

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, OCTOBER 22, 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

Not available at this time: September 24 and October 1 and 15, 2012

Tom Bergeron, DPW Superintendent, votes may be taken

Request to shorten 1 hour parking space to ½ hour in front of Lisa's Soap on Third Street

Bergeron: Last week installed 1 hour parking on Third Street, per previous meeting. I received a call from Lisa's soaps asking for her signs back so she can have one space for her deliveries due to the sensitivity of the product she picks up.

Fairbrother makes the motion to set the two parking spaces in front of Lisa's Soaps to 30 minutes. Seconded by Allen approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Allen speaks about the great success of the Pumpkinfest

Other

Christy Bodine, Clerk of Board of Directors of MCCI: I wanted to update you on what's been happening with the Cumberland Farms building acquisition because it really hasn't gone the way we had hoped. We made a full presentation to the EDIC on August 1, we gave them a very detailed set of proposals and specifications and so forth that they requested and they voted to enter into a purchase and sale agreement with us. They wanted to put conditions on the way we would develop the building and so forth and that was in limbo. Since that has happened, they've had members resign, they've been unable to act because they haven't had a quorum. One of their members called into questions their ability to even enter into this transaction with us, although it was my understanding Town Council had been contacted to draft a purchase and sale agreement. Apparently this board member thought the MEDIC board didn't even have the authority to do that. The last thing they told us was they were going to ask Town Council for an opinion on their ability to act. I'm also a Town Meeting member and we voted around \$30,000 at the annual town meeting to try to do some emergency fixes on that building in the event MCCI wasn't able to acquire the building in time to prevent the roof from caving in. I've been sent here by the MCCI board to suggest to the Town there is no way we are going to be into that building by winter at this rate. The EDIC Board is in a terrible state of flux, we don't know what is going on with them. We would still like to rehab the building we would like to fix the roof, obviously we can't do anything until we own it. If Mr. Jensen thinks it is appropriate, I think it is time for the Town to do what it needs to do before winter comes, because we are not going to be able to do anything and you are going to lose the building whether we take it or not. We appreciate the efforts that the Selectboard has made in appointing new members to the EDIC and we hope we can get this moving, but at this point we are very discouraged and very pessimistic about the future of the project.

Abbondanzio: She's right, there was a request for an opinion by one of the EDIC members, that person has since resigned. The questions that were put to Town Council at that time were addressed by the Town Planner and he contacted the State Dept. of Housing & Community Development person who handles EDIC's and the EDIC is fully authorized to act. Being that they are not subject just to MGL 121C but also when the Heritage Park went in there was a special provision made for EDIC's to do Heritage Parks so they got special dispensation really. Supposedly there wasn't a current Economic Development Plan and the Town Planner found out that wasn't a problem. The initial plan was approved by Town Meeting, was approved through the State Community Development and they don't expect the plans to be updated on a regular basis as the board member thought. On the other hand, the Town Planner made a case that the Economic Development Plan is in fact being updated this year with the HUD livability grant plan, so we're doing it, but it is not supposed to hold up anything. It is not to be reviewed as an obstacle to doing any of the work. At this point the problem we have is we had two people resigning from the EDIC, and with the member you have to appoint your only up to 5 members. We are running up against the clock with winter coming.

Allen: Since Town Meeting voted to authorize the money, part of it is under our prerule if it seems like the time has come. I don't know if we need something from the EDIC folks stating they are not going to be able to do anything.

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Abbondanzio: We need to quickly bid out the work, because it has to be done under Chapter 149 Procurement Law and Walter is aware of that and Walter is aware that this is a fall back option assuming the EDIC is not able to deliver a deed in time for the project to go forward.

Bodine: We thought we would have the deed by September 1, we have done everything in our power to move the project along and not have to have that money spent, but our hands are tied.

This will be back next week when it is on the agenda

Lisa Davol, Turners Falls RiverCulture, votes may be taken

Request to use Gallery at Hallmark in Colle space for 5 week Artisan Holiday Shop

Abbondanzio: Hallmark has moved their gallery space up to the school and will be taking all their stuff out by November 1st. We will be putting the space on the market. RiverCulture is requesting space be made available to use for shopping activities during the holiday season, will look at this as an interim solution with the understanding there are limitations because we are looking to find a final person to lease the space.

