to discuss the operational expenses and budgeting. Mr. Ford agreed.

✓ Mr. Aponte stated that this next question is one that he is not 100% sure where they are going with it. One again from the attorney general’s office they are asking to please disclose whether the municipality has a right to withdraw from the aggregation program after the department approves its aggregation plan but before the expiration of the five year term with Hampshire Council of Governments. He’s assuming what they are asking is whether or not Belchertown can withdraw from the program once the DPU has authorized the entire plan because he believes it is a five year contract that we have signed up for and the response is requested
information seeks a legal analysis which has not been performed and that would be considered at the time of any such decision. The form of amended and restated electricity aggregation agreement was reviewed and negotiated by town counsel. Mr. Aponte stated that as far as he is concerned it wasn’t really a good answer. The question he has is let’s assume DPU approves the program; they seem to be asking whether or not the Town of Belchertown can still withdraw even though there is that five year contract in place. Can we withdraw after it’s been approved?

Mr. Ford stated the way the AG phrased the question says can the Town of Belchertown break the contract with the Hampshire Council of Governments. He stated that they didn’t feel they could answer that question on behalf of the Town of Belchertown on the Council’s behalf in breaking a five year contract. He stated the Town can “Not” accept bids throughout the process but that is a different question – it’s not what the AG asked. The AG asked if the Town can break the contract. Mr. Ford shrugged and stated if Mr. Aponte wants to provide more guidance on that. Mr. Aponte stated that frankly that’s what he read into it but considering it came from the attorney general’s office you would figure they tend to know Mass General Laws as well as anyone so going down that road a little bit kind of sparked the interest in his mind at least.

Mr. Aponte indicated that was all he had for the attorney general’s questions and asked the Chairman of the Board if he should go into the DPU questions. She indicated that he should as she might have some of the same questions.

✓ DPU asked to please explain how the Town (Belchertown) will ensure that the bid analysis is independent and unbiased if Hampshire Power (not to be confused with Hampshire Council of Governments) submits a bid. The response is the HCOG will conduct an independent evaluation of (Mr. Aponte is assuming this is the Colonial Power blind analysis) and prepare its own recommendation to the Town. Mr. Aponte stated that what he gathers out of that is the RFP goes out, bids come in and Hampshire Power happens to be one of the bidders then Colonial Power will say they’ve gone through their analysis and here’s our recommendation. At the same time the HCOG as our agent is going to be doing as our agent more or less the same thing but since there’s an incestuous type relationship between Hampshire Power and Hampshire Council of Governments we will be able to validate the independence by using the blind analysis of Colonial Power. He asked if this was how the work flow is going to be.

Mr. Murphy stated yes.

✓ Mr. Aponte indicated the next one is that DPU asked to please confirm that the Town understands that if after the initiation of the municipal aggregation program the Town discontinues offering services to its customers its municipal aggregation will be considered terminated. Mr.
Aponte stated that once again it sounds like DPU approves the municipal aggregation program, the Town of Belchertown for whatever reason decides to discontinue that the town has the ability to do that. Again this isn’t the attorney general’s office but they are going down that same road where it looks like the Town can just pull out and there’s no termination fee or penalty or anything along that line.

Mr. Murphy stated that is correct. Upon the expiration of any power supply agreement between the Town and the supplier, the Town has the right to participate in a renewal, another round of bidding or can reject any bids and just not participate. He stated the DPU ruled at the end of 2013 in the case involving the City of Lowell that any town that suspends its program for reasons of price in other words the Town didn’t like the price the DPU will consider the program terminated and should the town every wish to renew it they have to go back to square one and start everything over again. If the town suspends for any other reason then your program is not considered terminated. He’s not sure why else you would suspend other than price but DPU has left that door open for towns. You might have a town that can secure a high enough percentage of green power that meets their particular desires and they suspend their program until that source of supply becomes available then that’s ok. If they do it simply because the town didn’t like the price then DPU considers that cause for termination. As he previously stated you would have to start from square one.

Mr. Aponte wanted to run through a scenario. A RFP is put out, bids come in, we receive the Colonial Power analysis, we receive the Hampshire Council of Government analysis and we look and say the best bid here is still above what the default rate would be for National Grid and we say we don’t want it. Let’s assume the HCOG are recommending Company X and the Town of Belchertown says we’re not doing that because I know National Grid is below that and we are opting out. He continued on to say that from what he understands is at that point Belchertown is out of the electricity program and in the next round say 12 months down the road then Belchertown will have to go through the whole process of again town meeting, signing contracts to be part of the program again.

Mr. Ford and Mr. Murphy shook their heads in agreement. Mr. Aponte indicated this was new for him. He didn’t realize that. He believed we could just opt out at any particular time if the Town thought the bid did not look good and waits till the next round but it doesn’t sound like its going to be that easy.

Mr. Murphy then stated that he thinks we could delay the commencement of the program if the Town doesn’t like the first round of bids but the department wants or would prefer that once a town enters the marketplace that it stay in the marketplace. So if we were approved at the end of September and they bring us their analysis in October and the Town does like the prices then we haven’t begun the program yet. You’ve gotten DPU approval but in our opinion you haven’t started yet. Once you begin the program they don’t want you stopping.
Mr. Aponte confirmed that for the first round the Town has a little bit of flexibility in latitude with delaying and so on and so forth. Once we accept it round one we are in and if we don’t like it round two and decide to opt out we are out of the program.

Mr. Murphy confirmed it was correct if the Town does it for reasons of price.

- **DPU #310** – DPU is asking to indicate how and to whom customers can ask questions including questions related to billing, service quality and other service practices. The response from the HCOG is customers call or email town officials, etcetera. Mr. Aponte stated he has concerns with the response that consumers may call or email town officials. He stated that several months ago this was one of the concerns he had was throwing additional administrative burden upon town staff as they are maxed out. He is a little concerned in regards to that and will let Mr. Murphy and Mr. Ford speak to that issue.

Mr. Ford stated they are not encouraging customers contact town officials nor would they necessarily encourage town officials contact information unless you designate it to be so on the bill or publications. The idea would be to have customers call the relevant entity. If it’s a distribution issue they should contact the utility, if it’s price issue they contact the supplier or if it’s an issue with aggregation itself to contact the Hampshire Council of Governments.

Mr. Aponte asked if it was fair to say that someone calls the Selectmen’s Office and Ann picks up the phone and the person says they have a question about it – she should say you can call Todd at this phone number. Mr. Ford said that is correct.

Mr. Murphy stated he can speak from experience that some of our member communities that is exactly how it works. He stated as a town program ultimately the Town has to have some ownership of this and responsibility; however, you farm out to the greatest extent possible interactions with the customer to resolve these issues. In as much Mr. Ford pointed out you want them to call the relevant entity whether it’s the utility or the supplier or the HCOG. The Town should be a last resort or a first resort that gets sent to the relevant entity. He stated in their client communities it’s worked well, they have never had an instance where a town employee felt overwhelmed by the volume of inquiries coming from residents about a program like this. Through the correspondence the phone numbers, emails and websites that are listed there are not town phone numbers.

Mr. Aponte responded that in all frankness if that call comes in he is going to instruct our staff to not even make a decision is this a distribution or a wholesale question it with be call the Hampshire Council of Governments. Mr. Ford agreed they should call the HCOG.

- **Mr. Aponte has another question that maybe he is not understanding the workflow. He said it was a very lengthy question (#3-12 from DPU).**
Given likely time constraints associated with bidding the town may direct the HCOG to execute an electricity sales agreement on its behalf as its agent with confirmatory signatures of the town to be potentially secured thereafter. He questioned if that means if we go through the RFP with the conference call we discussed at the previous meeting, and we have the analysis from Colonial Power, we have the analysis from HCOG, we think Company X is who we want to go with as it looks like the best deal. The round robin goes, Belchertown is asked for their vote and we say Company X – we want to sign with them. Does that mean then that the COG is going to sign an agreement with Company X and then we have to “ratify” after the fact or does that paperwork come to the Board of Selectmen and we sign it? How does it work?

