

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, OCTOBER 15, 2012**

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; Chris Curtis, Recorder, David Detmold, Montague Reporter

Approve Minutes of August 13 and 20, September 5 and 17, 2012, votes may be taken

Fairbrother makes the motion to approve the minutes of August 13, 2012. Seconded by Allen, approved unanimously. Allen – aye, Boutwell – Aye, Fairbrother – Aye

Fairbrother makes the motion to approve the minutes of August 20, 2012. Seconded by Allen, approved unanimously. Allen – aye, Boutwell – Aye, Fairbrother - Aye

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

Fairbrother makes the motion to approve the minutes of September 17, 2012. Seconded by Allen, approved unanimously. Allen – aye, Boutwell – Aye, Fairbrother - Aye

Minutes of September 24 and October 1, 2012 Not available at this time

Tom Bergeron, DPW Superintendent, Request to set specific time for 1 hour parking on Third Street

Bergeron: As you remember a couple of months ago, it was asked that there be a 1 hour parking limit on Third Street on the side of the Bicycle Shop, Lisa's Soap and the Rendezvous. I went to put the signs up and realized there is no time or day specifics on them. I'd like that it be for business hours 8:00 AM to 6:00 PM, Monday through Saturday, 1 hour parking. We already have signs made up that state this.

Fairbrother moves that the Board amend its motion of August 13, 2012 by adding times to the one hour parking, 8:00 AM to 6:00 PM, Monday through Saturday as suggested. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Personnel Board, Permission requested by Tom Bergeron to plow and sand for the 2012 – 2013 snow season

Fairbrother makes the motion to grant permission to Tom Bergeron, Superintendent Montague DPW to plow and sand for the 2012 – 2013 snow season, with the stipulations it be outside his scheduled work day at a rate of \$30 per hour. Also give permission to take pager duty from Dick Clough on a necessary basis so Dick can get adequate rest. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother – Aye

Sign Civil Service Requisition (Form 13) for 4 Intermittent Reserve Officers

Fairbrother makes the request to authorize the chair to sign civil service requisition Form 13 requesting 4 intermittent reserve officers. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Continuation of 111F leave for Richard Suchaneck if necessary

Fairbrother makes the motion to continue the 111F leave for Richard Suchaneck through October 23, 2012. Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Town Administrator Report, votes may be taken

Authorize Local Initiative Program Application for Local Action Units

Abbondanzio: This is a Pioneer Valley Habitat for Humanity wants to construct a second affordable housing house, they already have one and they are trying to get determination of affordable housing under 40B where those units will be counted towards the 10% threshold that allows the town to claim they are meeting their affordable housing requirement. Last I saw we were at 9.9% and every unit counts.

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Fairbrother makes the motion to authorize the local initiative program application for local action units concerning Warner St. project for the Pioneer Valley Habitat. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Authorize Mark Zaccheo to submit a Notice of Intent under the Wetlands Protection Act (WPA) on municipal property – 15 School Street (Assessors Map 43, Lot 111)

Fairbrother makes the motion to authorize Mark Zaccheo to submit a Notice of Intent under the Wetlands Protection Act for the property on 15 School Street (Assessors Map 43, Lot 111). Seconded by Allen, approved. Allen – Aye, Boutwell – Aye, Fairbrother - Abstain

EDIC Appointment

Fairbrother makes the motion to appoint Richard Ruth to the position on EDIC Industrial Development seat for a three year term to expire on June 30, 2015. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother – Aye

Request to waive Airport Commission building permit fee of \$88.00

Fairbrother makes the motion to approve the request to waive/refund the \$88.00 for the building permit fee for the new deck at the airport commission building. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Select Board appointment to the FRTA Advisory Board

Allen: I was appointed representative but was told by the FRTA that legislative actions says the Chair is the automatic representative and the Chair can designate someone. This is what we did, but we can only designate one person at a time. This will be brought up at the next FRTA meeting.

Allen makes the motion to authorize the Chair of the Board of Selectmen to either represent or appoint a designee to the FRTA Advisory Board. Seconded by Fairbrother. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Boutwell as Chair, appoints Pat Allen as the designee to the FRTA Advisory Board for this year, effective immediately.

