

Fairfax Town Council Minutes
Adjourned Town Council Meeting
Fairfax Women's Club
Monday, February 13, 2012

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Larry Bragman
Pam Hartwell-Herrero
Ryan O'Neil
John Reed
David Weinsoff

STAFF MEMBERS PRESENT: Michael Rock, Town Manager
Jim Moore, Planning Director
Judy Anderson, Town Clerk

Mayor Hartwell-Herrero called the meeting to order at 7:05 pm.

Approval of the Agenda and the Affidavit of Posting

M/S, Bragman/Reed, Motion to approve the agenda and the affidavit of posting.

AYES: All

Open Time:

Valeri Hood, Dominga Ave., reported that legislation allowing drones in U.S. Airspace had just passed in Congress.

Jean Bell, Dominga Ave., stated that the traffic light was unfriendly as you crossed at Sir Francis Drake and Claus to the Good Earth store.

Discussion and Consideration of Action to be taken in light of Recent CPUC Decision Regarding Smart Meter Opt-Out Plan - Bragman

Councilmember Bragman provided the background to the recent CPUC decision and the history of the smart meter opt-out plan as it evolved. He reported that the recent decision provided for a second phase of the CPUC hearing to receive testimony on the basis for the costs proposed for those who opted-out of smart meter installations and for the consideration of a community-wide opt-out. He explained that the discussion was on the agenda to decide what action could be taken by the Town. He recommended that efforts be made to keep the status quo until the process was completed and suggested that a more focused approach would be to file for a stay of the order until after the Phase 2 hearings. He cautioned that those on the delay list should let PG&E know that they wanted to opt-out; that he had been assured that no fees would be charged until, and if, the Town was slated for installation of smart meters; that there had been no analysis of the fees; and that the fees advertised to opt-out were keeping people from opting out.

Mayor Hartwell-Herrero opened the discussion to the public:

Roger Barston, Porteous Ave., suggested that interested communities could work together to explore options to save money; that he didn't think PG&E was really interested in other options;

that he felt that they needed to make demands; and that he would like to see good communication to the whole community on the subject.

Judy Hitchcock, Chester Ave., stated that the Phase 2 hearings could change the amount to be charged to opt-out; that it seemed like a stay or an injunction would be possible; and asked if the ultimate cost would be based on the actual cost.

Mark Bell, Dominga Ave., stated that over 80% of Fairfax residents would not be customers of PG&E, but of the Marin Energy Authority; that we shouldn't be giving money to PG&E; that the CPUC was operating illegally; that Smart Meters lasted half as long analog meters; and that to charge \$75 to install something that was already installed was robbery.

Carol Page, Unincorporated Marin resident, stated that even the arrogant Mr. Peevey could not act illegally; that there was a lot of support for opting out of the Smart Meter program; that the CPUC was relying on the information provided by the utilities, incorrect information; that it was about covering up and the ability of utilities to make more money; that the CPUC had admitted that there wasn't security of information in the plan; expressed hope that the Council would take action to set an example for the nation; that Fairfax had the ability to change the game; and urged the Council to go forward with their efforts against the Smart Meters.

Janet Feriola, Forrest Terrace, expressed concern about the certified letter she received from PG&E; that it would be great if the citizens all had a uniform statement to return to PG&E that they were opting out but didn't agree to the fees charged.

Mayor Hartwell-Herrero asked if people could make a simple statement that they wanted to opt out but objected to any charges.

Councilmember Bragman suggested that residents opt-out under protest; that it was probably a safe thing to do without a fee; and that a setup fee could be incurred.

Roberta Andes, Snowden Lane, asked if the moratorium extended to the unincorporated areas of Fairfax. She also stated that it was her understanding that PG&E would not be installing Smart Meters on homes with solar panels.

David Smadbeck, as a representative of the Board of Realtors, stated that they disagreed with the additional fees to keep the analog meters; that because of the safety and privacy issues, the Board of Realtors had asked for an opt-out option, and they would continue to explore alternatives and map strategies.

Nancy Bennett, Marin County resident, stated that PG&E was planning to replace analog meters with another kind of meter and were not planning to reduce the cost for those who got Smart Meters for the elimination of the cost of meter readers. She further stated that Peevey, as the former CEO of a utility company, shouldn't have been serving on the CPUC.

Joseph Odom, Porteous Ave., stated that he was very proud of the work that Councilmember Bragman had done; that the public was at a disadvantage with a person like Peevey running things; that they should put pressure on Governor Brown to remove Mike Peevey from the CPUC; presented talking points for the letter to be sent including Peevey's cozy relationship with PG&E; the fact that he had rubber stamped all raises to the utilities for the last ten years; that the utilities like PG&E needed stricter oversight; that Fairfax supported Senate Bill 981 introduced by Senator Leland Yee proposing new rules about utility employees not serving on the CPUC for a period of time after their employment; and to say that Peevey was an embarrassment to his administration

Frank Egger, Meadow Way, stated that appearing in front of the CPUC was like a hearing in front of PG&E; that he had appeared three times before the CPUC; that Peevey allowed him one minute to speak which was outrageous; that in the days when the Coastal Commission was holding contentious hearings, speakers were given three minutes, two minutes at the least. He reported that when he called PG&E to opt out he was told he would be charged \$75 for a new meter; that he had received a certified letter from PG&E and had to pick it up from the post office; and that he was told that 300 such letters were sent out. He told the Council that they were doing a great job and urged them to keep it up.