Mr. Ford indicated he would let Mr. Murphy provide a little context for the Board but a quickly the price is only good for a set amount of time, usually 24 hours. Some of the smaller towns that are part of the 40 town aggregation getting someone from that town within that window of time would be difficult so the window is open where they may (the selectboard in that particular town) choose to authorize the HCOG to sign the energy service agreement on their behalf with confirmatory signatures from their board of selectmen at their next meeting or whenever they can decide to do that. That is totally up to the Town depending on the comfort with that and the workflow that the town has in order to sign the contracts that short windows of timeframe.

Mr. Aponte stated is sounds like we might have a list of authorized signatories that might include board of selectmen or whoever else on the town official side but also might include one or two people from the Council of Governments. Mr. Ford stated if we choose to do that, yes. Mr. Aponte indicated that he was through all his questions.

✓ Ms. Aldrich stated that Mr. Aponte had taken care of all the business part of things as he is a businessman and she is a housewife who runs a household. She indicated that she was uneasy about going into this program. As she’s stuff developing since January the amount of paperwork that has been thrown at our town administrator she is uneasy as a tax payer thinking about the time that’s spent on doing this. What first disturbed her is the letter that was sent out July 18th and it states that on April 16th the Town of Belchertown filed its responses to the Department of Public Utilities the first set of information requested. Now what’s happening is this is the third time they’ve come back to us (from DPU and the attorney general) and you said that you would be responsible for handling for us aren’t the responses they want. So now our staff is thrown into the mix of having to do the research and do all this. One of the things she found really amazing was one of the questions they asked is (third request for this question) is refer to the town’s (DPU #350) petition to please describe what steps the Town has taken to develop a municipal aggregation program since initiating the process of aggregation on March 16, 1998. Explain why it took the Town over 15 years to develop a municipal aggregation plan. She
finds these questions (not that they don’t need an answer for it) that there’s a lot that’s asked of this Town to do and we signed off saying that you would be doing this. She thinks that Gary could speak more to it. She still has a problem with being an aggregator. She still sees that we’re going to be an aggregator in this and she sees it with the question where it says describe the Towns roles and responsibilities that fall outside the specified areas with respect to its development and execution of its municipal aggregation plan. She thinks if anything falls outside this realm that makes us an aggregator and that’s what we had gone back and forth. She indicated that Mr. Ford knew that her concern was the time that was spent equals money to the taxpayers on this program. She asked Mr. Brougham if he could speak to this because he knows this has been her concern with him is everything he’s had to delve through on all this that the people in town don’t see. She finds it very disturbing that there’s so much between the DPU and the attorney general’s office that we have to file, and you have to file for extensions, and the answers aren’t right that the HCOG is giving and then we have to give more complete answers so it’s like double duty, is what it is.

Mr. Brougham, Town Administrator, indicated that Ms. Aldrich is speaking about is the most recent request from the attorney general’s office and specifically the attorney general says that they have asked twice previously for responses from the Town of which were responded to by the Council of Governments. The attorney general does not want the Council of Governments responding on behalf of the Town. It further directs the Town; they say it’s critical, the exact word is critical, that the Town understands the risks and consequences of becoming an aggregator. If you remember on January 27th when I was against this program and you asked repeatedly what does it mean to be an aggregator you were told nothing. Mr. Brougham showed a large stack of papers that he referred to as “nothing” since January. He stated that’s what it means to be an aggregator and we are not done yet. Ms. Aldrich agreed. Mr. Brougham stated if he may back up he has always been a supporter of the Council of Governments and over a period of years he has seen his interest or his willingness to do business with them diminish because of the short comings, the un-kept promises. The Town of Belchertown purchased hundreds of thousands of dollars of electricity from the Hampshire Council of Governments over six years. The last year we were with them we lost $66,000 and we can try and white wash it by saying how much we saved the first couple of years but the fact of the matter is we lost $66,000 last year they were our electric company. He stated he nearly begged them to come up with a better program; he met with their people repeatedly; Steve Williams was there, Ed Dunn, Bob LaChance, and Judy Houle. They promised us and promised us and promised us a more cost effective program. It never came. As a result we went outside of the Council’s program. We solicited bids in November of 2013 for the Towns 5 million kilowatt hours. We had nine bidders and the Council of Governments was the highest bid out of nine. Five weeks ago we bid again for five million kilowatt hours. We had 21 bids and the Council of Governments was the highest bidder out of 21 by 2.2¢ per kilowatt hour. That’s $110,000 more then the
lowest responsible bid. They have demonstrated that they are not a real player in this market. Tonight we have Mr. Murphy here talking to us about Colonial Power. Colonial Power has six communities in their aggregation unit; two of them choose not to do business with the current offer that Colonial Power. They may have at one point but they have gone back to the default. Of the remaining four communities all of them are paying more for power today then the standard offer. In some cases it two-tenths of a cent and in another case over a penny. He stated he is all about saving money, all about doing the right thing for our constituents, but he does not see this program is anywhere this Town should head. He was upset when the Board signed the blind contract. We talked about that contract a few minutes ago – it was open ended. We’ve been muddling around with this since January – there is no effective date on that, we are almost a year into this and the contract is going to live five years beyond when we have a deal. There was no pricing and never before have I seen a contract signed by this Board open ended. It was like stamping a rubber check. He’s concerned about what happens if the Town rejects an offer the Town is out of the program. The Executive Office of Energy and Resources in the Commonwealth recently ran a workshop on these programs. They did a power point presentation and showed all of what was intended by residential aggregation and admitted that it’s not working. In the end in the question and answer period one participant asked candidly do people save money in these programs and the answer from the EOE&A representative was that they are not for the most part. The only thing that they do is allow a community to tailor a plan to their personal preference. If you want to go out and buy 50% renewable energy, a 100% renewable energy that’s great but he doesn’t think we should be in the electric business. He’s been town administrator for 17 years and has never been so concerned about where a program is headed as he is with this program. He thinks the Board should vote to get out and we should do it tonight.

Ms. Aldrich stated those are also her concerns. She said that she knows you can open your electric bill and check off a box and that you can go online and find your own like your going to be like at a grocery store. She stated it’s gotten easy now to find power that households can find power that doesn’t have to go through National Grid. It just amazed her after she had voted and saw that this is what it came down to that she hates to have the idea that they as a Board are telling residents to opt in on this plan with all these concerns and what they’ve seen going on since January. Mr. Brougham stated that it’s been more then January, that this program has been through several town meetings and this is not what people envisioned. He stated when this was started in 1998 it was going to be a program that you could opt into and he is all about that. He feels we shouldn’t be enrolling our residents into an electricity program that most people don’t even know about. If he thought they would be pleasantly surprised when they opened their bill and said of I saved $80 this month he would say go for it but that’s not going to happen. It hasn’t happened and it’s not going to happen. Off of Brian Murphy’s website one community has made a prediction based on their current pricing with Dominion that the average user might save $6 a month. He questioned if we would make this same privilege for Dominion or Constellation or some of the other big electric companies out there? In his opinion we are making a sweet deal for the Council of Governments because we are politically connected and
he doesn’t think its right. Ms. Aldrich thinks in the long scheme of things having the
Attorney General’s Office and the Department of Public Utilities not on board with
this, questioning and sending back what we’re answering and trying to get on board to
her it is disturbing.

