

MINUTES
REGULAR MEETING OF THE TOWN COUNCIL
TOWN OF CASTLE VALLEY
WEDNESDAY, OCTOBER 19, 2011, AT 6:30 P.M.
CASTLE VALLEY COMMUNITY CENTER
2 CASTLE VALLEY DRIVE

Town Council Members Present: Mayor Erley and Council Members Drogin, Henry, and Hill. **Absent:** Council Member Williams

Others Present: Ron Drake, Jack Campbell, Greg Halliday, Michael Peck, Jim Martin, Cynthia Aldrich, Bruce Aldrich, Ed Derderian, David ‘Spark’ Livermore, Laura Cameron, Leta Vaughn, Mary Beth Fitzburgh, Keven Hoopiaina, Gary Lewis, Debra Dull

Recorder: Faylene Roth

1. Call to Order: 6:33 P.M.
2. Open Public Comment.

Mayor Erley reported that the Town of Castle Valley and the Utah Department of Wildlife Resources are aware that poaching is occurring within the Town boundary. He noted that discharge of firearms is not allowed within the Town. According to Mayor Erley, there is some evidence about who is doing the poaching. A warning has been issued and this declaration serves as a final warning. Ron Drake will report on the warning against poaching in the next issue of Castle Valley Comments in the Moab Times-Independent.

Mayor Erley also read from a letter submitted by Laura Cameron asking the Town of Castle Valley to ask the three write-in candidates for the Town Council vacancies to write a statement describing why they are running for office, what they offer the Town, what issues they think are important to Castle Valley, and what they would like to see the Town Council accomplish over the next four years. She suggested that the statements be posted on the Town website, the local bulletin boards, and in the Times-Independent.

Council Members Drogin and Henry, who are both declared write-in candidates, indicated their willingness to provide statements. One of them will contact Jazmine Duncan, the third write-in candidate, to inform her of the request.

3. Approval of Minutes:

- July 20, 2011, Regular Town Council Meeting.

Council Member Hill proposed to change the first sentence of the first bullet in Item #4 to read: “The Mayor asked the Roads Manager to find out how many tons of gravel and how much oil per ton was used in the last repaving of Castle Valley Drive.”

She also requested that the July 20, 2011, Minutes be edited to ensure that all references to Council Members conform with the recently adopted format which refers to Council Members as “Council Member Erley,” Council Member Hill,” etc.

Council Member Hill motioned to approve the Minutes of July 20, 2011, with the above changes. Council Member Henry seconded the Motion. Council Members Drogin, Erley, Henry, and Hill approved the Motion. The Motion passed unanimously.

- September 8, 2011, Special Town Council Meeting.

Council Member Henry motioned to approve the Minutes of September 8, 2011, as they stand. Council Member Hill seconded the Motion. Council Members Drogin, Erley, Henry, and Hill approved the Motion. The Motion passed unanimously.

- September 21, 2011, Regular Town Council Meeting.

Council Member Hill proposed changing the reference to Alice Drogin in Item #5 to “Ms. Drogin.” Then in Item #7, paragraph 2, refer to her as “Council Member Drogin.”

Council Member Hill motioned to approve the Minutes of September 21, 2011, as amended. Council Member Henry seconded the Motion. Council Members Drogin, Erley, Henry, and Hill approved the Motion. The Motion passed unanimously.

- September 26, 2011, Special Town Council Meeting.

Faylene Roth suggested adding a line below those present to indicate that she was the Recorder of the Minutes for that Meeting. The line would read: “Recorder: Faylene Roth.”

Council Member Hill motioned to approve the Minutes of September 26, 2011, with the change noted above. Council Member Drogin seconded the Motion. Council Members Drogin, Erley, Henry, and Hill approved the Motion. The Motion passed unanimously.

4. Reports:

- Roads (Roads Manager and the Roads Committee Chairperson).

The Roads Manager submitted a Roads Report that was included in the Red Books. He clarified for Council Member Hill that the Town's dump truck holds seven and one-half (7-1/2) yards.

- Planning and Land Use Commission (PLUC Chairperson).

The PLUC Chairperson submitted a PLUC Report that was included in the Red Books.

Council Members discussed the portion of the Report that covered the possibility of the Town of Castle Valley entering into an agreement with Grand County for animal control services to handle abandoned and stray animals within the Town. Mayor Erley reported that he had talked with Grand County Sheriff Kevin White and Grand County Attorney Andrew Fitzgerald about this possibility. Council Member Henry had also talked with County officials on this issue and felt they were amenable to an agreement, although the Town's lack of a leash law in its Animal Control Ordinance could pose a potential hurdle. Council Members discussed the need for a leash law within the Town boundary and whether it was appropriate and enforceable. Mayor Erley and Council Member Henry will pursue this issue over the next few months.

