

MINUTES

ATTENDANCE

Select Board

Present: Alisa Brewer, Doug Slaughter, and Andy Steinberg

Absent: Connie Kruger and Jim Wald

Staff: M. David Ziomek, Interim Town Manager and Assistant to the Town Manager Debra Puppel

Meeting called to order by Ms. Brewer at 2:39 p.m. This meeting was not broadcast or recorded by Amherst Media, and no press or public attended.

This meeting was posted for action on one item, a Special Wine and Malt license application for Sunday, August 14, 2016. Ms. Brewer announced that two items completely unanticipated had surfaced that required discussion due to their time sensitive nature.

7) Licenses

Voted 3-0 to approve the application of Pengyew Chin d/b/a Pengyen Catering LLC, 125 Cottage Street, for a Special Wine and Malt License on August 14, 2016 from 4:00 p.m. to 9:00 p.m. on the premises of the Amherst Woman's Club, 35 Triangle Street, Amherst; Pengyew Chin, Owner.

6) Action and Discussion Items

Unanticipated item: extension for negotiations, Comcast Cable: Draft 10 year Cable Television Renewal License

Special Counsel Cable Attorney Peter Epstein had emailed the Town Manager's office this day indicating the need for approval of an agreement with Comcast to extend the negotiation period which concludes Friday, August 12, 2016 to a new date of September 26, 2016.

Mr. Ziomek and Ms. Puppel recounted their conversation with Attorney Peter Epstein following receipt of the email. Attorney Epstein was suggesting he be allowed to sign the extension on behalf of the Town, providing brief explanation as to the need for an extension of the negotiation period with Comcast, citing apparent confusion as to the start date of the four month term mandated by federal law.

Ms. Brewer expressed frustration that the Select Board was facing this new deadline of August 12, 2016, as the Select Board has repeatedly asked for an updated Calendar from Special Counsel since the last one provided almost a year ago, but no updated Calendar had been provided. Ms. Brewer said everyone assumed the license expired October 15, 2016, and was surprised to hear during Mr. Hechenbleikner's report on the Comcast Cable License – Draft Letter of Agreement 10 Year Renewal at the Select Board meeting of August 1, 2016 that the deadline based on some number of days since issuance of the RFP was not October 15, 2016, but actually around September 14, and that Mr. Hechenbleikner replied he would have said date confirmed by Special Counsel. Ms. Brewer requested that Mr. Ziomek follow-up with Special Counsel to determine options associated with the new deadline of September 26, 2016.

Voted 3-0 to authorize Attorney Peter Epstein to authorize the agreement on behalf of the Town of Amherst with Comcast of Massachusetts/Virginia Inc. to extend the term for negotiations pursuant to 47 U.S.C. 546 (c)(1) until midnight on September 26, 2016.

Unanticipated item: Town of Montague's Request for Amherst to Join Intervenor Status DPU 16-103 Berkshire Gas.

Mr. Steinberg was just contacted by the Town of Montague Pipeline liaison Ariel Elan, requesting Amherst to join Intervenor status regarding DPU 16-103. Ariel provided a Town of Montague news/press release dated August 8, 2016. The Department of Public Utilities (DPU) is holding a hearing on Tuesday, August 30, 2016 in review of Berkshire Gas Company's five year forecast and supply plan for 2016-17 through 2020-21. Although public comments are accepted at such hearings, they are treated differently than the testimony of those with Intervenor status. The Town of Montague is requesting the Town of Amherst also apply for Intervenor status, or become a party to their filing as an Intervenor.

Mr. Ziomek asked about the implications of Amherst becoming party to such a filing, including any expected financial commitments. Mr. Steinberg reported becoming a party to the filing provides the Town with the opportunity to testify on the damage caused by the current moratorium. Mr. Ziomek agreed Economic Development Director Geoff Kravitz is available to provide such testimony.

The deadline to apply for Intervenor status appears to be Tuesday, August 16, 2016. Mr. Ziomek will reach out to Town Counsel to discuss ramifications, and will provide a report at the Monday, August 15, 2016 Select Board meeting.

LIST OF DOCUMENTS:

Agreement to Extend Negotiations, Epstein for Town of Amherst, Glanville for Comcast Cable
Town of Montague Board of Selectmen News Release August 8, 2016, Montague to Intervene in Berkshire Gas Supply Plan Case

ADJOURN - The meeting adjourned at 3:16 p.m.

Submitted by Alisa Brewer, Select Board Chair