Mr. Archible stated he was all for this program several years ago and in fact joined the
electricity program and is slowly went down the toilet and bailed. He couldn’t bail
when he wanted to and he understands he couldn’t because he had a contract but the
best thing he did was get out of the Hampshire Council of Governments electricity
program. Since January he has gotten cudo’s from his constituents saying that he was
the only one who said no. He firmly believes that Mr. Brougham is telling the truth
and he knows more about this then all four of us combined. Mr. Brougham stated its
all here in writing. There is no fabrication. Mr. Archible stated he would like to open
it for the people in the audience to have their say.

Dave Clegg, from the audience, stated that Mr. Aponte kept talking as a businessman
why don’t we ask these two guys why they are consistently the highest priced
aggregate, it’s not their business but you are trying to get this in. They are always the
highest and he doesn’t understand it. Mr. Aponte stated to correct him if he’s wrong
but the Hampshire Power is what Gary is referring to when, and he agrees,
consistently they are the highest bidder but the Hampshire Power is different then the
Hampshire Council of Governments and he agrees it is kind of an incestuous
relationship there. He asked to be corrected if he’s wrong but if the RFP goes out he
certainly expects Hampshire Power to solicit a bid and quite frankly based upon past
precedent he also thinks its going to be one of the highest bids. He would assume by
Colonial Power would not recommend it nor would the Council of Governments
because the numbers are what the numbers are but if there’s another wholesaler out
there who offers a better price then that’s the one that’s going to be recommended.
Mr. Clegg questioned if there was a reason the Town couldn’t go out and find its own
best bidder. Mr. Aponte stated that is what Gary and the Electrical Sub-Committee
has done for the municipal side. He stated that’s what Gary was referring to. He
stated Gary and the committee saw that we were losing money on this so once again
they did their job, they went out, they got the best bids and they went with those
programs to save the Town (the municipality) money. What this program is doing is
not necessarily the town it’s the town’s people, it’s the individuals, those thousands of
homes out there is what we are talking about which frankly is one of the reasons as
Gary had indicated and he thinks he can speak for the entire Board that we are
uncomfortable with is the whole opt in vs. opt out. Mr. Clegg asked if the town does
that with any other company. Mr. Aponte indicated that we do not but unfortunately
that’s the way the law is written.

Mr. Barnett stated that we can’t change it. Mr. Barnett stated right now with National
Grid you buy your electricity from them and they are the company which has been
determined by the State in this area to be dealing with for electricity. If you don’t like
the price you can opt out. That’s the way it is. National Grid is the company you have
to use unless you opt out. He stated what we are asking and what we have been
working on for about 12 years in trying to get the Town to get around that by simply putting out a bid and then let these bids come in and let the Town decide then if its better then National Grid to opt into that and then everybody is in it but everybody who is in it has the option of doing this new price or going back to National Grid or going to Dominion or some other company. Everybody has that option. So what we are trying to do is to get the Town to be able to say we are going to try to get the best price for our Town and we are going to put this price out. It’s the Town that makes the decisions not the Hampshire Council of Governments. It’s the Town that decides if whether they think this price is the best price for the Town in general and individuals can always opt out of that into something else and in that case they are opting in to what ever they want. He stated that’s what we’re trying to do, what the Council of Governments has been trying to do for 12 years to find a way. For a good time as far as the Town was concerned, the municipal electricity they saved a ton of money, hundreds of thousands of dollars in real time but then real time became very expensive, faster then they expected and that’s where that problem came where we lost $66,000 but the Town did save hundreds of thousands of dollars before that. We are trying to let the Town say we want to bid; we are going to go out for a bid and when that price comes in here’s the best price we have, it may be the Council of Governments, it may be some other company but it doesn’t make any difference. We will get he best price that we can – that’s what we are trying to do, what we are hoping we can do and then say to the people that this is a better price then National Grid and this is what we are going to offer to the whole town. If you don’t want it you can opt out and into something else. This is what we are trying to do. Up until now we can’t. We have just one price and that’s National Grid – that’s it unless you as an individual opt into something else. Now as a town hoping to try and get some professional in there and find a good price for us that’s all we’re trying to do. It has nothing really to do with the Council of Governments or anything else. It has to do with getting the town the option to go out and make a bid, to get the best price possible.

Mr. Clegg questioned why the Hampshire Council of Governments is even involved with it. Mr. Barnett responded because they are the ones that put the whole thing together to try and get the towns and now they were going to be the aggregator but they aren’t anymore because of all of this with the.... Mr. Clegg stated it sounds like we are going to be the aggregator. Mr. Barnett responded absolutely. Mr. Clegg questioned why. Mr. Barnett stated because the aggregator is the one who decides on the price that they are going to accept. The town does this and everything else. They put out bids for salt for the roads – they put out bids and they choose the best price. We want to put out bids for the best electricity price, that’s all there isn’t much difference in that. Mr. Barnett stated that because this is such a problem especially to the Attorney General’s office, they had a great deal of difficulty coming to terms with this. They have come to terms in Lowell, the fourth largest city in the State with 150,000 people and 60,000 homes and they are aggregating now. Mr. Clegg stated we are signing papers and we don’t even know the terms, we don’t know a start date. Mr. Barnett stated we are simply signing to get involved. Ms. Aldrich interrupted at this point and stated before the discussion goes on that Brian Murphy has a response and wants to hear it.
Mr. Murphy stated there were quite a few things. First of all everyone’s comments are terrific and heartfelt and spot on in most cases. He is going to take a larger issue and try to get it down to a smaller issue. He stated that as we know Massachusetts has a long tradition of local control. It’s one of the things that make us different from almost every other state in the union. This particular statute that was written in the mid-90’s was designed to appeal to that sense of parochialism that we have within the Commonwealth and it was designed specifically to give towns this option that Mr. Barnett described of becoming an aggregator and trying to pick the best price for this particular commodity. The goal was to create choice for consumers, it was suppose to light fire in a competitive market and it hasn’t happened yet but we believe that aggregation still can do that. In fact it’s probably the only way that lots of small residential consumers and small towns are going to be able to participate in the market. It gives the town certainly the control that you concede to Boston if you want or you can take control here. It does create a burden. He sees the stack of paper Mr. Brougham has and he has that stacks of paper like that in his office also. Companies like his and organizations like Mr. Ford’s attempt to mitigate the pain and the burden on the administrators and selectmen in these towns but in this particular instance and the City of Lowell, the Attorney General and the DPU have said wait a second you have these third parties helping you in this process; the DPU and the AG want to make sure that the town has some element of ownership of it and that there is somebody responsible here beyond himself and Mr. Ford that can help answer questions.

The third thing is some of his member communities like Lowell and Lanesboro have opted for longer term stability. The goal is to save money, the hope is to save money but they are looking to try to fix a rate for a year instead of leaving the people on a default rate with the utility which is going to whip saw from summer to winter. This is just the back of a cocktail napkin market analysis but as of November 1st when National Grid’s rates change they are going to go up from 8¢ to 14¢. The Town has an opportunity to mitigate the pain that’s coming to consumers by getting into the market place and hopefully smoothing out that pain by taking out a long term stable rate and again ultimately the consumer is the one in control. They can always so no thank you, they can always go out and find their own source of supply on their own or they can go back to National Grid if that’s where they feel most comfortable. So the Town is helping to create choice, not binding any consumer to anything through becoming an aggregator. In small towns like the ones that mostly comprise the Council of Governments territory they simply don’t have the staff to design, implement and manage these things on their own. So they come together, just as we come together in this region for all kinds of large purchases and that’s one of the things that the COG presumes to do for us is to aggregate us in other areas as well so that we can achieve pricing without stressing the staff at the local level. It’s what his company tries to do for even big cities like Lowell which could easily hire an energy manager to run this. It’s a very specialized thing and so they’ve chosen to outsource it as well. The goal initially when the statute was written and when the plans were initially filed was for the Council to run interference for the Town for every question but the Attorney General and the DPU have sort of switched gears on my organization and Mr. Ford’s
and are saying no we want to talk to somebody at the Town, we want to hear directly from somebody at the Town that’s why you keep getting these iterations of questions. He stated he’s gone through it with his clients, they know to expect it now and it doesn’t mean that DPU or the attorney general don’t support these things. In fact the DPU has always ultimately approved an aggregation except for in one case so they want to see these things succeed, they want to see you stay out of the market place, they want to see you be successful they just want to make sure you know what your doing.

