

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, November 28, 2011**

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

Fairbrother opens the meeting and announces the meeting is being taped

Approve Minutes of November 14, 2011

Allen makes the motion to approve the minutes of November 14, 2011. Seconded by Boutwell, approved unanimously. Allen, Aye, Boutwell – Aye, Fairbrother - Aye

Allen notes the passing of Joyce Cote recently and she was important to the Town of Montague and particularly Lake Pleasant, she will be missed.

FY2012 CDBG Public Hearing

Abbondanzio reads legal notice into the record

Abbondanzio: Update on FY2011 CDBG Program Unity Park Phase 1, procurement of landscape architect for bidding and construction administration, bidding will take place January 2012, anticipated completion date is June 2012. Housing Rehab, Montague's target area #1, 3 units processed, inspected and prioritized for Housing Rehab funds, \$81,215 available for housing rehab. FY2012 CDBG application process is what we are engaged in right now, the funding source is Federal funds through the Housing and Urban Development Department that goes through the Department of Housing and Community Development state agency. There is a National Objective that is met by the program to benefit low to moderate income residents. Activities being proposed for this application are: Housing Rehab, Unity Park Phase 2 that satisfies the public facility component of the block grant program, this would fund 2nd half of construction work to be done in the following construction season.

Hunter hopes to advertise in late summer of 2012 and complete entire project by November/December 2012.

Hearing opened up to residents comment and concerns:

Pat Allen looking forward to having a new and improved Unity Park and for the project moving along

Boutwell thinks people will be happy to have a paved parking lot

Allen: Phase 2 would cover the Multipurpose fields, Basketball Court, Parking Area, Picnic Area, and new activity areas including an exercise path, community garden, sand volleyball court and 2 interpretive areas, there is something for everyone.

Dobosz: This will create foundation for new things that could happen in park and will provide the opportunity for expansion of programs. Accessibility plays a huge part in this.

Abbondanzio: Unity Park, Phase 2 is: \$451,000 and Housing rehab program is \$179,000 for 5 units

Hunter discusses scoring process

Hearing is closed at 7:10 PM

Crystal Spring Investments, LLC d/b/a Millers Pub

• Transfer of Stock and New Officer/Directors of All Alcohol Liquor License

Boutwell recuses himself

Tammy Berard: There were three members and now Ms. Berard and Mr. Tolzdorf have bought the other member out and would like his name removed from the liquor license

Allen makes the motion for transfer of stock and new officers/directors of an all alcohol liquor license for Crystal Spring Investments, LLC d/b/a Millers Pub in Millers Falls indicating there will be 2 individuals rather than 3 as

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owners/directors and all property in seconded by Fairbrother, approved unanimously. Seconded by Fairbrother, approved unanimously. Allen – Aye, Fairbrother – Aye, Boutwell abstained from this portion of the meeting

Boutwell returns to the meeting

- Congratulations to Turners Falls football team who won their game on Thursday and who are now in the playoffs

Town Administrators Report

Sign Turnpike Road Energy Park Planning Services Contract

Allen recuses herself from the meeting: 7:15 PM

Boutwell makes the motion to sign the Turnpike Road Energy Park Planning Services Contract that has been awarded to the Cecil Group effective immediately in the amount of \$71,000. Seconded by Fairbrother, approved. Boutwell – Aye, Fairbrother – Aye, Allen abstained from this portion of the meeting

Allen returns to the meeting at 7:17 PM

Sign FY2012 CDBG Application and appoint Frank Abbondanzio as the Designated Environmental Certifying Officer and appointing Frank Abbondanzio as Designated Environmental Certifying Officer

Allen makes the motion to authorize the Chair to sign the CDBG Grant Application forms as necessary and appointing Frank Abbondanzio as the designated Environmental Certifying Officer in the 2012 Grant. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Sign Unity Park Phase I Agreement with Berkshire Design Group, Inc.

