

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, March 12 2012**

07

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

Fairbrother announces meeting is being taped

Approve Minutes of March 5, 2012 if available; votes may be taken

Boutwell makes the motion to approve the meeting minutes of March 5, 2012. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Bruce Hunter, FCRHRA and Jon Dobosz, Director Parks & Recreation, Award Unity Park Phase One Construction Contract

Abbondanzio: We are delaying this bid as it needs to be reviewed with counsel.

Montague Agricultural Commission – Right to Farm By-Law, votes may be taken; Donna Francis, Bob Mizula, Diane Flynn, Walter Ramsey

Francis: The Right to Farm By-Law is really a restatement of the Right to Farm supported by all citizens of the Commonwealth. One of the purposes of it is to show our support for farming in the community and recognize the importance of agriculture to the community both economically and socially and preserving open space and so forth. One thing it does not do is change any of the zoning regulations or the existing laws. It doesn't give farmers any new rights (or relieve them from any responsibilities) that they don't already have under the Mass. General Laws. Why do we need this by-law? In addition to affirming the Towns support for agriculture, it establishes an avenue for informing new residents that they are moving to an agricultural community, and it is a place where you might expect to have some odors, noises and maybe some inconveniences associated with normal farming practices (slow moving vehicles, and that sort of thing). The disclosure notification section addresses that and requests that the Town inform buyers and renters that they will be moving to this farming community and to expect some of these kind of things. It also establishes the Agricultural Commission (AC) as potential help with resolving disputes between farmers and neighbors that might have a complaint about normal farming practices. Another advantage of having this in place is the Town will receive a decrease in APR costs.

Ramsey: The advantage is when a resident wants to put land into APR the Town is required to do a match, when people want to protect their land in perpetuity the Town typically contributes a match to purchase those development rights that remain farmland. They match is typically 20% and if the Town has a Right to Farm Bylaw, then that is reduced by 5%, so the Town's match is then 15%; and also having an AC reduces it another 5% so now it's down to 10%. We are working on some other initiatives to reduce that even further. In a way the Town is contributing towards agriculture preservation without actually spending money. We are well on our way of meeting the objectives on the 2010 Open Space Plan.

Boutwell: I received a call from Gina McNeely, Director of Health and I understand there have been some dialog regarding some things in here and she told me she does not like it the way it is written at present time. I've noticed one of the things that has been changed since the original draft; If a person puts in a complaint to the Town Administrator, Selectboard or the Agricultural Commission none of those have any clout to do anything about it. The only one that has any clout to act on the problem is actually the Board of Health when it comes to nuisances, odors, dust all that. The BOH has the statutory power to do that. The other issue refers to activities that cause noise, dust and odors and can occur by day or night, on weekends, weekdays, holidays occupying land within the Town of Montague which means should expect and accept such conditions as normal and necessary aspect of living in such an area.

Flynn: This doesn't really change anything that has been happening right along. This is just regular farming in Montague, this explains to people that if they are moving to the area, we are a farming community.

Ramsey addresses Boutwells concerns and explains that it said originally any disputes involving those will go to the Agriculture Commission to be decided but they realized that oversteps the Public Healths authority and now we say

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they would have the option of sending an issue to the Agriculture Commission, if they think it is an issue that the farming community could weigh in on. They have valuable insight because they know farming in the business better than just about anybody. It is just an option the BOH would have, I see that as an asset.

Francis: A person who wants to complain, might not know that they should go to the BOH, they might go to the Selectmen first, then you would send it to the BOH or call us in as well. I tried to get everyone in there who might be contacted..

Zula: Nothing supersedes anyone's authority; it's a way for the complainer or dispute resolution in something there doesn't rise to an enforcement action.

Francis: Will be educating people before Town Meeting on this. Town Meeting has to approve then it will go to the Attorney General's Office for final approval. This bylaw will be available at Town Hall, put on the website and we will be requesting that people selling or renting land be given to the new person.