Max Bock, town resident, indicated he had a couple of statements. He said that Belchertown (the town buildings) used 500,000 kw were gravy, that’s hardly any work, 30 buildings per se that they are going to deliver to and they are the highest price. So now you are going to go to 9,500 homes and even if its $1 more which nobody is even going to see its $9,500 a month times 12 so they are making (and we are already losing $60,000 on the Town side), even if they make $1 per household per month they are making $120,000 in the course of a year. Mr. Barnett interjected that there are only 7700 houses not 9,500. Mr. Bock said they are still going to make $100,000 off our backs. Mr. Barnett stated if the price is higher. Mr. Bock stated if the price is higher but stated on the average the default rate is lower then what they’re providing. Mr. Barnett stated then you don’t take it if it’s higher. Mr.

Bock stated then we have to opt out when National Grid is already lower. He stated the default rate is already lower with them, why would we go with you when your rates are higher. Mr. Barnett stated you wouldn’t. Mr. Bock stated that was the question he has, why would you go with them. Mr. Barnett stated you would not. Mr. Bock stated in the course of one year their prices have been higher. Mr. Aponte rephrased Mr. Bock’s statement saying that in that situation is that it goes out to the RFP and Hampshire Power comes back and… Mr. Bock interrupted stating now he has to get out if he doesn’t pay attention. Mr. Aponte stated yes and no because what would happen is as those dozen or so proposals come in and in that situation Hampshire Power is probably going to be the highest bid so no-one is going to pay attention to it. He’s assuming if the Council of Government does their job and Colonial Power does their job they are going to make a recommendation probably based upon one of the first two so it’s Company X that’s what the Town of Belchertown would choose. We would say ok Hampshire Power isn’t even in the equation we will go with Company X which has been recommended by Colonial Power and Hampshire Council of Governments at whatever that price is. As far as he is concerned he asked that someone please fill in the blanks if I’m missing something but its going to be a relatively simple decision where you say Company X is saying they can do it for “x” price, National Grid is going to have a price out there and its going to be well known as its on their website and its for a static period of time. It’s going to be a comparison. Say National Grid’s default rate is better then what Company X is proposing we say we opt out. I hear what Colonial Power is saying, I hear what HCOG is saying but we are not into it, we are going to go into the default rate. Mr. Bock stated that on average they are already lower. Its like oil, gas wins one time out of ten and oil wins nine out of ten. So everyone is saying natural go gas but
it's the same thing so we get beat up one year out of ten. Why do I have to opt out every time? Just leave me alone, leave it where it is. A resident in the audience agreed.

Mr. Barnett stated if the Council price is higher then others then the Town will not accept it. Mr. Bock stated but the Town has to do the job. The Town is stuck making the decision. Mr. Barnett stated they do that on everything else. It will take the town workers to do the job. Mr. Barnett stated every time they do buy anything – when they buy sand, when they buy salt they take the lowest price and that's what they'll do here. Mr. Barnett told Mr. Bock to wake up that's the way it's going to be.

Stacia Roy, a Town resident asked if she could say something. She stated bottom line anytime someone tells her what she has to do she is not interested. Thank you very much; the government is getting way too involved in her life. Her past experience with the electric company, every time she gets solicited to change her electric company she saves pennies on the dollar and then if I decide I want to opt out there's a penalty charge. Her 81-year-old father opted out, he got solicited and unbeknownst to him he was already in the contract and he is now getting harassed for a $150 penalty. She asked what's the hidden agenda in this, which the residents don't know about. You went ahead and voted for something that you don't even know the details on. She questioned what was wrong with the Board. Mr. Barnett stated the Town Meeting voted several times. Ms. Roy asked what the population was, 12,000 and she said look whose here. People don't know what's going on. They are not going to know what's going on. She said that she can tell you if you talk to people on the street they all say no. Another resident stated she wants the choice. Ms. Roy stated she has the choice now. The resident stated that all she wants is for the Town to continue to be in the town of governments, she wants to have a choice of looking at RFP's for the cheaper electricity and choose cheaper electricity. Then if she doesn't like it she doesn't have to do it but if you don't go with it she doesn't get that choice of comparing the prices. She said so that's what this is about for her. It's giving her another choice. Ms. Roy stated that you do have a choice. Mr. Aponte asked that everyone please direct their comments to the Chairman of the Board.

Ms. Aldrich asked Dave to give his comments. He said we do have choices and that Mr. Barnett had articulated it in the beginning that we have National Grid and if you find different pricing you can opt out of National Grid. So the program we are describing to institute is actually already in place with the National Grid program and if memory serves and the Board of Selectmen can correct me if he's wrong but he believes at the town meeting what we tried to do was to get Mr. Brougham to present the information that he just presented here but he was prevented from being able to do that and we were not able to hear full disclosure about it and you went ahead and voted on it anyway.

Dave Knapp from Stebbins Street stated that it seems to him that a lot of residents would like to see the numbers of towns use their elected muscles to go to these power companies and say we have 300,000 or a half a million people now what are you going
to do for us. He said he doesn’t have that choice as an individual, no one cares about him as an individual but when you muscle together aren’t we using that power in any way or are we losing the collective power that we could have.

Mr. Murphy stated that he concurs with the last speaker. He stated while it’s true every consumer has some choice in the market place when they are solicited by companies with retail offers often times those offers come with significant fine print. There was a speaker a few moments ago who described an opt out penalty that occurred to a family member when they tried to break a contract with their electricity provider – that’s the type of predator retailing that a program like this helps to prevent. Retailers that see a community that has an aggregation they generally stay away because they know the consumers are savior, they know they have an excellent program that is providing competitively priced power and these programs that are run by towns have no opt out fee, there is no fine print. He said that he couldn’t state that strongly enough. There is never a penalty for any consumer to leave the program. He said if you try finding that on your own you are not going to get it. The only place you can get it is what you have now. Yes you can opt out of National Grid’s price without any penalty but you also have no say there. While in some respect the program that you are contemplating here is replacing National Grid’s default service rate its doing so in the best spirit of old fashioned New England government where people can come and voice their opinion. If you go to a National Grid shareholders meeting and try to speak up about the basic service rate your probably not even get the mike never mind getting laughed out of the room. We don’t have the say in how our electricity is priced currently and a program like this gives us a say as contentious as it might be it really is a beautiful thing in his mind what’s happening here and what’s happening in other towns across the Commonwealth that are contemplating this. He feels it’s a good thing and it’s a place where we can come and share our opinion and ultimately if we don’t like it we don’t have to participate. There are not many government programs where taxpayers are allowed to say no thank you to and this is something that they can say no thank you to.

Steve Williams, Director of Public Works indicated he has a question and possibly a recommendation. His first question is the .02¢ adder he questioned if that represents the entire amount that is going to be charged to the customers from Hampshire Power, Hampshire Council and Colonial and if so how is that being distributed amongst those three parties? Mr. Murphy stated the price for energy, the all in price that the consumer pays will include that .02¢ per kilowatt hour – that is the only fee that is added on to the bids that are received from retailers. He further stated that how it’s divided among Colonial and Hampshire he is not sure that he can speak to that yet because the DPU’s questions still say it’s kind of an open ended question about the contracts between his firm and the Council. There are no other fees and certainly no hidden fees and certainly no opt out fees. that’s another thing you get in a program like this, its that kind of transparency which you don’t get when you get a default rate from National Grid – how that rate was composed is an enigma wrapped inside a mystery – good luck figuring that out.
Mr. Williams stated that it sounds to him like the Board is at a little bit of a crossroads and there maybe some decisions in the future. If the Board wishes to continue with Hampshire Council and Colonial to purchase power he would certainly recommend, strongly, not only as a resident but as a department head in this town that you not give up local control over the choosing of the pricing. He thinks that allowing a third party to do that would not represent our citizens well. Its our fiduciary responsibility to make sure that we are looking out for those interests and to have somebody come in after the fact and ask for confirming signatures to him is doing a disservice.

Mr. Aponte stated that he thinks what we are wrestling with here as one of the speakers had mentioned is the concept of volume buying. Obviously the theory of the concept of this municipal aggregation program is if we can aggregate tens of thousands of home we should at least from economic theory we should be able to get a better price then just opting out into either a Constellation or one of these other firms or other programs or with the National Grid. So that’s on the benefit side at least theoretically and conceptually. He thinks on the con side is something that once again he thinks he can speak for the whole Board is it’s a decision that the Board of Selectmen are making literally for every single citizen. He stated he doesn’t like doing that, he doesn’t think that it’s the Board’s job but unfortunately that’s the way the law is written. If you want to participate in this if you want to get that theoretical or conceptual benefit that’s the rules that you have to play by. If you think back to when the town meetings was presented and different iterations of when this program was presented to the Board originally it was talked about being an opt in which I think we were all comfortable with. Initially there was going to be little or no town burden or administrative issues. Well it certainly a sound like there is going to be some. The Council of Governments was going to be the aggregator and well now it’s going to be the Town of Belchertown is going to be an aggregator. As the Chair had mentioned aggregator actually does mean something so that’s something to be considered. What Mr. Aponte would suggest and it kind goes along the lines of where Mr. Williams was going is this Board really has to weigh the benefits with the cons or the disadvantages of. One thing he probably would be a lot more comfortable with in moving forward with this is if we could present the municipal aggregation program at the special town meeting as a non-binding referendum if you will to the town meeting this way once and for all the Town of Belchertown, its citizens, its town meeting will have all the facts on the table, it will have all the latest information, all the latest iterations of questions from DPU and from the Attorney General’s Office and the Town can make a decision and say yes to get these benefits, those theoretical/conceptual benefits we “trust” the Selectmen to act in our best interest or they can come back and say I hear what you are saying no thanks we’ll take it from here. He would feel a lot more comfortable going forward with this program if town meeting and indirectly the town more or less allow us to do that.

Mr. Aldrich stated that she thinks it goes back she sees this as she had or was uneasy going into this back in January. She was very uneasy, not understanding but over the past 7, 8, 9 months and seeing what this has done she doesn’t think the program is ready. She sees that there are a lot of questions that are still out there, the AG is not on
board, the DPU is not on board and she believes like it was stated earlier and you pointed out to it (Mr. Murphy) is that we can go into all these other programs and we can opt out. She feels that as homeowners, taxpayers and consumers we go on the computer which she has done and look up things and know what's going on. So right now she is not easy with this program as it is and she believes Mr. Aponte might be right and the Board needs to step back away from this program. She thinks the Board should present it to the Town. It's not ready. If it goes to back – the question is what were you doing in 1998 to prepare whatever it was for this program is not ready. The program is not ready for the town.

Mr. Aponte indicated he had a quick question for the presenters. He stated he's assuming the DPU and the Attorney General's Office is not going to be blessing this program one way or another within the next two months or so, he asked if that was correct? Mr. Murphy stated that they anticipate approval probably within the next six weeks. Ms. Aldrich stated that would be great because the Board can take a vote and from that vote decide how to present it at special town meeting for our citizens to vote for the Board to act on it.

Mr. Brougham stated there are a couple of logistical problems with that whole concept. First and foremost the third set of requests that came from the Attorney General's Office we were suppose to respond to by the end of August and he asked for an extension until September 19th which was granted. They did ask the Town to respond sooner if possible so if the Board doesn't make a decision tonight on how someone is going to respond to that request. Secondly section 13 in the amended agreement allows the Town to withdraw anytime up to the point where the petition is approved. Once the petition is approved then the withdrawal becomes a whole different legal battle. He continued that the Board doesn't have a lot of time unless they have an ironclad plan.

Ms. Aldrich questioned if the Town withdraws now the Town can go back in later but once the Town is in its harder to withdraw. Mr. Brougham indicated that he had asked what happens if the Town withdraws and he was told we would have to restart the process but he doesn't see that as being all that difficult. He indicated he has a problem with the Attorney General's Office being painted as the ogre here as they are doing what's right for the citizens and if they have legitimate questions they should be responded to because they can say yes or no to this application and if I was the applicant I would give them all the information that they asked for without further ado but that hasn't been the case. He stated the discussion purely on strength in numbers if we had 36 communities that were actively participating in this, that's great it gives you a lot of leverage and a lot of buying power. It's like buying at the local hardware store vs. home depot. How many people are enrolled in the default rate with National Grid – he's going to venture to say its 3, 4, 5x more then the maximum number that you can put together by this aggregation.

Ms. Aldrich stated she wanted to clarify something. She stated that if the Town does withdraw, Mr. Murphy indicated six weeks coming down the road you have a feeling
this is going to be blessed, its going to be all that. We present something to our special town meeting which we are looking at for November, then we will have a full picture and not a mishmash of stuff that we can present to the town for our citizens to vote whether they want for us to go forward and enter into this program.

Mr. Barnett stated that if the Town withdraws now we are not in the program. Ms. Aldrich stated there isn’t a program – she doesn’t see one. She doesn’t see numbers, she doesn’t see it. Mr. Barnett stated there is a program. He stated there is a program they are just waiting for the DPU to approve it. Ms. Aldrich again stated she doesn’t see a program. Mr. Barnett again stated there is a program but the DPU has to approve it which is expected in six weeks. He said if we withdraw now we are out of it and to forget, we are out of it. Ms. Aldrich asked Mr. Brougham where he told the Board that there was a place that the Town could withdraw, to leave it and go back into it. She stated that he said there was a place. Mr. Brougham stated it was in the amended agreement that it’s Section 13 in the agreement that says the town can withdraw right up until the agreement is signed or approved. Mr. Barnett indicated that is right and if we withdraw now we are out but if we wait until the last possible moment that’s better. Ms. Aldrich stated she was not comfortable doing that. Mr. Barnett questioned if she wants to withdraw now. Ms. Aldrich stated she does. She said she does because she doesn’t see this is what it was meant to be.

An audience participant stated he’s been here 10 years and is going to predict that if this goes to town meeting there are going to be a lot of angry, shouting people on one side. If you are the only people who can sit and calmly look at this thing and you do need to get those figures of the 500,000 and see what muscle it creates for you. The only time that he personally has been able to get anything out of these companies is dealing with the credit card companies because they want to give him no interest for 18 months or two years, ok he can see that but he can’t personally see through all this stuff being discussed. He can see where the town meeting is going to go and he thinks that’s a way of killing this. He told the Board to not forget that 20% of the Board is not represented in this discussion. He was told that he couldn’t be. He stated he could understand that but states he’s not represented either and that’s the voice he’s not hearing here. Ms. Aldrich again stated that the member could not participate. Ms. Aldrich stated that the 20% of the Board that he’s not hearing is speaking volumes. Mr. Aponte indicated that he probably has a representative right here with Mr. Ford and Mr. Murphy.

Mr. Archible stated that hearing the majority of the people in the room tonight and the majority of his constituents he moves to terminate the amended and the standard electricity aggregation agreement dated January 27, 2014 between the Town of Belchertown and the Hampshire Council of Governments in accordance with Section 13 of the agreement. Mr. Aponte seconded the motion but then he has a question. Ms. Aldrich stated the motion has been made and seconded and asked if there was any discussion.
Mr. Aponte stated that the Board chooses to withdraw with a special town meeting probably coming up in the November timeframe what is the process if we want to get back in? Mr. Murphy stated that he thinks the Town would have to go back all the way to square one which has to be initiated by a town meeting vote. Mr. Aponte stated that he assumes this could occur at a special town meeting vote. Mr. Murphy stated the town meeting vote that has been taken multiple times over the years is still a valid vote. Ms. Aldrich interrupted and stated it was an opt out at that point. Mr. Murphy stated it is still an opt out. Ms. Aldrich corrected herself and said it was an opt in program at that point so she doesn’t know if those votes are valid. Mr. Murphy stated that one thing the Board could do that preserves both options is to continue the process, respond to the questions get them into the DPU. If the Town’s program is approved you are still not obligated to do anything. You are not obligated to accept any of the bids that come back whenever this group ultimately goes to the market.

You have preserved your right to defacto withdraw by not participating but you’ve retained the right to participate in the future so it’s a tool in the toolbox that should the town change its mind and want to do this in the future then you have the ability, you have all your approvals lined up and you don’t have to go through the local or state approval process again. He wasn’t sure if that gives comfort to both sides trying to continue but preserving the ability to say no thank you at a future date.

Mr. Aponte stated that he wanted to see if he could clarify. Assuming we opt out tonight, we go to town meeting and town meeting says we love it this makes sense so Selectmen go for it. The day after the town meeting we contact Mr. Ford and say guess what the town gave us the thumbs up we’re ready to sign on the dotted line. Is it that simple or are there other steps that are involved? Mr. Murphy stated that he thinks if the Town aborts the approval process now we will not have an approved aggregation and the DPU is not going to let the docket sit open. They are going to close if by saying you failed to respond to the questions, you are done, bye. He doesn’t think we should do that, he thinks the Town should continue the process to get our approval and then decide as a group if we truly want to enter the electricity market on behalf of the people. Ms. Aldrich questioned how do new towns enter? Mr. Murphy stated new towns have to start with an affirmative town meeting and then go through the local and state approval process. Mr. Ford stated that he believes that process being contemplated is without precedent but he believes Mr. Murphy is right in the analysis of what DPU would do. He also believes Mr. Murphy is right when he says the possible middle ground is to appoint a representative to sign the confirmation that says the last set of questions were reviewed and approved by the town, have it go to DPU for their approval as an aggregation. Once the town is aggregated along with the 36 other communities the RFP goes out, the bids come in and if you don’t like the bid and if you’re special town meeting in the meantime has said no you just never accept a bid.

Ms. Aldrich stated she knows that Belchertown has not responded to these questions yet. She confirmed with Mr. Brougham that we have not responded back. He said no, he doesn’t see how you respond to them. She doesn’t see how we have anyone to sign off because Mr. Brougham hasn’t responded, the questions haven’t been answered. As she’s made very clear tonight from the get-go she was uncomfortable with this and she
still thinks as a consumer she can go onto the computer, she can buy her electricity, she just doesn’t like putting the citizens into this mess and that’s probably a strong word to say but as she’s looking at this and the questions are coming back she doesn’t feel like its together yet. She sees that it’s maybe someday going to be together but doesn’t see it there yet. When you have the attorney general and the DPU questioning everything she’s not comfortable.

Mr. Aponte questioned Mr. Brougham regarding the extension for the response. Mr. Brougham stated the date is the 19th. Mr. Brougham stated that there was strong encouragement to respond prior to that date if possible.

Mr. Barnett stated if the Town doesn’t respond by the 19th then Belchertown is out of the municipal aggregation, it’s a simple as that. If we respond then Belchertown is still in the aggregation and then if you want to bring it before the town meeting it could be so done. He continued that right now the town meeting has voted in favor of this. He feels the Board of Selectmen should not be engaging in contradicting what the town meeting has done. He doesn’t even think that legally the Board can even do that. Ms. Aldrich stated that there is some legality here that she is not sure of anyway. Mr. Barnett stated that for the last 12 years they have been trying to develop a method by which the Town buys, getting cheaper electricity for all of its people. Ms. Aldrich tried to speak and Mr. Barnett indicated that he’s talking she’s not. He continued the aggregator is the Town and the Town when they put it out to bid, all these bids will come in just as the do for anything else and they will decide on the lowest bid or they will decide they want no bid and that’s something that the Town can do. They are doing it for almost 16,000 people.

Ms. Aldrich thanked Mr. Barnett. She continued the motion has been made and seconded to withdraw out contract with Hampshire Council of Governments for their aggregation. Mr. Aponte indicated he has a question is that obviously it’s been represented if we don’t respond by the 19th we’re out. If we withdraw obviously we’re out. We would have to go through at least an affirmative town meeting vote and then some other processes to get back in if we so desire. He would like to hear from town counsel so that the Board would know exactly what steps would have to take to get back in. One of the things he’s concerned about is if we withdraw but special town meeting, because it won’t take a whole lot of signatures to get a citizens petition, if it gets on there and the Town says yes we want to be in there he wants to know what the process is for the Town to actually get back in. He stated he honestly doesn’t know definitively what that process is. He could not look a citizen in the eye and say listen here are the five steps we have to take. Ms. Aldrich stated she doesn’t like looking at the citizens right now and saying we can’t tell you what this is about because we have no figures, we have no answers. There are more questions. She’s not comfortable.

Frank Lomanno, Belchertown resident asked a question about the process. He indicated that it had been stated that this had been approved by town meeting, what was approved? Mr. Aponte stated the municipal aggregation. He asked if that’s been approved why another town meeting vote to disapprove it? Mr. Archible stated he
Mr. Aldrich stated that this program would be one thing if the Board could just present it to the town citizens and then each one could decide to go into it. Now the state has taken that away from us and as an aggregator it’s an opt out. Everybody in the Town is going to get it and then if you don’t like it you have to sign out of it. The town meeting had voted on it when it was an opt in program. Mr. Lomanno questioned the town meeting that had approved this was looking at a certain set of criteria and that criteria has changed since that original vote. Mr. Brougham stated there have been several changes since 1998. Mr. Brougham stated to just be clear when you talk about municipal aggregation that the Town actually entered into municipal aggregation and this most recent push is for residential aggregation, that’s the amended agreement. He stated that we were clear at the last meeting if approved it does not pull the Town back in by default. Mr. Aponte agreed completely. Mr. Brougham stated this is now talking about the residential accounts. Mr. Aponte stated households only. Mr. Barnett stated that’s what it was back in 1998 also; the whole thing was to help the homeowner with this program. Mr. Brougham stated it began with municipal accounts. Mr. Ford and Mr. Barnett both stated they were two totally different programs. Mr. Barnett stated he’s been involved with this for 12 years. Mr. Brougham stated he has been also. Mr. Barnett indicated that from the very beginning they were talking about the homeowner. That’s the whole thing to try to find a way to make it cheaper for the homeowner. Mr. Brougham stated he understands what they are trying to do but questioned why they haven’t given Constellation or Dominion or Good Energy the same opportunity? Mr. Barnett stated that what’s being talked about here is municipal aggregation. Mr. Brougham indicated he understands what’s being talked about. Mr. Barnett indicated it’s not about a particular company. Mr. Brougham asked if the Town has done their homework. Mr. Barnett stated it may not end up being a Council of Governments that does this. Mr. Brougham stated he hopes not. Mr. Barnett stated it may be Colonial Power.