Allen makes the motion to sign the agreement between the Town of Montague and the Berkshire Design Group, Inc. for Phase 1 of the Unity Park Improvements Project for a total of \$20,720 with a final report being due September 30, 2012. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Sign Addendum to the Electricity Supply Contract between the Town and HCOG

Allen makes the motion to authorize the Chair of the Board of Selectmen to sign the amended agreement between the Town of Montague and the Hampshire Council of Governments known as Hampshire Power with the additional buildings and accounts being serviced as indicated on form dated November 22, 2011. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Sign Memorandum of Agreement with F.C. Sheriff's Office for the Regional Dog Officer, Control and Kennel (DOCK) Program

Allen makes the motion to approve the memo of agreement between the Town of Montague and the Franklin County Sheriff's Office for the DOCK program with a 3 year term and assessment up to \$250 for 2012 and up to \$1050 for 2013. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Letter of Commendation from Chief Zukowski on recent robbery's

Abbondanzio reads into the record the letter from Chief Ray Zukowski to Christopher Williams, Lee Laster and John Dempsey thanking them for a job well done, letter to be placed in files of all three individuals.

Letter from U.S. Postal Service District Manager re: Lake Pleasant P.O.

This is in response to a letter sent to U.S. Postal Service regarding closing of the Lake Pleasant P.O. Abbondanzio read letter into the record which states this is the start of data collection which helps them to decide how to proceed. There will be a community hearing for the public if it moves to the next stage.

Request for key to exterior door of Town Hall

Abbondanzio read letter from Barbara Miller into the record regarding request for Mr. Horace Moody, Moody Consulting to have a key to the building.

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Discussion about key policy

Fairbrother would like this tabled and speak to the individuals involved. Boutwell is uncomfortable with the way it currently is. Allen would like it clarified as to how long he will need to have a key.

Topics Not Anticipated Covered in the 48 hour Posting Requirement

Barrel stickers are available in the Collector/Treasurers office

Abbondanzio: This is a document that needs to be signed from the Regional Housing Authority it is a budget and program revision, an amendment that goes into the Dept. of Housing and Community Development to combine some funding that was made available for the Unity Park Phase 1 Project. Previously the Board voted \$40,000 for that purpose as a match and we authorized the Housing Authority to use \$37,700 that they have in Program Income that they were retaining for Montague at their office. They want to combine the grant award to \$77,700. There is no new money, basically it's just combining the money you already have.

Allen makes the motion to approve combining the amounts into one budget in program revision form document for the MASS CDBG grant program. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell, - Aye, Fairbrother - Aye

Invitation to Erving Senior Center Grand Opening on December 11, 2012

Capital Improvements Committee will be hearing a presentation on Thursday, 12/1 at 4:00 PM on the redevelopment on the Montague Center School and will be open to the public.

Energy project in this building has been completed and received our second reimbursement on the CDBG grant. We received about \$15,000 in WMECO rebates we are closing out that project.

Boutwell would like an update on the Railroad Salvage Building

Pole Location Hearing, William Leblanc Field Technician for WMECO

West Chestnut Hill: To place two (2) solely owned poles in a Westerly direction

There will be a separate tree hearing scheduled with Mass. Arborist and Montague Tree Warden. Mr. Pinardi made suggestions for placement of poles on plans shown and Mr. Leblanc states it is possible as long as it is within the Towns taking.

Allen makes the motion to approve the request from WMECO to place 2 solely owned poles in a Westerly direction on West Chestnut Hill Road as indicated on the plan, work order #6F120601 plan date 18 October 2011 and with the slight modifications suggested by the Pinardi's. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Pole Location Hearing

Chestnut Hill Loop: To place one (1) solely owned pole in a Southeasterly direction on the South side

Allen makes the motion to approve the request from WMECO to place 1 solely owned pole in a Southeasterly direction on the South side of Chestnut Hill Loop, work order #6F120601 plan date 18 October 2011 as indicated. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Pole Location Hearing

• East Chestnut Hill Road: To place two (2) solely owned poles in a Westerly direction on East Chestnut Hill Rd

This will create a loop so we can back-feed in case of an outage

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Allen makes the motion to approve the request from WMECO to place 2 solely owned poles in a Westerly direction on East Chestnut Hill Road, work order #6F120597, plan dated 18 October 2011 as indicated. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Mark Bernier, 208 Turners Falls Road, Montague

Complaints about condition of property at 205 Turners Falls Road, Montague

Bernier: I live in a nice part of town, pay a lot of taxes and I'm living across from a junk yard and there has to be by-laws, zoning laws, something that can get the property cleaned up. It looks absolutely terrible and I think something ought to be done about it. If we don't have by-laws in this town to do it, maybe it's time to change some things to get by-laws that can clean up things like this.

Abbondanzio: There is a need to beef up the unregistered vehicles by-law in particular. Something we can take to Town Meeting. There was wording in the new by-law proposed that would require that the vehicle be in an operable state.

Dawson's arrive and brought up to speed

Jensen: I requested that the recreational vehicle be moved to an appropriate location off the street. There are 4 building permits in progress or close to completion. The chimney is close to being done and getting final inspection; pool deck has a permit on it and not quite sure of it's future now that the pool is gone; there is a roofing permit out for the rear of the barn, and I signed off on a windows and door a few months ago.

McNeely: I've spoken to Mr. Dawson a couple of times. The first time he said he would move some stuff off the porch and he did, and it looks a whole lot better than it ever did. He put up a fence and I don't have any code or legal mechanism to force him to clean up the property. It is sort of subjective from a Board of Health point of view. There is language and various laws that says junk or solid waste is material that has no use, and that is an extremely subjective term. It depends on how creative you are. There are no public health threat there and junk is subjective.

Williams: We responded several times throughout the years about multiple unregistered vehicles. What seems to be happening is they acquire some vehicles and they will remain there until we go and have them removed.

Fairbrother: Any town bylaws that address this sort of thing

Jensen: Unregistered vehicle bylaw is closest that seems to apply here. I've been there when there have been a number of vehicles and for the most part they appear to be being used, fixed or worked on. Everything I saw appeared to have plates on it except for one. If you're doing work for other people and getting paid, it has to be registered as it is a business. If there is money being changed hands for favors or whatever, that becomes a murky category.

Bernier expresses how upset he is with all the vehicles on the property and the condition it is in.

Dawson (son): Doing the best they can with the money they have. RV belongs to a relative who has no place to store it.

Dawson (father): Send me a letter and tell me what you want me to do (leaves meeting)

Allen: We are working on the unregistered by-laws and would like to see permit timelines tightened out, but Jensen informs the Board you cannot legislate this as it is regulated by the State Building Code.

Jensen states quality of work is good, other than aesthetics.

Fairbrother asks if it is possible to move things around so they are less visible.

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Dawson (son): States it is not his property, so he can't say. He'd personally like to see the boat and camper go; doesn't know what to say. We've been cleaning up and scrapping stuff, there's just not enough hours in the day to get everything done. Sorry it is a mess.

Bernier would like to see a by-law that has a bite to it and maybe it is time to update the by-laws. Tired of looking at stockade fence and all the stuff in the yard.

Fairbrother: We withdrew the unregistered vehicle by-law at the last Town Meeting because we just weren't ready, but I think it would be safe to say it will be going at this May's annual Town Meeting. It sounds like there is some kind of gesture of good will on the other side of the fence. From what you have seen tonight, there is a limit, we can't tell them you can't do this or that, we have to have some legal basis for doing that.

Allen: We could probably ask Mr. Dawson to have these vehicles removed as promptly as possible once they have been fixed and get back to the actual owners.

Fairbrother would like Frank to draft a letter stating: Remove boats and RV, and for what is there now we need to rely on their good will effort to clean it up, but direction on what we think will help. Mr. Dawson will receive a letter spelling out some of the things. (2 boats, 2 boat trailers, RV, car carrying trailer, the red business trailer. Without something that we can use to order them, we have to go on their promise.

McNeely: If boats can be repositioned or removed that would be great, very small things, there is a very large blue tarp in the back yard on the ground, a simple thing like folding that up. Some small things might go a long way.

Dawson (son) Working as fast as he can to have things fixed and removed from the property. Helping his parents as best as he can and hopes to have it cleaned up soon.

Allen makes the motion to go into executive session for collective bargaining at 8:30 PM. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother – Aye

Allen makes the motion to adjourn the meeting at 9:30 PM. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother – Aye