Jensen expresses his concerns which were addressed before he arrived at the meeting. Downside to farming is pesticides and handling of animal manure, all of which have had serious environmental effects, these are significant environmental considerations. This bylaw essentially states that manure, fertilizer and pesticide handling is beyond the control, it is according to whatever federal regulations there are, which are generally what the manufacturer says it can be used for. Pretty much any amounts that the farmer deems necessary, no local control. Fertilizer also, over application of fertilizer will now be, according to this, a protected right and also...

Fairbrother stops Jensen from talking. As we said earlier, this bylaw doesn't change compliance with any State, Federal or local laws regarding anything. It is not like farmers are being given a new right in Montague with chemicals, manure, loud noises or what have you. It doesn't give them any new right, it doesn't relieve them of any responsibilities whatsoever. Basically all it says, is farming does have certain byproducts, sound and what not that can happen at any time that some people might not like. This allows a farmer to continue to run his or her farm the way they have been running it as long as they are in compliance with all applicable regulations.

Abbondanzio: There is still best management practices, and they have been in existence for decades and the regulations are very strict. A lot of what David referred to were at a time when a lot of those regulations were not in effect and the EPA was concentrating more on point source.

Further discussion. Does not apply to just existing farms, no size restrictions (small or large)

Boutwell makes the motion to authorize the Agricultural Commission to put a Right to Farming By-law on the Montague Annual Town Meeting warrant. Seconded by Fairbrother, approved. Boutwell – Aye, Fairbrother - Aye

Robert Trombley, WPCF Superintendent, Declare surplus equipment at WPCF, votes may be taken

Boutwell makes the motion the Board declares the 11 items listed on the sheet marked as Surplus Equipment, March 7, 2012 from the Montague WPCF at 34 Greenfield Road, Montague (see list below). Seconded by Fairbrother, approved unanimously Boutwell – Aye, Fairbrother - Aye

6	Fluorescent Lighting fixtures, dual light.
4	Miscellaneous size aluminum window frames.
1	Washing Machine - Whirlpool Supreme 80.
1	Telephone answering machine, GE digital.
1	Computer surge protector & power control.
1	Orange life vest.
	Electrical fuses, miscellaneous sizes.
	Automotive radiator hoses.

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	Miscellaneous mechanical parts.
1	Welder, Airco AC/DC Heliwelder IV, 300 amp.

**Frank Abbondanzio, Town Administrators Report, votes may be taken
Reserve Fund Transfer Request**

Boutwell makes the motion to authorize the Selectmen to request a transfer from the reserve fund to the legal counsel budget account number ending in 5301 and 5302 for the amount of \$15,000. Seconded by Fairbrother approved unanimously. Boutwell – Aye, Fairbrother - Aye

Request from Montague Energy Committee to submit op-ed piece to local papers,

Abbondanzio: The Montague Energy Committee would like the Selectmen to submit an op-ed piece to the local newspapers outlining the energy efficiency work being accomplished in the Town to date and encouraging further efforts. A draft is provided.

Fairbrother makes the motion to send the op-ed piece to the local papers once the edits suggested by Pat Allen have been incorporated. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Use of Public Property: Tammy Murphy, Relay for Life, Voluntary toll booth, votes may be taken

Boutwell makes the motion to approve the use of public property to Tammy Murphy of Turners Falls MA for the Relay for Life at the intersection of Avenue A and Third Street on Saturday, May 12, 2012 from 9:00 AM to 2:00 PM, with 4 – 8 workers at a time, voluntary toll booth, signed off by police chief and signed waiver. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Other

John Reynolds expresses concern regarding committees being short of members and would like announcements made for committees that needs members.

Fairbrother asks the Town Clerk to supply the Selectboard office with the list of Boards and Commissions who may be lacking numbers.

Reynolds recommends the Board sit down and find a way to resolve certain legal issues the Town is having to save money on our legal costs.

Boutwell makes the motion to go into executive session for the purpose of discussing litigation under G.L. c.30A, §21(a)(3), at 7:47 PM with respect to the Town's ongoing litigation concerning 30-34 East Main Street, Millers Falls and not return to open session. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Fairbrother states an executive session is required because discussing the matter in an open session will have a detrimental effect on the Towns litigating position.

Boutwell makes the motion to adjourn the meeting at 8:26 PM. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother - Aye