Ms. Aldrich stated she understands Mr. Aponte’s concern but doesn’t know if she’s comfortable with counsel going into the next 11 days having these questions answered and it may be another motion. Mr. Barnett stated he thinks the Board should answer those questions and then move on and then if we want to go to town meeting that’s all
right. He feels the Board should not end it now without the Town saying to end it and that’s what we’re doing if we don’t answer those questions. He indicated we should take due notice. Ms. Aldrich stated we have answered the questions two times and they want a third go round at it so we have answered them. She indicated the motion has been made and seconded. Mr. Barnett interrupted stating we haven’t answered the third round and that’s what this is all about tonight, the third set of questions, not the first, not the second. Ms. Aldrich stated that’s right, it’s about answering a third set of questions, Mr. Barnett stated just like 38 other towns have had to do. Ms. Aldrich stated that we are Belchertown, again Mr. Barnett interrupted and stated that you can tell the people of Belchertown that they cannot have the municipal aggregation by not answering those questions, you’re going to tell 16,000 people that they cannot be part of the aggregation that they have to stay with National Grid or go off on their own. Ms. Aldrich stated that is exactly what our consumers are going to do like any other consumer going to shop for bread, shop for milk.

Ms. Aldrich again stated that the motion has been made and seconded to withdraw and to present it to us once it becomes a full packet that we can understand and present it to our citizens with a clear vision at a special town meeting. Mr. Barnett questioned who made and seconded the motion. Mr. Archible motioned and Mr. Aponite Seconded. Ms. Aldrich called for the vote. Vote 2- yes (Archible, Aldrich), 2 – no (Aponite, Barnett). The motion doesn’t pass.

Mr. Aponite stated that now he would request that the Board authorize the Town Administrator to contact Town Counsel with regards to what the process would be if the Town withdraws from the agreement with the Hampshire Council of Governments, specifically what the process would be, what the procedure would be for rejoining and that we get those answers as soon as possible. Just to give an idea of what his thought process is if we find the process is as simple as what’s been presented tonight to jump back in then it won’t hurt to withdraw because its relatively easy to get back in but if there’s this high standard of all these obstacles to get back in then that’s obviously something we have to consider. Mr. Archible stated he had a question for the Town Administrator. He asked Mr. Brougham in his opinion if we don’t respond by the deadline, what happens here. Mr. Brougham stated he assumes what we’ve heard at tonight’s meeting we would lose by default. He didn’t ask that question he simply requested more time to respond to the questions because the Board didn’t meet for a month and they requested a response in between the Board’s meetings so he pushed it off to allow an opportunity to discuss it.

Mr. Brougham stated he would like to ask a question. He asked Mr. Barnett if he was still the Chairman of the Council of Governments. Mr. Barnett answered yes. Mr. Brougham asked if he should be voting on this. Mr. Barnett stated he looked into it and was told that because he was elected by the people of Belchertown to represent their in the Town on the council of Governments and was elected by the people of Belchertown to represent their interest here that unlike the fifth member here he has the right to vote. Ms. Roy in the audience asked Mr. Barnett if he will benefit from this. Mr. Barnett stated absolutely not. He stated hat matter of fact he benefits very
little from anything he’s doing in this. Ms. Roy stated she doesn’t believe it. She thinks it’s a total conflict of interest and he should not be sitting there voting. Mr. Barnett stated he doesn’t think she should be bringing this up here like this. He wanted her to tell him how she thinks he will benefit. She stated she was just made aware of this. He again questioned how she thinks he will benefit. She said she didn’t know. He said he would tell her yes he will benefit in one way, he will get cheaper electricity. Ms. Roy stated that it seems like Mr. Barnett is really the only one that is gun-ho on this so there must be something. Mr. Barnett stated yes its cheaper electricity. He told her she should take due notice and perhaps govern herself accordingly. Ms. Roy stated it’s probably pennies on the dollar. Mr. Barnett indicated to Ms. Aldrich he didn’t have to take this that this was the Board’s meeting and not a public hearing. Mr. Clegg asked Mr. Barnett if he draws a salary from the Hampshire Council of Governments. Mr. Barnett stated almost nothing. Mr. Clegg again asked if Mr. Barnett gets a stipend from them. Mr. Barnett does get a stipend. Mr. Clegg feels that this should be a clear violation. Mr. Barnett stated he is also paid by the Town and asked if that is also a clear violation. Mr. Archible said no as Mr. Barnett is representing the Town.

Ms. Aldrich took control of the meeting and said that clear heads need to prevail. She said the vote was taken with no decision being made. Ms. Aldrich indicated that Mr. Brougham would check with Town Counsel for a legal opinion on what happens if the Town withdraws and then wants to get back in, what would that process would be. The third round of questions will be answered. The Hampshire Council of Governments will let the Board know how it goes in the next six weeks. They will inform the Board if they have a program that the Board can present to its residents that’s clear. She stated we all want the same thing – cheap electricity. That’s what we want something that’s going to be great for our Town but right now she doesn’t see that this is. She originally voted for it and was waiting to see what was going on and appreciates them coming before the Board tonight. She closed this part of the meeting.

Mr. Aponte interrupted and stated on a related, more procedural and assuming that Town Counsel comes back with the information we only have until the 19th so is it possible that the Board have an ad-hoc meeting before the 19th. Mr. Aponte stated that we have a drop dead date of the 19th and if we do not respond the decision has been made. Mr. Barnett stated 12 years will be down the tube. The Board agreed to meet on Wednesday, September 17th. Mr. Brougham asked what the purpose of the meeting would be. Ms. Aldrich stated it would be to review his response from Town Counsel about whether we can get back into the aggregation. Mr. Aponte stated which is ultimately going to be do we sign the responses or do we not. Mr. Barnett stated the 17th is too late as they have to be in by the 17th. Ms. Aldrich corrected him stating it’s the responses have to be in by the 19th. It was agreed the Board would meet at 6:30 on the 17th.

5) Discussion/Action Items:
a. Request from McCarthy’s Pub for Fair Weekend: Mr. Archible stated that Janice McCarthy from McCarthy’s Pub is requesting that the Board allow her to have a tent for the 2014 Belchertown Fair from September 19th – 21st. He indicated there have not been any problems in the past with this request. He added that last year the Board had approved the request and had indicated that she would not have to make this request every year. Mr. Archible moved the Board approve this request and again approve it so that she does not have to request this every year. Mr. Aponte seconded the motion reiterating that this would be approved in perpetuity unless issues being to arise. Motion passes 4 – 0.

b. Low Income Seat – EDIC: Mr. Aponte presented the details to the Board. He stated that the long time member holding this seat had decided to not be reappointed. Mr. Fred Morris has applied but there is no clear cut in regards to income and how we would apply the income standards. The Board does not have a recommendation from the EDIC regarding this appointment. He feels that based on past precedence it would be best to hold off on making the appointment until the EDIC can make that recommendation one way or the other. Board members were in agreement and no action was taken on this discussion.

c. Review Wireless Communication Facility Special Permit Application – May Farm, Off Franklin Street: Mr. Barnett stated that a request has been submitted for a special permit for a wireless communication facility off Franklin Street at the May Farm and O’Brien property off Aldrich Street. Mr. Barnett asked the Town Administrator if he had any information regarding this request.

Mr. Brougham stated that there are two site plans under review for applications filed by Verizon for wireless communication towers. One is on property owned by Vicki and Michael O’Brien on Aldrich Street. The other is on property on the May Farm on Franklin Street. They are separate applications. The pole being proposed on the O’Brien’s property 105’ tall, it has three sections of antennas for a total of 12. The one on the May farm is 145’ in height with three sectors of four antennas. The control pod and secure area around each of these devices is 100 x 100 which is a typical pad for these towers. Several weeks ago the Board reviewed and declined the right of first refusal for the May Farm and some months back it was the O’Brien property. He’s reviewed the plans and feels they are pretty straight forward. He has no concerns but would suggest that any questions or concerns brought forth by other Boards and Committees or the public as there are abutters to these towers that the Planning Board who will ultimately deny or approve the application that they give these comments fair consideration.

Ms. Aldrich stated that on the 14th there is a public hearing. She questioned if the Board should wait to do something with this until the hearing is held. My brougham stated that typically the Board responds to the Planning Board that they’ve reviewed the plan and has no concern but they should pay attention to concerns raised by other boards or committees. Mr. Brougham stated he is very surprised that Verizon is placing two towers relatively close together. He stated it will build a lot of cellular integrity in an area of town that has frequent cellular loss.
Mr. Aponte reiterated that these are fairly standard with the footprint and the height. He has no concerns.

The Board will forward both plans (see discussion item D) back to the Planning Board with no concerns but recommend that they pay attention if comments or concerns are raised by other committees or boards.

d. Review Wireless Communication Facility Special Permit Application – O’Brien, Off Aldrich Street: See discussion item C.

e. Stop Sign – South Washington Street: Mr. Archible presented the details. It is for a stop sign of South Washington Street at the corner of South Street. This request was made by a citizen of the Town.

Steve Williams, Director of Public Works confirmed the request was made by a resident of Town. He stated that any stop sign that is placed must be approved by the Board of Selectmen and that the Board must sign the stop sign warrant that will be on file with the Town Clerk. After receiving the request the Department of Public Works reviewed the intersection. Although there is not a significant accident history but because of the configuration of the intersection it does make sense and he recommends that a stop sign be installed at this location.

Mr. Archible moved the Board allow the Highway Department to place the stop sign. Seconded by Mr. Barnett. Motion passes 4 – 0.

f. Accept Assistant Animal Control Officer Resignation: No discussion held.

g. Appointment of Part-Time Police Dispatcher: Mr. Archible presented the details stating this is a request from Chief Fox. Mr. Archible moved to appoint Emily Tebo as a part-time Emergency 911 Dispatcher at the Police Department, effective September 11, 2014. Seconded by Mr. Barnett. Motion passes 4 – 0.

6) **Town Administrator’s Report:** The tents for the Fair go up this Sunday so anyone who is wants please feel to stop by and help anytime after 12:00 and help put up the tents. It usually takes about three hours.

7) **Review of Weekly Mail:**

#15) Mr. Archible stated that the Tri-Lakes will be hold their Annual Pig Roast Saturday, September 13th beginning at 1:00 p.m. at the VFW in Belchertown.

8) **Individual Board Members’ Reports:**

Mr. Aponte: Reminded everyone that Jessica’s Boundless Playground will have its community build this weekend, the 13th and 14th. If you want to participate he believes they are using half day slots with the day beginning at 7:45 a.m. If you want to participate go to the Jessica’s Boundless Playground website and you can sign up there. He stated that one of the questions being asked is if people can bring their own tools or equipment. No heavy equipment is necessary, that is all taken care of. They are looking for “every day” type things such as utility knives, tin snips, hammers,
rubber mallets, tape measures, drills, drill bits, sockets sets and so on. He hopes to see people there.

Ms. Aldrich: Indicated that the superintendent search goes on. Today and tomorrow the school districts of the two candidates will be visited by the Committee. Next week on Monday and Tuesday (15th & 16th) the public interviews will be held here for the two candidates. They will come to the town, visit the schools and teachers. There will be a public coffee reception hour for them probably around 4:30 – 5:00 pm and then school committee interviews which are public will be that Monday and Tuesday night. Tuesday is when they will choose a new superintendent of schools.

She also indicated that from the mail she had to read something, that we are always reading about the bad things that go on but this is something wonderful about our youth. Her husband is an eagle scout and Belchertown is proud now to have another eagle scout. Troop 507 takes great pleasure in announcing that Sebastian Roy has completed the requirements to become an Eagle Scout and was found worthy of the rank of Eagle Scout. He will receive the honor at a scheduled Eagle Scout court honor on September 13th. She congratulated Sebastian on his achievement.

9) Questions from the Press: Eric Goldscheider from the Gazette asked about how many people the switch from Charter to Comcast would be affected. Mr. Lomanno indicated 4,500 +/- . Mr. Goldscheider questioned when the switchover would happen. Mr. Lomanno indicated the Town received a letter from the State from the Telecommunications and Cable Department back on June 18th. The Issuing Authority which is the Board of Selectmen have 120 days to respond to this letter in terms of whether we accept this transfer or reject it. Mr. Goldscheider questioned that the Town has the option to reject Comcast as the provider. Mr. Lomanno indicated we do not have very many options in Town. Mr. Louraine indicated if we reject the contract we would be without cable service. Mr. Goldscheider questioned the motion to have dual email for a year, is that something that they can ignore. Mr. Lomanno indicated they can ignore anything they want to. He stated this is a process up to the FCC and the Department of Justice. He stated the whole thing started with Comcast trying to buy Time Warner - they did that and just assumed all the customers from Time Warner they would become a monopoly. His suspicion is this all part of getting around that process so that Charter and Comcast swap customers they have new company called Spinco which they jointly own. He stated it’s a long process to get around this and get approval. Mr. Goldscheider confirmed that Mr. Lomanno is the Chairman of the Technology Advisory Committee and that his job is to talk to Comcast and get information. Mr. Lomanno stated they did have a public meeting with representatives from both Comcast and Charter a joint meeting with the Selectmen and the Technology Advisory Committee and questioned were asked of both cable companies and most of the answers is what you would expect from representatives. Mr. Louraine stated if Mr. Goldscheider wants to watch it on video. Mr. Goldscheider stated the bottom line is that the Selectboard has requested that Comcast and Charter allow for dual emails for a period of a year and they can do with that request as they wish. Mr. Lomanno indicated that it has to be sent down to the
State. He stated that this doesn’t go to Comcast or Charter this is a deadline set by the State. Mr. Goldscheider asked when this starts going into actual effect. Mr. Lomanno stated that basically there is a request for comments from the FCC and this process is suppose to be wrapped up at the end of this year. Then the FCC and the Department of Justice will vote on whether or not they can allow this transaction of Comcast buying Time Warner and then the whole thing with swapping customers and creating a new company before any of this takes effect. Mr. Goldscheider confirmed that the Technology Advisory Committee’s job is to keep the Board of Selectmen up to date.

Mr. Russell from Republican stated that he wanted to ask Mr. Lomanno that he made sure he was as clear as he could be when they said yes we can do this when we made the request. He wants to know if we even know what their plan is or is the sense that they don’t even have a plan. If they have a plan it has never been clearly spelled out. Mr. Lomanno did state that Comcast has been spending a lot of money on lobbyists. In the first three-quarters of this year they spent $18 million dollars. Mr. Russell confirmed that emails will be in place at least until the end of this year.

10) Adjournment: Meeting adjourned at 9:46 p.m.

Minutes submitted by Gary L. Brougham, Town Administrator

Board approved/endorsed: 

Board of Selectmen - Town of Belchertown

Endorsed by a majority:

Brenda Q. Aldrich, Chairman

Ronald E. Aponte

(Absent)

Kenneth E. Elstein

William R. Barnett

George D. Archible