New Business:

5. Discussion and Possible Action re: Purchase of a New Copier/Printer.

No action taken.

6. Discussion and Possible Action re: Installation of Pay Telephone outside the Town Building.

Council Members compared the cost of a pay telephone (\$540.00/year) to a second telephone line (\$20.00/month) that could be installed outside the Town Building in a sheltered box. A second, outside line with long-distance restriction

would provide local calls, calling card and credit card calls, and 911 emergency calls. Discussion will continue next month.

7. Discussion and Possible Action re: Fire Department Telephone Access.

The Castle Valley Fire Department has no telephone access in its building. According to Fire Chief Ron Drake, it is occasionally needed when the Town Building is not open. Council Members noted that an outside telephone at the Town Building would provide the necessary access for the Fire Department.

8. Discussion and Possible Action re: Smart Meters

Council Member Hill motioned to change the order of business and hold Item #8 until further on in the Agenda. Council Member Henry seconded the Motion. Council Members Drogin, Erley, Henry, and Hill approved the Motion. The Motion passed unanimously.

9. Discussion and Possible Action re: Sign at Town Building.

Council Members discussed the need for a sign identifying the Town Community Center. Several people in attendance noted that attempts had been made in the past to install a sign, but all had been rebuffed. Faylene Roth, Castle Valley Librarian, said that she would like to incorporate a "Library Open" sign into a building sign if one should be installed.

A community member asked if money were available in the budget for a sign. Council Members decided to defer further discussion and consider this as an item in next year's budget unless there is a surplus in June 2012. In the meantime, a paper sign will be posted at the top of the Notice Box outside the Town Building.

10. Discussion and Possible Action re: Judge's Pay for the November Election.

Mayor Erley reported that the Town will pay Poll Manager Jolene Williams, to attend the Election Judges training for the November election. He said that \$2,000.00 has been budgeted for the election. The training expense will be paid at Grand County's rate of \$15.00 per hour plus gas mileage at 41 cents per mile. The training is held in Moab and Jolene will train the other Castle Valley judges.

Council Members discussed whether four judges were required for this election. Mayor Erley reported that the decision was based on what the Town has done before.

A community member requested that information on the three write-in candidates be provided to voters. Mayor Erley referred to discussion of this topic held during the Public Comment period.

Council Member Hill motioned to approve the pay rates for the election as presented. Council Member Henry seconded the Motion. Council Members Erley, Henry, and Hill approved the Motion. Council Member Drogin abstained. The Motion passed with three approving and one abstaining.

Return to Item #8.

8. Discussion and Possible Action re: Smart Meters.

Three representatives of Rocky Mountain Power attended the Meeting in response to concerns received by RMP from members of the community regarding the recent change in the type of meters used to record electrical usage. Debra Dull, Customer & Community Manager for Southeastern Utah; Keven Hoopiaina, Senior Business Consultant for Metering; and Gary Lewis, Field Services Manager for Metering outlined the reasons for the meter switch, explained how the meters work, and addressed possible misunderstandings about the meters.

According to RMP representatives, the meter switch was made throughout the state and Castle Valley was the last area to be converted, with the exception of five properties that are under protest here in the Valley. The new meters allow remote digital reading of electrical usage, avoiding intrusion onto private property, protecting meter readers from dogs and inclement weather conditions, and eliminating billing errors.

Kevin Hoopiaina and Gary Lewis explained that the meters use a radio frequency (RF) of 1 milliwatt of energy and transmit at a frequency of 900 megahertz (similar to FM radio stations). The RF meters installed by RMP provide one-way communication. They transmit data but cannot receive a signal. The signal transmitted from the meters is emitted every 30 seconds and can travel up to one-half mile depending upon terrain and weather. Like FM radio waves, the signal bounces off features in the landscape, but is not absorbed by anything and does not penetrate anything.

Kevin Hoopiaina stated that the new RMP meters are different from Smart Meters. Smart Meters are two-way transmitters, unlike the RMP meters which can only transmit a signal. The meters installed by RMP will not receive a signal and are not upgradeable to a Smart Meter. He said that the RF signal is weaker than the average cell phone and the only data it collects is electrical usage. Unlike the Smart Meter, it cannot store data about specific uses of appliances and when

electrical use occurs. He referenced the “stopsmartmeters.org” website which some members of the community had already accessed.

Members of the community expressed concerns about the health effects (including carcinogenic) of radio frequency radiation (RFR), which has been cited in peer-reviewed scientific journals and by the World Health Organization (WHO). According to Hoopiiaina, adverse health effects have been shown to be related to extremely long periods of exposure, whereas the RMP meter signal is intermittent.

The community also questioned RMP about other types of automated meters available, including bubble-up and ping technologies and di-pole antennas. Hoopiiaina and Lewis explained that bubble-up and ping technologies use two-way communication and were not chosen by RMP for their automated meters. They were not familiar with di-pole antennas, which allow two-way communication, but said they would find out whether the automated meters installed in Castle Valley use these antennas. Hoopiiaina said that the one-way meters installed by RMP have a security feature that requires the meter transmitter to match a number in the automated meter reader.

Other concerns from the community were how the signals were transmitted and if it mattered where your meter was placed. Lewis described the signals as “line-of-sight” and said that they did not transmit in a 360 degree direction. The signal goes out directly six to eight feet then moves upward. Hoopiiaina said that RF signals that are not in line-of-sight of the meter reader would bounce off features in the landscape and back to the meter reader. He stated that AM signals can penetrate walls and microwaves can be absorbed, whereas FM signals and the RF signals used by the meters do not penetrate or get absorbed. They bounce off any objects they strike. So, according to the RMP officials, location of the meters—whether on the front, side or back of a residence—should not be a concern to residents.

Community members continued to express concern about long-term health effects from RFR (radio frequency radiation) and the possibility that the radiation does penetrate walls or is absorbed by the human body. The application of Faraday cages which prevent cell phone radiation from going through the back of the phone was discussed.

Many of those present expressed their disappointment and anger that RMP offered no opportunity for individuals to opt out of the meter conversion. They had expected that RMP would be amenable to working towards a solution to this situation.

Hoopiiaina responded that RMP feels that the automated meters they are currently using are the safest available and emit much less radiation energy than TVs, wi-fi, cordless phones, and cell phones. Although, one community member stated that all the above can be turned off by the individual. According to Hoopiiaina, RMP has no opt-out program, unlike Pacific Gas & Electric Co. They provide an opt-out program, but there is a \$20.00 per month fee added to the customer's bill to cover the cost of manual reading of those meters.

Other technologies were discussed, like the system in Italy that uses meters that do not emit any radiation. The meters send data transmissions of electrical usage through the power lines. These meters may be referred to as wired meters or turtle meters. According to Hoopiiaina, wired meters are a very expensive technology. Other solutions; such as, reading one's own meter, were rejected by RMP.

Community members asked that RMP develop an opt-out program before moving to Smart Meters. RMP representatives said there were no active plans right now to adopt Smart Meters.

In summing up, Council Member Henry observed that, in this situation, even the opportunity to opt out would not protect an individual from exposure to potential damage from RF radiation. She suggested that it would be best to put effort into preventing something that would be more dangerous, like Smart Meters. She thought it was important to make RMP aware that we are concerned about our health and want to have a say in future decisions that may affect our health.

RMP representatives noted that the Utah Public Services Commission holds Public Hearings on such issues. Hearings were held prior to RMP's switch to the current automated digital meters. They suggested that the Town sign up to receive notices from the PSC to be aware of when Hearings are to be held.

Other community members expressed dissatisfaction with RMP's past record of following through on promises, like putting all utilities underground, and their poor service in reducing brown-outs

Mayor Erley will see that the Town gets future notices from the PSC and will research how to go on record with RMP that the Town of Castle Valley never wants Smart Meters installed.

RMP representative Debra Dull will find out what RMP's policies and procedures are for implementing new technologies and report back to the Mayor. RMP representatives will also research unanswered questions from tonight's Meeting and report back to the Mayor and to interested parties. Mayor Erley suggested

that interested parties make their email addresses available before leaving the Meeting.

Resumption of Normal Order of Business.

11. Discussion and Possible Action re: Interim Notary Service for Residents of Castle Valley.

Faylene read a letter submitted by Town Clerk Denise Lucas in which Lucas offers to continue to provide notary services to Castle Valley residents until the new Town Clerk obtains notary certification or until March 31, 2012, whichever comes first. She asked that anyone requesting notary service, call her at home on weekdays only between the hours of 9:00 A.M. and 5:00 P.M.

Council Members expressed their appreciation for her offer.

12. Discussion and Possible Action re: Hiring of the New Town Clerk.

Mayor Erley reported that four very good candidates were interviewed by the Hiring Committee, which consisted of himself, Council Member Henry, and the Town's Technology Consultant, John Groo. A fifth candidate submitted an application after the interviews had been conducted and after a decision had been made. Mayor Erley said that, after discussion, the committee decided not to pursue the additional application since they were comfortable with the decision they had made.

According to Mayor Erley, the Hiring Committee recommends that Jill Kulander be hired as the next Town Clerk. He commended her skill set, computer skills, and self-motivation and asked for questions concerning the recommendation. One community member asked whether the candidate resided in Castle Valley. Mayor Erley said that she and her family have a house here in Castle Valley as well as in Moab where a family member attends school.

Council Member Drogin moved to accept the Hiring Committee's recommendation to hire Jill Kulander as the New Town Clerk. Council Member Hill seconded the Motion. Mayor Erley and Council Members Drogin, Henry, and Hill approved the Motion. The Motion passed unanimously.

13. Discussion and Possible Action re: Developing Emergency Response Plans for Geologic and Other Hazards.

Mayor Erley reported that he had been invited to, and attended, an Emergency Preparedness Organization meeting where he learned that FEMA (Federal

Emergency Management Agency) funds are sometimes not available or can be docked if a community has no emergency preparedness plan for and/or has not implemented the plan for a disaster; such as, a rock fall, a fire, a flood, etc., that has occurred.

Council Member Drogin asked about the Town's liability for flooding of the retention ponds in the Valley. Mayor Erley said that the retention ponds are the responsibility of the lot owner on which they occur. He then reviewed the status of each of the ponds and felt that there was no immediate threat of floods from them.

After discussion of types of disasters that should be addressed, including a Green River nuclear power plant disaster, it was decided to begin researching emergency plans for disasters with the highest probability for Castle Valley; such as fire and flood. Mayor Erley said that Corky Brewer, who develops emergency plans for Grand County, and Amy Pierce, with the Association of Governments, as well as the Castle Valley Fire Department, were available resources to Castle Valley in developing emergency preparedness plans. He noted that Amy Pierce is available only through March 2012, when the grant for her position ends.

Council Member Hill motioned to table Item 13. Council Member Drogin seconded the Motion. Mary Erley and Council Members Drogin, Henry, and Hill approved the Motion. The Motion passed unanimously.

14. Discussion and Possible Action re: Dissolution of the POA.

POA Board Members Dave Erley and Jack Campbell were present and reported that 70-80 approvals for dissolution of the POA have been received. They are being reviewed to ensure that the correct signatures have been received and have been notarized. A POA Annual Meeting is scheduled for Saturday, October 29, 2011, at 10:00 A.M. at the Town Building for property owners to ask questions and have the proper forms notarized. Town Clerk Lucas will be present to notarize signatures.

POA Board Member Campbell said that a majority of owners of the 448 lots within Castle Valley must approve the change to the CVRR amendments and the dissolution of the POA in order to complete the dissolution of the POA. If responses are slow, he requested that interested parties volunteer in mid-November to place phone calls to lot owners who have not yet responded.

Campbell stated that some years ago the POA had transferred ownership of the roads and road easements within Castle Valley to the Town of Castle Valley. Utility easements will be left in the covenants.

POA Board Member Erley acknowledged that Town Clerk Lucas has been outstanding and has been putting in extra hours to help get signatures notified. He noted that it would be hard to accomplish their goals without here

Old Business:

- 15 Discussion and Possible Action re: CIB Road Shed Loan.

Mayor Erley reported that the Town's request for a CIB road shed loan was approved for \$163,000.00 at 2-1/2% interest. Council Members discussed the Town's options to collateralize the loan with sales tax revenues or through the Municipal Building Authority. Since sales tax revenues available to the Town are subject to legislative changes, Council Members decided that going through the Municipal Building Authority was the better option. Mayor Erley expected the loan closing to occur in late January or early February. He hopes to initiate bids for the architect at the next Town Council Meeting. Funds for a construction manager were included in the budget. The projected completion date for the project is about one year from today.

Council Member Hill motioned to go through the Municipal Building Authority for the CIB loan. Council Member Henry seconded the Motion. Mary Erley and Council Members Drogin, Henry, and Hill approved the Motion. The Motion passed unanimously.

16. Payment of Bills.

Council Member Hill explained that the \$4,233.39 entry to her is reimbursement for use of her credit card to purchase the new computer equipment.

Council Member Drogin motioned to pay the bills as presented. Council Member Henry seconded the Motion. Mary Erley and Council Members Drogin, Henry, and Hill approved the Motion. The Motion passed unanimously.

17. Closed Meeting (if needed).

None.

Council Member Drogin motioned to adjourn the Meeting. Council Member Hill seconded the Motion. Mary Erley and Council Members Drogin, Henry, and Hill approved the Motion. The Motion passed unanimously.

Adjournment: 9:10 P.M.

APPROVED:

ATTESTED:

David D. Erley, Mayor

Jil Kulander, Town Clerk