Don Kruger and Lynn Nichols, Shop Western Mass. introduced to the Board

Davol: We decided we wanted to do an artist and holiday shop as part of what we're doing this year. Originally we thought we would do it in Greenfield Savings Bank. There has been talk for many years of trying to start a coop gallery or some kind of retail venue of artists products. It would take a lot of resources to make the GSB building look presentable. We have money to pay for insurance and utilities which we would do at the new place. When we heard Hallmark was leaving, we thought this would be the perfect venue as it is all set up and we don't want a vacant spot right in the center of downtown. We are working on putting together some holiday window installations in the empty store fronts. This would also be testing the waters on seeing how a retail venue would do in the downtown. Lynn and Don run Shop Western Mass

Don: Which is an online store basically where we deal with consignment sales of artisan work and other things. We've also helped in the past with RiverCulture with collecting money at the hard hat auction and distributing them appropriately. That is really what we are looking to do, manage this and make sure the consignments come in and the monies are paid out to the artisans in proper fashion

Lynn: We also do all the online ticket sales for the Green River festival and all the Chamber ticketed events. We are also partners with RiverCulture

Fairbrother makes the motion that the board authorize use of the space currently known as The Gallery at Hallmark to the RiverCulture Program beginning on November 1 through December 31 under terms and conditions to be drafted. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother – Aye

Tom will contact Hallmark about leaving alarm system on and getting a key to the building.

Town Administrator Report, votes may be taken

Authorize Allen Smith of River Bluff Realty to submit a Mass. Endangered Species Program Project Review Application on town owned land on the north side of Industrial Blvd, (Assessors Map 17, Lot 13A) for construction of a warehousing facility on 7.89 acres of land.

Abbondanzio: This is the last of the big parcel being sold at the industrial park for a 32,000 sq. foot space warehouse building for Atlantic Golf and Turf. It is in the early permitting stages and this is one of the first steps. It is only about .69 out of 7.89 acres that are actually priority habitat. Applicant will file and pay the fees.

Fairbrother makes the motion that the Board authorize the chair to sign the MESA project review checklist form page 3 as land owner of Map 17, Lot 13A in the Industrial Park and authorize Allen Smith of River Bluff Realty to submit the full review application. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

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Request for Zoning District Change from Industrial to Agricultural – Forestry 4 for land owned by David and Amanda Gendron, 76 West Mineral Road (Assessors Map 18, Lots 6 & 7)

Abbondanzio: This property is already in permanent preservation under a conservation restriction at the Dept. of Conservation and Recreation except for 4 acres that is reserved for a future building lot. The Town Planner says it is not a viable space for industrial use, the abutting properties including Carson's are already under some form of protection. I think his is under APR. The property east of West Mineral Road is already zoned for all agricultural and forestry. The Town Planner feels the protected status drives this decision, there is no reason why you wouldn't do it.

Fairbrother makes the motion to send this on to the Planning Board for action. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Request by FRCOG for in-kind donations provided in support of the Partnership for Youth's Drug Free Communities Grant.

Allen makes the motion to provide the following in kind donations in support of the Partnership for Youth's Drug Free Communities Grant in the categories and amounts as specified in the letter from the FRCOG dated October 5, 2012 and authorize the Chair to sign. Seconded by Fairbrother, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Request by Lake Pleasant Village Association to waive Building Permit fees for work on the Bridge of Names and repairs to Bell Tower

Fairbrother makes the motion to waive the building permit fees for the construction work on the Bridge of Names (\$30) and repairs to the bell tower (\$20) and reconstruction (\$30 - \$50) Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Appointment of Karen Sturtevant to the Montague Cultural Council, vacant seat, 3 year term, expiring June 30, 2015

Fairbrother makes the motion to appoint Karen Sturtevant to the Montague Cultural Council for a term ending June 30, 2015. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Resignation of Nathaniel Donovan, from the Montague EDIC, general at large seat

Fairbrother makes the motion to accept the resignation of Nathaniel Donovan from the Montague EDIC general at large seat with regret. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Appointment of Moon Morgan to the Montague EDIC to the general at large seat, remainder of Nathaniel Donovan's term, (ending 6/30/13)

Fairbrother makes the motion to appoint Moon Morgan to the Montague EDIC to the general at large seat effective immediately until June 30, 2013. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Topics not anticipated covered in the 48 hour posting requirement

Fairbrother makes the motion to go into executive session at 7:35 PM to discuss strategy with respect to litigation under G.L. c.30A, §21(a)(3) with respect to eviction actions in the cases of Town v. Conley, votes may be taken. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Boutwell (as Chair) declares this would have a detrimental effect on the town if it was discussed in open session and only come out of executive session to adjourn the meeting.

Allen makes the motion to adjourn the meeting at 7:44 PM. Seconded by Fairbrother, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye