

**SELECTMEN'S MEETING  
TUESDAY, May 24, 2010  
UPSTAIRS MEETING ROOM  
AGENDA**

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Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons Patricia Allen, Mark Fairbrother, Chris Boutwell; Town Administrator, Frank Abbondanzio; Administrative Secretary, Wendy Bogusz; Bill Drake, Montague Reporter; Arn Albertini, Greenfield Recorder, Jeff Tirrell, WHAI

**Approve minutes of May 5, 2010**

*Fairbrother makes the motion to approve the minutes of May 5, 2010. Seconded by Allen, approved unanimously.  
Fairbrother – Aye, Allen – Aye, Boutwell - Abstain*

**Mark Canon, LaBodega, Noise Complaint Hearing, Chief Raymond Zukowski, Gina McNeely, BOH Director**

Allen: You were granted a permit for Mothers Day, and in the wake of that we received quite a few complaints. At the time we expressed concern about noise and how loud it would be. To be fair to everyone we wanted you know there have been complaints from the neighborhood and be aware that it makes it difficult to probably give you another permit anytime soon.

Canon asks to hear nature of complaints

Allen: Two issues have arisen. One is the loudness of the specific event and the size of the speaker and the other issue is apparently there is ongoing music at an outside speaker that is on very often. There is great concern that the music can be heard through windows and doors..

Canon: We had the same DJ as last year, the music was a little lighter, he brought the same equipment, same players. An officer came down at 11:15 AM to say they received a complaint.

Discussion about how speaker is placed outside of the building and that it is bothering others.

Canon: Had speaker outside all last summer. No officer has said it was loud, only that it was played continuously. Noise meter has never been used to test the noise level at his establishment. At no time has anyone come down and said I was in violation of any bylaws.

Gina McNeely: I was there to inspect food service operation at the event. My observation was the music was pretty loud and it was turned down so I could talk to the cook.

Zukowski: My concern is it is affecting the whole neighborhood. We have to try and work something out so everyone can get along. Your response back to the people doesn't always help your (Canon) cause. When you become almost into a threatening or sarcastic mode, it is hurting the whole neighborhood. Eventually you are going to be charged with disturbing the peace.

Canon: Then I will be fighting the Town of Montague. If the Town can't use the piece of equipment the taxpayers bought to justify we are violating a bylaw, then.

Zukowski: You don't need the meter on the bylaw. Noise complaints are usually at night.

Fairbrother: On the Sunday celebration I drove by a couple of times, and I sat there for 15 – 20 minutes watching, listening, taking it all in. I could hear the sound echoing off the buildings. I would not want to listen to the music all day long, day after day.

Boutwell: Did a drive by himself, first thought was it wasn't a good way to start out between him and Mark. If he lived across the street he wouldn't be happy living there.

Jean Hebden: Doesn't hear the daily music. He had a permit for his event on Sunday. Doesn't believe the music is hurting the whole neighborhood; he was giving away the food; the event ended when he said it was going to; no louder than any other event that is held in town; he had permission to have the event.

Chris Sawyer Luacano: I was by a couple of times on that Sunday and agrees music was loud but it was a mellow event; nothing was getting out of hand; seemed to be a nice celebration. I think there is a problem for suddenly going after Mark

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and Labodega for a permitted event on a Sunday afternoon. His music was no louder than anything I've heard on the Avenue before. I walk by the store frequently, but can't always hear the music, depends on which way the wind is blowing.

Zukowski: It's more than one day, the permit was granted, but when it is a couple complaints 3 – 4 times a week, it's bothering somebody. We've made strides in this town, I don't want to go backwards.

Erin Grady: I'm at Mark's store every day, there is one particular neighbor who is horrible to Mark. Mark does a lot for the latin community and I encourage it. It is a positive thing; we want everyone to be equal.

Detmold: Lives on Fourth Street and has never heard the music. Neighborhood had the chance to weigh in when he came for his permit. Support Selectboard for allowing him to have the event. You have to realize in the downtown where we all live very close together, if we're going to have an actual cultural life, we're going to have some noise sometimes. People won't always like it, but if it is within the limits that have been set by the Selectboard that ought to be supported.

Allen: Suggests speaker be moved so it is not facing neighbors, and face the patrons.

Pruitt: I talked to several people who appreciate the music and they say it is loud enough to hear in their house, but when they turn their own stuff on they don't hear anything. It was indicated in the police reports that the Chief did not recommend granting a permit this year on Sunday, and I don't recall any reasons why didn't want to grant it. Thinks the everyday music be moderated, so when he has his special event the community can enjoy it. We don't want to single someone out and make them a victim.

Hebden: This is still downtown. Someone is loud all the time. His noise is no worse than the normal noise.

Allen: I suspect if it was just that day, people would have been okay with it, but it is the constant noise that people are complaining about.

Canon: There has only been one person complaining. I'm running a community store for the community, we are good neighbors. If someone comes to me and says the music is too loud...

Allen suggests again that he move his speaker to be aimed at his customers, rather than across the street.

Canon says he will try moving the speaker and if someone has a problem they should come into his store and tell him they have a problem and he will try to resolve the problem.

Zukowski will continue to monitor the situation, talk to Mark and hope things will level off.

Allen thanks everyone for coming to the meeting

**Town Administrators Report**

**Amend contract with Berkshire Design Group, Inc. to construct Skate Park**

Abbondanzio: We did award the design work to Berkshire Design Group in response to our RFP and we are now expanding it to address the skate park design.

Dobosz: Hope to hear status of Phase I funding sometime in July, Phase 1 would start late August, late September.

*Fairbrother makes the motion to approve addendum #1 for the contract between the Town of Montague and Berkshire Design Group, dated May 24, 2010 for the design services indicated for the Montague Skate Park at \$17,650. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Allen – Aye*

**Other**

- Invitation from TFHS to attend Awards Night and Graduation – No one is available to attend

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- Received letter from UMASS Dept. of Anthropology, Certificate Program In Native American Indian Studies commenting on the work we are doing working with the Native American tribes on the Culture Park and they are offering to help us out where ever needed.

**Set date for Pre-Town Meeting**

There will not be a Pre-Town Meeting

**Green Communities Act**

Abbondanzio: The deadline has been extended to next Friday, and hope to have an application signed at the next meeting. Walter has come up with a \$1,000,000 in projects

*Fairbrother makes the motion to appoint the following to the Planner Selection Committee: Frank Abbondanzio, Sean Werle, Greg Garrison, Patricia Pruitt, David Jensen, Chris Janke, Jason Burbank, Donald Valley, Lisa Davol and Lynn Reynolds. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Allen – Aye*

Received letter from PERAC today, Everyone has been holding their breath about the way the market slide impacted the Town's pension system. Fortunately there was some recovery at the end of the year and our funded ratio was at 80.5% which is really good. We were at 84.3% in January 2008, so we didn't lose that much. Once it was paid off the thought was that we would start to address some of the other unfunded liabilities.

**Other**

Allen: TF Fire district is talking about ambulance service for the town of Montague. There will be informational meetings throughout the Town and the first one will be held on Tuesday, May 25 at 6:30 at the Montague Center Grange, the next one is 5/26 at 6:30 at the Alliance Hall in Lake Pleasant, 5/27 at 3:30 PM G/M Senior Center and 6/3 at 6:00 at the Millers Falls Library. The same information will be discussed at each meeting.

Fairbrother makes the motion to adjourn *the meeting at 8:15 PM. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Allen – Aye*