

**SELECTMEN'S MEETING  
MONDAY, JUNE 2, 2008**

**#26-08**

**20**

Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons Pat Allen, Patricia Pruitt and Allen Ross; Town Administrator Frank Abbondanzio

**Reorganization of Board of Selectmen**

*Pruitt made a motion to appoint Allen Ross, Chair of the Select Board for next year. Seconded by Allen. Approved unanimously. Pruitt – Aye, Allen – Aye, Ross – Aye.*

Ross: Thanked Pat Allen for doing a great job, of always being up on all the issues and being able to Chair meetings very fairly. When possible, sticking to your time lines, but also allowing people the chance to share their opinions. Thank you also for keeping us posted on many, many activities in Town.

*Allen made a motion to appoint Patricia Pruitt to be the Clerk of the Board. Seconded by Ross. Approved unanimously. Allen – Aye, Pruitt – Aye, Ross – Aye.*

**Approve minutes of April 28, 2008 and May 5, 2008**

*Allen made a motion to approve the minutes of the April 28, 2008 meeting. Seconded by Pruitt. Approved unanimously with corrections. Allen – Aye, Pruitt – Aye, Ross – Aye.*

*Allen made a motion to approve the minutes of the May 5, 2008 meeting. Seconded by Pruitt. Approved unanimously with corrections. Pruitt – Aye, Ross – Aye. Allen abstained, as she was not at this meeting.*

**Liquor License Hearing – Turners Falls Rod & Gun Club.**

Request to have Raymond LaRochelle as manager of the Rod & Gun Club replacing Jason Thorpe.

*Allen made a motion that the Board appoint Raymond LaRochelle to take the place of Jason Thorpe as the manager for the Turners Falls Rod & Gun Club, effective immediately and send it down to the ABCC. Seconded by Pruitt. Approved unanimously. Allen – Aye, Pruitt – Aye. Ross - Aye*

**Discuss property appearance and security at 72 Unity Street**

- Ray Jarvis responded to a visit he received from Gina McNeely, Director of Health, regarding management of some material on his property at 72 Unity St. 30 years ago, Town asked Mr. Jarvis to put trees up on Avenue C, so the fence and business would be hidden. 85 trees were put in along Avenue C and he understood that the Town would maintain the undergrowth because it was on town property, which they did for about 15 years.
- Lengthy discussion about the problems Mr. Jarvis has had with neighborhood kids and damage to his property.
- Gina McNeely responded to a complaint from a resident on Avenue C and states she did not trespass on his property. Under the Housing Code, any parcel of land needs to be clean and neat and free of debris. Also, it is cited under the Nuisance Law, Mass. General Law 131. Her report was written as per the pictures that she took and asked Mr. Jarvis to clean it up. Since then some repairs have been made. A stockade fence has been put up.
- A lengthy discussion was held and Mr. Jarvis will be meeting with the Board of Health to discuss this further and the Highway Dept. will be contacted about looking at the trees, and the police to increase their surveillance.

**Bob Trombley, WPCF Superintendent, Franklin County Solid Waste District Memorandum of Understanding**

*Allen made a motion that we sign the MOU between the Franklin County Solid Waste Management District and the Town of Montague for the hauling and disposal of sludge with Wall Trucking, Inc. indicating that the level pricing for hauling sludge at \$0.0296 per gallon and the disposal tip fee at \$283.40 per dry ton for the year beginning July 1, 2008 and ending June 30, 2009. Seconded by Pruitt. Approved unanimously. Allen – Aye, Pruitt – Aye, Ross – Aye.*

**WPCF Operations Building Code Compliance Issue**

Trombley: We came to the Board a number of months ago after having met with the Fire Chief, the Building Inspector and the Town Electrical Inspector in regards to the classification of the operation building. The building was built in 1982 and it has a direct opening from the main building into the head works. There is a potential to receive gasses and fumes from the head works that are hazardous. This creates a Classification 1, Division 1 space,

**SELECTMEN'S MEETING  
MONDAY, JUNE 2, 2008**

**#26-08**

**20**

where everything that is in that space, by the new code, not by the code when the building was built, which only considered the head works of Class I, Div I space. The entire facility now, by virtue of the opening into the head works is rated under the newer codes as a Class I, Div I area making it very difficult for us to improve and/or repair things. Theoretically at that point, we would have to make everything explosion proof. There are a number of issues involved with that; one of which is expense, because an explosion proof motor is four or five times more expensive than the standard motor. Then you get into other issues. We did meet with all three of the inspectors last Thursday and with CDM and we kicked around the response to the compliance issues, and we believe we have come up with a plan that addresses all of the major issues. We have modified the plan since the meeting to include building a partition area around the two sludge storage tanks because of the same issue. This was e-mailed on Friday to everybody involved hoping that they would have a chance to look at it.

All the inspectors were in agreement that Bob has addressed many more of the issues and thinks it makes sense to continue down this path, because it does now isolate the rest of the areas of the building so there can be unclassified locations so that we don't have to worry about changes coming forward.

*Allen made a motion to endorse the concept indicated on the sheet for the Operations Building Code Compliance Issues dated May 28, 2008, de-classifying some of the areas of the plant and explosion proofing the Head works Room with the understanding that we will get a more detailed and final cost estimate at some point in the future. Seconded by Pruitt. Motion was approved unanimously. Allen – Aye, Pruitt – Aye, Ross – Aye.*

**CSO Project Update**

Trombley: The project is coming along very well. They are actually backfilling around the wet weather chlorine contact tank. On Wednesday, they will start cutting sheeting that was a safety protection barrier for the excavation because it was so deep. They are going to cut that 3-1/2 – 4 ft. below grade. They are putting in trench drains in around the footing of the chlorine contact tank showing the walls.

**Town Administrator's Report**

• **World Elder Abuse Awareness Day (WEAAD)**

This was requested by Anna Viadero of the Franklin County Home Care asking if the Board could adopt the resolution which is World Elder Abuse Awareness Day Proclamation.

*Allen made a motion to accept the World Elder Abuse Awareness Day Proclamation . (Pruitt read the proclamation into the record). The Select Board on behalf of the Town of Montague proclaimed June 15, 2008 as Elder Abuse Awareness Day. Seconded by Pruitt, approved unanimously. Allen – Aye, Pruitt – Aye, Ross – Aye*

Lengthy discussion about different groups in town that might be looking out for the elderly.

**Request from Building Committee to Appoint Paul Voiland**

*Allen made a motion to appoint Paul Voiland as of May 22, 2008 as a voting member of the Montague Public Safety Building Committee in place of John Zellmann and to make Capt. Zellmann a non-voting member of the same Committee. Seconded by Pruitt. Approved unanimously. Allen – Aye, Pruitt – Aye, Ross – Aye.*

Pruitt stated that Mr. Voiland is sort of a geo-thermal brain trust on the Police Building Committee and he is one of them. He is a good addition to have in the voting area. Ross mentioned that he has a wide range of skills. Allen said that he has been on the sub-committee.

**Sign Election Warrant (Proposition 2-1/2 override)**

*Allen made a motion that the Election Warrant for June 16, 2008 include the questions: "Shall the Town of Montague be allowed to assess an additional \$150,000 in real estate and personal property taxes for the purpose of funding the FY 2009 appropriation for the maintenance of the town departments for the fiscal year beginning July First Two Thousand and Eight?" There will be a block for "YES" and there will be a block for "NO." The voting time is from 7 AM to 7 PM at the six precincts. Seconded by Pruitt. Motion approved unanimously. Allen – Aye, Pruitt – Aye, Ross – Aye.*

**SELECTMEN'S MEETING  
MONDAY, JUNE 2, 2008**

**#26-08**

**20**

**Sign Special Town Meeting Warrant**

The Special Town Meeting will be held on Tuesday, June 17, 2008. There are five Articles on the Warrant.

*Allen made a motion to place ARTICLE 1, on Special town Meeting Warrant for June 17, 2008 which says "To see if the Town will vote to rescind the appropriation balance of Article #14, from the June 2, 2007 Warrant (Montague Center Roof) in the amount of \$62,525, and further rescind the remaining borrowing authorization of \$62,535, or pass any vote or votes in relation thereto." Seconded by Pruitt. Approved unanimously. Allen – Aye, Pruitt – Aye, Ross – Aye.*

*Allen made a motion to place ARTICLE 2, on Special Town Meeting Warrant for June 17, 2008 which says "To see if the town will vote to change the name of Old Federal Street to Dewolf Road, or to pass any vote or votes in relation thereto." Seconded by Pruitt. Approved unanimously. Allen – Aye, Pruitt – Aye, Ross – Aye.*

*Allen made a motion to place ARTICLE 3, on Special Town Meeting Warrant for June 17, 2008 which says "To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$7,893,252, or any other amount, for the purpose of paying the Gill-Montague Regional School District for Montague's share of the FY 2009 assessment for the yearly operation of the Gill-Montague Regional Schools, or pass any vote or votes in relation thereto." Seconded by Pruitt. Approved unanimously. Allen – Aye, Pruitt – Aye, Ross – Aye.*

*Allen made a motion to place ARTICLE 4 on the Special Town Meeting Warrant for June 17, 2008 which says: "To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money for the maintenance of the several departments of the Town, Article 7 and 9 (actually 10), unless we discover that those are the incorrect numbers, then the correct numbers need to be put in place and to take such action as may be necessary to adjust or approve the budget voted at the 2008 Annual Town Meeting, or pass any vote or votes in relation thereto." Seconded by Pruitt,*

Discussion followed regarding whether the Board wanted the whole Annual Town Meeting opened up for discussion or just the two articles mentioned.

*All those in favor of the amended motion. Allen – Aye, Pruitt – Nay, Ross – Aye. Approved 2 - 1*

*Allen made a motion to place ARTICLE 5 on the Special Town Meeting Warrant for June 17, 2008: "To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$150,000 into the Stabilization Fund, said sum to come from the Overlay Reserve Account or pass any vote or votes in relation thereto." Seconded by Pruitt. Approve unanimously. Allen – Aye, Pruitt – Aye, Ross – Aye.*

Jeff Singleton: The Town will send a letter to Gov. Deval Patrick, the State Department of Education, Senator Stan Rosenberg and Representative Steve Kulick.

Allen: So you want a Warrant Article to see if Town Meeting will send this letter?

Jeff Singleton: Let me just justify it. Do you want me to read the letter?

Ross: Let us read it Pruitt read the letter as follows:

"To Governor Patrick, the Department of Elementary and Secondary Education, Senator Stan Rosenberg and Representative Steve Kulick:

Enclosed please find the budget summary and assessment calculation for the Gill-Montague Regional District. On the basis of these numbers, the district had presented this town meeting with an assessment request of over \$800,000 to fund our local schools. This request is for a budget that has been described as nearly "level services". Unfortunately, our local revenues available for all town services and assessments generally increase by between 4400 and \$500,000. This year is no exception.

The assessment calculation shows that a central reason for the unsupportable-GMRSD request is that state aid to the district has been virtually level funded. This has been essentially the case for the past seven years. The state has

**SELECTMEN'S MEETING  
MONDAY, JUNE 2, 2008**

**#26-08**

**20**

recently completed two reports about the district, which has been declared "under-performing" partially for financial reasons. Neither of those reports presents any evidence that the school district can survive with level-funded state aid, which accounts for over 40% of its revenues.

We have heard state officials tell us that "there is no more (state) money" for our schools. We appreciate the first constraints at the state level. We wish to report that "there is no more money" on our end either! Wouldn't a collaborative effort to solve this problem be fairer than just dumping it in our local laps? Sincerely, Montague Town Meeting"

Discussion whether or not article should be placed on the warrant, what is the best way to submit letter and how it should be submitted

*Allen made a motion that we add ARTICLE 6 to the Special Town Meeting which is a letter to Governor Patrick, The Department of Elementary and Secondary Education, Senator Stan Rosenberg and Representative Steve Kulik. It is basically the first line as the same as Patricia already read, the second one would be: On the basis of these numbers, the district had presented this town meeting with an assessment increase request etc. This request is for a budget that has been described as nearly "level services." Unfortunately our local revenues, etc. This year is no exception. The next paragraph would be ending with neither of those reports presents any evidence that the school district can survive with level-funded state aid, (which accounts for over 40 percent of its revenue), then continues on as was read before. Approved unanimously. Allen – Aye, Pruitt – Aye, Ross – Aye.*

**Discuss Franklin Regional Council of Government conducting cost and benefit analysis of the Town's Inspection services (building, plumbing, wiring, health and nurse)**

Response received from Linda Dunlavy of the FRCOG was that without a very thorough analysis of the Town's costs, and current services, they don't know whether they could provide the same level of service and there would be a cost savings to the town. The FRCOG would be willing to work with the town to conduct such an analysis during FY 2009 so that both the town and the FRCOG can determine if there is a cost savings and service benefit beginning in 2010. So it wouldn't take effect in the next fiscal year, but it would in the following fiscal year, if it turned out that it was beneficial. To conduct an analysis that provides meaningful evaluative information, we would need to work together both collaboratively and openly. We will be working with Greenfield to explore the same question so I expect we will be able to develop an analysis model that will work for both towns. She would appreciate our Board's consideration of this resident's request. We should let her know if we would like to work together in FY 2009 to analysis inspection services. They would also like to know if we have other areas that should be considered and assessed.

Allen: Because the letter was addressed to me I actually talked to Linda Dunlavy. I also brought up the Animal Control Officer, which I just saw in the paper, that Greenfield is also having an issue with. One of the things that Linda said is that any analysis they might do, would be done over several months. They would not be whipping something out in one week and that both Montague and Greenfield are large enough that there are many other services that our departments are offering us that small towns don't need or don't need very often. She suspected this would be far more complex than anything they have dealt with in the past. In fact, she kind of started by saying that I don't think this is actually going to work for you, but we are willing to do this study. My feeling was that we probably should ask them to look into it because the question has come up before and it will continue to come up. If we get a good analysis, then we will have an idea whether this makes any sense or not and we won't keep rehashing, should we or shouldn't we, and they are certainly willing to do the analysis for us.

General discussion about the issue and whether or not it may or may not be beneficial to the Town.

J. Golrick suggests stop spending the money with the FRCOG and put it into the budgets of the departments the Town is having compared.

Rick Kuklewicz, Wiring Inspector points out how the Inspection Department side brought in approximately \$62,000 in revenue last year and they have a \$100,000 budget. Greenfield has a different model on how they pay their electrical and plumbing inspectors. It is much more beneficial for those guys. He believes the inspectors in

**SELECTMEN'S MEETING  
MONDAY, JUNE 2, 2008**

**#26-08**

**20**

Greenfield keep all but about five per cent of the fees; in Montague, he gets paid when he does an inspection. With the peak fees that are paid for Electrical permits the amount of money the Town raises more than doubles what the inspector earns in the course of a year. So there is actually some benefit to the town.

**Cross Easement Agreement to be signed**

The Building Committee met last Thursday and gave a final review to the cross easement portions of the agreements that will be filed with the ANR Plan and the deed transfer at the Registry of Deeds. The Prudential Committee signed off on this about three hours ago. Questions have been resolved and corrections were made. I would just request a signature and this is strictly the legal ease of the cross easement documents for the Public Safety Complex. We can walk on your sidewalk and you can walk on ours. The water line supply in both buildings can go through property lines, electric utilities, that sort of thing. It has been blessed by Kopelman and Paige and has been reviewed by the Building Committee. The changes that the Building Committee suggested last week really were changes that related to items that should be in the management agreement which will be the next step in the process. This is just the easement agreement between the Town and the District.

Discussion followed regarding the changes that were made, costs, and approval by Counsel.

Chief Godin: The ANR Plan is going to be filed with the Registry of Deeds on June 10, 2008 and presumably the deeds are going to get processed at the same time. The only reason I am looking for a signature tonight is so that we don't have counsel have to come back to add this to the pile of documents that it needs to get filed in the Registry of Deeds.

Matter has been put on hold. Will be discussed at a future date.

**Riverculture Concert**

*Allen made a motion to approve the Riverculture's request to have a Concert at Peskeompskut Park at the bandshell from 6 PM to 8 PM on Saturday, June 28, 2008. Seconded by Pruitt. Approved unanimously. Allen – Aye, Pruitt – Aye, Ross – Aye.*

**2<sup>nd</sup> Street Baking Company – Street Sign**

This matter will be back before the board at the next meeting due to the fact there are too many outstanding questions about the sign

*Allen made a motion to table this request. Seconded by Pruitt. Approved unanimously. Allen – Aye, Pruitt – Aye, Ross – Aye.*

**Sign Appointments for FY'09**

*Allen made a motion to sign the fiscal year 2009 appointments for staff and Boards as we are allowed to do. Seconded by Pruitt.*

There are about 60 appointments here. Pruitt stated that it is all the annual appointments and all the appointments that are due to be renewed; not necessarily every board every member. Ross stated that there is one that he does not want to sign. Because we have staff and Board members, some of it comes down to really serious, and some of it is the re-appointing of people who have been on Boards and things like that. Why don't we take it under advisement and figure out how you want to do it?

Ross: I think we have to because we don't know if different people have reservations about different appointments. I know that there is one that I am concerned about. Why don't we hold off on that? Are there any other items that we want to talk about tonight.

*Allen made a motion for the Board to go into Executive Session for Collective Bargaining and come out only to adjourn our regular scheduled meeting. Seconded by Pruitt. Allen – Aye, Pruitt – Aye, Ross – Aye.*

Ross we have three people with questions.

**SELECTMEN'S MEETING  
MONDAY, JUNE 2, 2008**

**#26-08**

**20**

Kathy Schoedel: She lives in Turners Falls for 18 years. I lived in Greenfield for a while. I think we beat Greenfield for recreation. This is kind of a touchy subject that I understand has been brought up before. I live on 2<sup>nd</sup> Street and the problem is the noise from the 2<sup>nd</sup> Street Sports Bar. I don't know what the ordinance is. I was reading about the legal noise ordinance on the internet and it says that the legal noise is up to 83 per cent.

Ross: Do you want to have a pretty significant discussion about the noise ordinance because we do have an Executive Session that will involve a conference call with a lawyer at this point. I wonder if this could be put on an agenda for a subsequent meeting. Then maybe precede it with a little notice about what the issues are. It sounds like you are partially familiar with the documentation of the noise ordinance. Are you concerned about a violation of a noise ordinance?

I was just curious about what it is and I know it is kind of a toughie thing. It used to be touchy, now it is a regulation that needs enforcement. Also if you think there are potential violations, the Health Dept. can check it out also.

\_\_\_\_\_ I don't know if there is a violation or not.

Ross: That would be a good route to get the document, review it, go to the Health Dept. and maybe they would make the measurements with the certified equipment and we'll come back and see where to go from there.

David Detmold: Did you vote on the idea of COG doing that study and did you get it approved?

Ross: I think you are probably right. I don't think it went through the discussion that there was a formal vote. I think it was a general feeling to go forward

*All those in favor of making a preliminary contact with the COG about sharing joint services. Allen – Aye, Pruitt – Aye, Ross – Aye.*

John Reynolds: I thought we had only one union contract we had to negotiate with.

Allen: They are all open. There have been meetings and nothing has been resolved.

\_\_\_\_\_ I just had a question about the first article about the Montague Center roof. Was that to rescind, why was it rescinded?

Abbondanzio: We didn't need the whole amount that was appropriated.

Ross: The roof was fixed. A larger amount of money was allocated, and there is extra money.