Linda Browner, Mill Valley, extended her gratitude for the Council's efforts; expressed concern about how to educate the public about the bad effects of smart meters; stated that she would love to hear any ideas about community-wide communication/education; asked if there were any plans to extend their efforts to Mill Valley; stated that her family had rental properties in Marin that they wanted to make Smart Meter free; and asked if every time the tenancy changed, whether they would have to pay \$75.

Susan McConneloug, Forrest Ave., stated that she was interested in the subject and the effect of electro-magnetic fields (EMF's); that she was a nutrition consultant; that a gas Smart Meter had previously been installed at her house; that she didn't have an electrical meter; that she had a sign at her house against smart meters; and that she had information about EMF's and offered to send it to people interested.

Yvette Wakefield, Main Court, stated that she had looked for places to rent in the County and that there were smart meters everywhere; related a story about a group of people who asked not to have the meters but were unsuccessful; stated that PG&E did geoen지니어ing in the Bay Area; and that she hoped to stay in Fairfax.

Valeri Hood, Dominga Ave., asked if they had the support of the entire Council for a stay of the order; stated that she had lots of door hangers about delaying and opting out of smart meters; and thanked the Council for all their efforts.

Tony Yudice, Forrest Terrace, stated that opting out when your neighbor didn't was contradictory and that he was concerned about the health effects of the communication from the meter to the appliances in their homes; stated that there was already a wireless communication happening with appliances; and stated that Fairfax should opt-out as a community.

Councilmember Weinsoff suggested if something was posted on Facebook about smart meters that it would get around the county pretty fast and could get Governor Brown's attention.

Sierra Salin, Cascade Drive, thanked the Town Council and the audience for being involved; stated that we lived on a finite planet and were terrible stewards; that we did not own the earth; that the current corporate culture was corrupt; that Smart Meters were about profit and didn't have anything to do with saving energy; that public utilities were not serving the people; and that the CPUC was not watching out for us.

Mary Beth Brannan, Bolinas, thanked the Council for standing up on the issue; that it was Peevey's idea to introduce Smart Meters, not PG&E's; that she thought he was leading the charge internationally for Smart Meters; that the primary reason Peevey wanted Smart Meters was for dynamic pricing with rates changing hourly; that the Attorney General of Illinois called it "pickpocketing;" and suggested that the Town might want to consider discussing the possibility of the Town and the County hiring their own meter readers.

Shematsaya, Wesson Lane, stated that she didn't want to lose the brain trust and suggested that it was time to form some volunteer teams to provide a cohesive place to gather and start building the resistance; that there was no indication that the second phase was going to get them anywhere; that there was a petition circulating online with "Move On;" that some people should lobby Google to get the Town fibered up; asked how she and others could help and not just leave it up to the Council; asked that Fairfax be the model, along with West Marin; and asked about the process and objected to the possibility of PG&E deciding whether or not her analog meter needed to be changed.

Alexander Binik, Meadow Way and representing the Detox Institute, stated that PG&E initiated the wireless meters, not the CPUC; thanked the Council for their work on the issue; expressed anxiety about what would happen after May 1st, the deadline for informing PG&E of the preference to opt-out; that the option should also be made available to commercial accounts in Phase 2; that there could be a lot more community education; and that people who were not suffering symptoms wouldn't necessarily opt out.

Councilmember Bragman, in response to a question from Mallory Geitheim, Willow Ave., explained that PG&E was a privately owned utility and that they remained responsible for the wiring to the homes and the billing for the Marin Energy Authority.

Mallory Geitheim, Willow Ave., suggested that if the Smart Meter was so wonderful, why couldn't people opt-in instead of opting out and that people didn't want to pay for something that was not their choice that they already had.

Jean Fleming, Santa Cruz, stated that a report had been done in Santa Cruz about the health risks associated with SmartMeters that would be of interest to Fairfax (Councilmember Bragman noted that it had been included in the Council packet) and that any community-wide opt-out needed to specifically state that commercial properties were included.

Izasha of Mill Valley, stated that she had developed health problems from her meter and was touched by the support of the Fairfax community, and that every town council should be like the Fairfax Town Council.

Mayor Hartwell-Herrero summarized the actions to be taken as: (1) keep communications open with PG&E and to maintain their assurances that no rollout of SmartMeters in Fairfax would happen without notification, including commercial properties; (2) keep the option open to file a Stay of the CPUC order if needed; (3) draft a letter to Governor Brown regarding President Michael Peevey; (4) explore long term options such as fiber optic and internet reporting by utility customers; and (5) keep information on the Town's Web site on the issue up to date including information on how to opt-out.

The Council recommended that customers opt-out under protest and to object to any charges to opt-out. The Council acknowledged that the threatened fees to be imposed were keeping residents from opting out and clarified that fees wouldn't actually be imposed until after the Phase 2 hearing before the CPUC.

Adoption of Resolution No. 12-12, a Resolution of the Town Council of the Town of Fairfax in support of the Marin Energy Authority's application to the Sustainable Growth Fund Grant and Incentive Program - Bragman

Councilmember Bragman presented a report.

Town Manager Rock stated that there had been a lot of work behind the scenes to get the program started; that Sonoma County had provided a model; that the Marin Energy Authority had expressed interest in taking on the project; and that the County had agreed to handle the tax billing.

M/S, Bragman/Weinsoff, Motion to adopt Resolution No. 12-12, a Resolution of the Town Council of the Town of Fairfax in support of the Marin Energy Authority's application to the Sustainable Growth Fund Grant and Incentive Program.

AYES: All

The meeting was adjourned at 8:55 p.m. in memory of Amy Belser.

Respectfully submitted,

Judy Anderson, Town Clerk

DRAFT