Topics not anticipated covered in the 48 hour posting requirement

Temporary closure of the Gill/Montague Bridge on Wednesday, October 17th from 6:00 PM to 2:00 AM

Letter from Doug McIntosh submitting his letter of resignation to the Town effective November 15, 2012

Other

Use of public property: Avenue A, Annual Rag Shag Parade on October 31, 2012

Fairbrother makes the motion to grant a permit for assembly, public demonstration use of public property to John Murphy on behalf of the VFW Turners Falls Post 923 for October 31, 2012 from 4:00 PM to 6:30 PM for the purposes of the Rag Shag Parade from Food City Parking lot down Avenue A, down Second Street to the Discovery Center parking lot. Chief Dodge has signed off on this. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Peter Vichi, Shoulder Erosion, 11 Taylor Hill Road (Mr. Vichi did not attend)

Bergeron: Mr. Vichi came in 2004, requesting a driveway permit because he was going to build a house on Taylor Hill Road. As I always do, I have them mark out where the driveway is going to go and then I go and look to see if there are going to be any issues. This particular driveway because there was already a ditch line there, I requested on his permit that he install a 12 “ culvert under his driveway to let the water continue to go through because it is quite a little incline there. A couple years ago I received a call from Mr. Vichi saying the rain washed out his driveway. Dick Clough and I went and up and spoke to him, mentioned he has not put the 12” culvert in like his permit requested, he said OK and I believe he agreed it had to be done. The permit requires the first 15’ of the

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driveway be paved from the road edge so it doesn't break up our roadways. I think back then I said he could put the culvert in at the end, it was never installed. He again called the office to say the heavy rains washed out through his driveway. Called Frank this summer with complaint of washout. Still no culvert installed, still not paved. Wanted us to fix it, I said we wouldn't fix it because he has not done what he needed to do according to the permit he had been given. There have been 2 - 12" culverts sitting in his driveway for 9 years and I keep mentioning for him to use one.

Abbondanzio: I also told him based on the facts Tom presented, that he need to correct the problem, but he didn't like that and wanted to meet with the Board.

Fairbrother: Drainage ditch or no drainage ditch, if he put the pipe in it would be a mute point.

Allen: It does point out that no one goes and checks that all the conditions have been met.

Jensen: There is an enforcement mechanism, unfortunately it's mine and it was an oversight on my part when the Certificate of occupancy was given. The building was started in 2004, it wasn't occupied until October 2010. With that occupancy, it was conditional and it listed a number of things, unfortunately it did not list the driveway was an issue. Since it had been in existence for a long time, it was not included. In 2011, Mr. Vichi requested a more permanent occupancy permit for his house so his financing could be wound up and it wasn't picked up then either. It has been since he occupied the building that these issues with the driveway have come up. Had I been aware this would happen, I would not have issued even a partial occupancy permit. I would like to solicit your support for making Mr. Vichi do what he has to do. It is not just an issue of his driveway, its interrupting the drainage on Taylor Hill, it affects other people.

Further discussion

Fairbrother makes the motion to require Mr. Vichi to abide and meet terms of driveway permit in granted 2004; putting in a 12" culvert and paving the first 15 feet from the road edge. Mr. Bergeron to draft a letter to Mr. Vichi stating he is not in compliance with his permit and to be in compliance he needs to install 12" culvert and pave the end of his driveway by November 15, 2012. Mr. Jensen and Board of Selectmen to be cc'd on this. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

If November 15 comes and nothing has been done, Housing Court can enforce this, Mr. Vichi has an open permit on a garage that does not have a certificate of occupancy.

Other

Bergeron: We found the leak in the Montague Center water line; it went under pressure testing today and passed with flying colors. Thanks his guys for sticking with it, Mike Brown and his crew for helping them out and John Rastalis. From what I understand John and Mike will be sterilizing the pipe this Wednesday and John will speak to his commissioners about accepting it and we will put a temporary black top patch over it for the winter so we can do it right next year.

-Cable Advisory Committee had their Ascertainment Hearing a while ago and was kept open until October 14, 2012 in order to get all the data together. This was sent off to Peter Epstein, it was a great hearing.

-Received survey regarding Montague Center Post Office. There will be a meeting held on November 16th to answer questions people may have. Four options to check off.

Next BOS meeting will be held on Monday, October 22, 2012 at 7:00 PM.

Fairbrother makes the motion to adjourn the meeting at 7:53 PM, seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye