

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, SEPTEMBER 24, 2012**

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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, Recorder, David Detmold, Montague Reporter

Meeting Being Taped:

Minutes of August 13, August 20, September 5 and 17, 2012 are not available

Liquor License Hearing, Annual §12 General ON-Premises, Pouring Permit, Wine or Malt Only License. Element Brewing Company, LLC, Daniel Kramer as Manager, located in the Ward Block, Millers Falls (26-28-30 Bridge Street), Millers Falls, votes may be taken

Kramer: Within our parameters of our existing model business be able to serve the customers that come into our door, larger glasses of beer. Right now our license allows us to serve a 2 oz. sample and we're not allowed to sell that. A lot of people come in from Boston, New York, California, they come in from long distances to try our beer then they are disappointed because they can't actually buy it. Right now we do not have any plans to change our hours to the public, Monday – Saturday, noon to six, often closed on Wednesdays. Not interested in being a bar.

Fairbrother makes the motion to issue an Annual Wine or Malt only, General On Premises Pouring Permit to Element Brewing Company, LLC, Daniel Kramer manager, address is 26 – 28 – 30 Bridge St., Millers Falls, with the permit for the public area to be the front 30 feet of the store front at 26 Bridge Street, Millers Falls. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye

Richard Colton and others

Perspective concerning the application before the ZBA; number of apartments in the former Montague Center School Gerald Boswell, live at 11 School House Rd, Richard Colton, 22 Main Street

Colton: Wanted face to face time on the issue concerning the disposition of the former Montague Center School.

Boswell: This Board has sent by reference to the ZBA this project and I checked the maps today regarding the Water Supply Protection District (WSPD). Town bylaws says this matter lies with the Planning Board because there are two provisions that exists in the WSPD. Slope of Driveway exceeds more than 10% incline. There is also the question in the land, does the developer have an interest in the land, is that sufficient for him to appear before either the Zoning Board or Planning Board? States no document signed between the Town and the developer, no contract based on contingency of him getting a special permit, there is no written documentation as a result he has no insurable interest in the property, no liability interest in the property, no tax interest in the property and there is no requirement that he maintains the property. There is the question of who will dredge the retention pond? If he had a legal interest in the property he would be required to resolve the health nuisance immediately. Feels that since improvements have been made to the building needs to be re-advertised so other people interested in buying it, know how the property stands. Thinks it would be helpful to everybody if the matter was brought back to you and we could meet on the site, at which point you will see the school is built on the highest point in Montague Center and the elevations going up to it are such that driveways and parking areas have to be excavated. There is also the question about safety of fire trucks and DPW access for picking up garbage. Bylaws require driveway be 20' wide and parking area has to have a 30' turn around. Doesn't feel trash truck will be able to fit. The last thing anyone wants is adversarial litigation. The only people who prosper off of this is the attorneys.

Jensen: The Board of Appeals has the jurisdiction over multi-family use, lot area, site plan review and other things. We missed the fact that 20% of the area is going from 12% to 22%. That permit will be required but it doesn't change jurisdictional issues in front of the Board of Appeals, it merely adds an approval that has not been applied for. The Towns interest in it and its decision making process is multiple. The Board of Appeals has the proper things in front of it now. You do bring up a point that there is a missing point in the application which can be resolved at a later date. The Board of appeals has the ability to look at grades and other things during the site plan process. My understanding is excavation is planned for the driveway that is steeper.

Discussion

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Fairbrother: You are right, most of this is under the jurisdiction of the ZBA or the Planning Board, not the Selectboard. The school street work, Town Meeting appropriated the money, that is why it is happening to upgrade the street for that building, not for a specific developer. As far as the pond goes the conservation commission will deal with that when they receive a filing from someone whoever that may be. Rubbish and recycling will be done by a private hauler, not the Town.

Abbondanzio: By law we have to tax it the way we are going to tax it, we are not making any special assessments for him.

Fairbrother: The debate needs to happen in the appropriate places, which is the Zoning Board, Planning Board and the Conservation Commission. I don't see why we need to have the debates here tonight, and I would request that we don't have them here tonight.

Discussion

Ramsey: I would advise the board to acknowledge an issue of standing was brought up, however there is not a firm agreement in place between the developer and the Town so I would request the Board acknowledge that the developers apply for a special permit on town owned property through the request for proposal process set up by the Town.

Fairbrother acknowledges this fact.

**Barbara Drew-Rivera, Cheryl Roberts NELCWIT, votes may be taken
Event Application for Use of Peskeompskut Park: Vigil to Honor Victims of Sexual Assault and Homicide
Victims of Domestic Violence on October 18, 2012 from 5:00 to 7:00 PM**

Fairbrother makes the motion to grant a permit for use of Peskeompskut Park to Barbara Drew Rivera, representing NELCWIT, 79 Main Street, Greenfield, MA for the purpose of staging a vigil to honor victims of sexual assault and homicide victims of domestic violence; to include speakers, music and exhibits of t-shirts on a clothes line and the release of Chinese lanterns; the event will be on October 18, 2012 from 4:00 PM to 7:00 PM set up and break down inclusive, interim Police Chief Dodge has signed off on the event with the caution that the organizers have enough volunteers to help with traffic when crossing the streets. Also motion to waive the fee. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Registration for Assembly, Use of Public Property: October 18, 2012 from 5:00 to 7:00 PM

Fairbrother makes the motion to grant a permit for public demonstration to Cheryl Rogers representing NELCWIT for 79 Main Street, Greenfield, MA for the purpose of a side walk procession from Peskeompskut Park, up Avenue A, to Third Street, to L Street to Fifth Street to Avenue A back to Peske Park on October 18, 2012 from 5:00 – 7:00 PM, the estimated number of participants is 50 – 75, insurance certificate is on file and interim police Chief Dodge has signed off on the event. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Charles Dodge, Acting Chief, votes may be taken

Request for Cell Phone Stipend for Dispatch Supervisor/Police Chief Secretary Marsha Odle

Fairbrother makes the motion to authorize a \$5.77 per week cell phone stipend for the combined position of Dispatch Supervisor/Police Chief Secretary effective Monday, September 24, 2012 to be taken out of the dispatch budget. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Personnel Board, votes may be taken

Continuation of 111F leave for Richard Suchaneck if necessary

Fairbrother makes the motion to continue the 111F status of Richard Suchaneck until October 1, 2012. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Other

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Fairbrother asks Tom Bergeron the status of the water line on School Street in Montague Center

Bergeron: The water line passed for residual pressure which is 1-1/2 times its normal pressure, but when asked to put it up to 150 the state standards, the line still failed. We are going tomorrow to cut the line in half so we can test from Main St. to the middle and the middle to the School and see if we can find the leak.

Fairbrother: This has been going on for quite a while now and we need to get it resolved.

Sign Memorandum of Agreement allowing Richard Suchanek to work up to eight hours per week for processing firearm permits while on 111F.

Fairbrother makes the motion to sign the memorandum of agreement between the Town of Montague and Local 586, International Brotherhood of Police Officers dated 19 September 2012 regarding Sgt. Richard Suchanek, working in a limited administrative capacity processing firearms permits. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye.

Sign Memorandum of Agreement allowing Lee Laster to work two eight hour days per week to Perform Administrative tasks for Police Dept. while on sick leave.

Fairbrother makes the motion to sign the Memorandum of Agreement between the Town of Montague and Local 586, International Brotherhood of Police Officers dated 19 September 2012 regarding Detective Lee Laster working in a limited administrative capacity. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye

Other

Dodge announces that the Fire Dept. and Police Dept. will be holding an open house on Sunday, October 14, 2012 from 10:00 AM to 3:00 PM

Town Administrator Report

- First half of Fiscal 13 taxes are due on Monday, October 1, 2012
- Central Franklin County Veterans Meeting will be held on October 11, 2012 at 5:00 PM

Vote to approve and authorize chair to sign FY2012 CDBG Unity Park Phase II Contract with Berkshire Design Group

Fairbrother makes the motion to approve and authorize the Chair to sign the Agreement Between the Town of Montague and Berkshire Design Group, Inc. for designing the Unity Park Phase II of the Community Development Block Grant FY2012.. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye.

Vote to approve License to Enter and Use Real Property: Ted and Alice Armen Located on School Street, Montague Center, (Assessors Map 43, Lot 123) for planting and cultivating a garden, including the installation of perimeter fencing.

Fairbrother makes the motion to approve the license to Enter and Use Real Property between the Town of Montague and Ted and Alice Armen, 68 Main Street, Montague Center for the use of Town Property for a garden. Seconded by Boutwell, approved. Boutwell – Aye, Fairbrother - Aye

Vote to approve FY13 Engineering Agreement for Landfill Monitoring Services with Tighe & Bond

Fairbrother makes the motion that the Board sign the agreement for FY13 Engineering Agreement for Landfill Monitoring Services between the Town and Tighe and Bond at the cost of \$12,540 as part of landfill closure and is an annual event. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Topics not anticipated covered in the 48 hour posting requirement

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Fairbrother makes the motion to approve the request by Sally Pick to place the 2' x 6' vinyl banner "Solarize Mass Montague, Everyone's Going Solar, Learn how you can too at the Turners Falls Safety Complex/Police Station at the corner from October 2, 2012 until October 23, 2012. Seconded by Boutwell, approved unanimously.

Fairbrother – Aye, Boutwell – Aye

Fairbrother makes the motion to approve the request by Sally Pick to place a 6-1/2' x 2' Solarize Mass Montague Thermometer Sign showing #KW, Tier Pricing Progress on the Montague Center Town common from October 2, 2012 until October 23, 2012. Seconded by Boutwell, approved unanimously. Fairbrother – Aye, Boutwell – Aye

Fairbrother makes the motion to adjourn the meeting at 8:06 PM. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye.