

**SELECTMEN'S MEETING MINUTES  
UPSTAIRS MEETING ROOM  
1 AVENUE A, TURNERS FALLS, MA  
WEDNESDAY, FEBRUARY 11, 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; Police Chief Charles Dodge; Michael Snyder, Ray Cross and Bradford Manton*

Meeting being Taped

**Approve Minutes of December 17, 2012**

Ms. Allen noted that Mr. Abbondanzio was not present at that meeting.

*Fairbrother makes the motion to approve the minutes of Wednesday, December 17, 2012 as amended. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye*

**Personnel Board and Charles Dodge, Police Chief; Approve Memorandum of Agreement with Staff Sergeant Chris Williams**

The police contract states that an employee must be in his step for 12 months in order to have a step increase. Staff Sergeant Williams was Acting Police Chief for a time, which technically affected his date for step increases when he returned to the Staff Sergeant position. Everyone agreed that Mr. Williams should not be penalized for having taken a temporary promotion at a time when the department needed a Chief. This Memorandum of Agreement states that the Town agrees to treat the time Mr. Williams was Acting Police Chief as time in his step as Staff Sergeant so that he retains his previous date for step increases and allows him to be paid retroactively to his November 8, 2012 step increase to Grade 8 Step 5.

*Fairbrother makes the motion to approve the Memorandum of Agreement between the Town of Montague, Staff Sergeant Chris Williams and Local 586 of the International Brotherhood of Police Officers regarding his anniversary date and current Grade, Step and pay rate. Seconded by Allen. Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye*

**Town Administrators Report**

**Sign Grant agreement from Mass. Cultural Council's (MCC) Adams Arts Program in the amount of \$18,000**

The Town has been awarded the \$18,000 grant that runs from January 1, 2013 through June 30, 2013. An authorization vote is needed to sign the contract.

*Fairbrother makes the motion to approve and authorize the chair to sign the contract between the Commonwealth of Massachusetts's and the contract form between the Mass. Cultural Council and the town for \$18,000 funding the Adams Arts Program. Seconded by Allen. Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye*

The Annual Town Meeting will be on Saturday, May 4, 2013 at the Turners Falls High School Theater at 9:00 AM. All monetary articles for the Annual Town Meeting must be submitted by Monday, February 25, 2013 at 4:00 PM. All non-monetary articles will close as of Thursday, March 14, 2013 at 4:00 PM. All requests must be submitted on the appropriate forms obtained from the Selectmen's office. No further articles will be added to the warrant after those dates. The deadline for articles for the Special Town Meeting before the annual must be submitted to Wendy Bogusz on the appropriate forms by 4:00 PM on Thursday, April 11, 2013.

*Allen moved to set the Annual Town Meeting for Saturday, May 4, 2013 at the Turners Falls High School Theater at 9:00 AM. Seconded by Fairbrother. Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye*

*Allen moved to have a Special Town Meeting on Saturday, May 4, 2013 at the Turners Falls High School Theater at 8:30 AM. Seconded by Fairbrother. Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye*

The Special Town Meeting will be held in the Turners Falls High School Cafeteria at 6:30 PM.

Special Town Meeting Warrant, February 28, 2013 – To approve and execute draft warrant, attached hereto.

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*Fairbrother makes the motion to place **ARTICLE 1** on the warrant. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$7,000, or any other amount, for the purpose of replacing the drive and control system of #1 return activated sludge pump at the Water Pollution Control Facility, or to pass any vote or votes in relation thereto. *Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

*Fairbrother makes the motion to place **ARTICLE 2** on the warrant. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$3,621.80 for the purpose of paying prior year bills of the Water Pollution Control Facility or to pass any vote or votes in relation thereto. *Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

*Fairbrother makes the motion to place **ARTICLE 3** on the warrant. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$17,200, or any other amount, for the purpose of paying off the amount owed on the John Deere 84 Loader, or to pass any vote or votes in relation thereto. *Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

*Fairbrother makes the motion to place **ARTICLE 4** on the warrant. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$9,600, or any other amount, for the purpose of hiring a consultant to prepare the National Pollutant Discharge Elimination System (NPDES) permit renewal for the Water Pollution Control Facility, or to pass any vote or votes in relation thereto. *Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

*Fairbrother makes the motion to place **ARTICLE 5** on the warrant. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$11,000, or any other amount, for the purpose of installing handicapped access at the rear entrance to the Town Hall, or to pass any vote or votes in relation thereto. *Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

*Fairbrother makes the motion to place **ARTICLE 6** on the warrant. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$4,239.46 for the purpose of paying prior year bills of the town, or to pass any vote or votes in relation thereto. *Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

*Fairbrother makes the motion to place **ARTICLE 7** on the warrant. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$100,000, or any other amount, for the purpose of increasing the Town Stabilization Fund, or to pass any vote or votes in relation thereto. *Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

*Fairbrother makes the motion to place **ARTICLE 8** on the warrant. To see if the town will vote to accept the provisions of MGL Chapter 32 Section 20(6), which provides a stipend of not less than \$3,000 and not more than \$4,500 for members of the Retirement Board, or to pass any vote or votes in relation thereto. *Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

*Fairbrother makes the motion to place **ARTICLE 9** on the warrant. To see if the town will vote to accept Section 23 of Chapter 176 of the Acts of 2011, a local option which increases the minimum monthly member-survivor allowance from \$250 to \$500, or to pass any vote or votes in relation thereto. *Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

*Fairbrother makes the motion to place **ARTICLE 10** on the warrant. To see if the town will vote to accept Section 65 of Chapter 139 of the Acts of 2012, the provisions of which would increase the annual pension of a surviving spouse of a disability retiree who retired prior to November 7, 1996 from \$9,000 to \$12,000, or to pass any vote or votes in relation thereto. *Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

*Fairbrother makes the motion to place **ARTICLE 11** on the warrant. To see if the town will vote to accept the provisions of MGL Chapter 32 Section 9 (2) (d) (ii), which provides for cost of living increases to the accidental*

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death benefit for surviving children, or to pass any vote or votes in relation thereto. *Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye*

*Fairbrother makes the motion to place **ARTICLE 12** on the warrant. To see if the town will vote to amend the Town Bylaws Article II, Section 2, relating to the Town's appropriation committee by replacing "consisting of 9 residents" with "consisting of not less than 3 but not more than 7 residents" in the first sentence or to pass any vote or votes in relation thereto. *Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

*Fairbrother makes the motion to place **ARTICLE 13** on the warrant. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$1,400, or any other amount, for the purpose of increasing the FY 2013 Town Accountant's budget, or to pass any vote or votes in relation thereto. *Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

*Fairbrother makes the motion to place **ARTICLE 14** on the warrant. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$11,000, or any other amount, for the purpose of increasing the Fiscal 2013 Dispatch Budget, or to pass any vote or votes in relation thereto. *Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

*Fairbrother makes the motion to place **ARTICLE 15** on the warrant. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$24,500, or any other amount, for the purpose of increasing the FY 2013 Police Budget, or to pass any vote or votes in relation thereto. *Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

*Fairbrother makes the motion to place **ARTICLE 16** on the warrant. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$5,500, or any other amount, for the purpose of increasing the FY 2013 Board of Assessors Budget, or to pass any vote or votes in relation thereto. *Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

*Fairbrother makes the motion to place **ARTICLE 17** on the warrant. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$30,000, or any other amount, for the purpose of increasing the FY 2013 Veterans' Benefits Budget, or to pass any vote or votes in relation thereto. *Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

*Fairbrother makes the motion to place **ARTICLE 18** on the warrant. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$2,500, or any other amount, for the purpose of purchasing flags and accessories, or to pass any vote or votes in relation thereto. *Seconded by Allen, Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

*Fairbrother makes the motion to place **ARTICLE 19** on the warrant. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$17,500, or any other amount, for the purpose of increasing the FY 2013 Legal Budget, or to pass any vote or votes in relation thereto. *Seconded by Allen. Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

*Allen moved that the board place articles 1-19 on the Special Town Meeting Warrant for February 28, 2013 at 6:30 PM in the High School Cafeteria. *Seconded by Fairbrother. Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

**Resident Population Form as of July 10, 2013 to ABCC.** The population is 8,532.

*Allen moved that the board set the temporary increased resident population of Montague as of July 10, 2013 estimated at 8,532. *Seconded by Fairbrother. Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye**

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*Allen moved that the board authorize the chair to send to the ABCC the letter reporting the various class and number of alcoholic licenses along with their fees and revenues generated. Seconded by Fairbrother. Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye*

**Liquor License Hearing**

Annual off Premises §15 Package Store, Wine and Malt license for F. L. Roberts & Company, Inc. d/b/a Turners Falls F. L. Roberts, Bradford E. Manton, II as Manager, 132 Third Street, Turners Falls

Allen makes the motion to appoint Mark Fairbrother as Chairman for this hearing. Seconded by Fairbrother. Approved. Allen – Aye, Boutwell – Aye, Fairbrother – Abstain

Boutwell recuses himself from the hearing.

Allen read the hearing notice into the record.

Michael Snyder, Ray Cross, and Bradford Manton were present representing F. L. Roberts. Snyder said our company would like to expand their business with a wine and malt license. The company has a very strict policy that everyone buying alcohol must be carded.

Manton has already completed the on-line and TIPPS training and has his TIPPS certificate All staff will undergo the same training.

The first two or three cooler doors directly across from the front entrance will be used. There might also be some warm displays. There is good visibility of these locations from the cash register.

Store hours are 5:00 AM to 11:00 PM every day.

Allen is concerned about this being in that particular location.

Cross assures Allen they are a company that would treat the license as a privilege and abide by the law. Any employee caught selling alcohol or tobacco to a minor in any type of sting is immediately fired.

Walter Ramsey spoke as a resident. There are already two places to buy beer and wine in the neighborhood. He's concerned that this location would be able to sell alcohol earlier in the morning due to the early opening time.

David Jensen noted there are no exclusions for beer or wine in any special permits issued, but it was not expected that these items would be sold when the special permits were issued. Alcohol is already readily available. There are places where convenience stores can sell alcohol without problems, but this location troubles him. It will take on less of the character of a convenience store and more of a liquor store.

Customers have given store management an overwhelmingly positive response to the idea of adding beer and wine to the store offerings.

Chief Dodge is concerned about children. Children don't generally walk in the front door of a liquor store so staff would notice. It is not unusual for a child to be in a convenience store. If the store can assure us that they have a good view of the alcohol, then he's far more supportive than if the coolers are in the back of the store and less visible. Alcohol in convenience stores is quite common in other areas and seems to be a trend locally. The store does very well monitoring tobacco sales. Chief Dodge does not have a problem with the license as long as the alcohol is visually monitored.

Abbondanzio wants a commitment regarding not having any advertising for alcohol in the store. The store would be happy to abide by the town's wishes.

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Fairbrother is okay with the coolers but would prefer limiting warm displays in the middle of the store as he feels those are more difficult to police. The only reason the store would have warm displays would be if the cooler was limited to two doors, which would make it difficult to display all of the products. Additionally, the warm displays would be large packs. All single cans would be in the coolers.

*Allen makes the motion to endorse the request for a new wine and malt license for F. L. Roberts & Company, Inc. d/b/a Turners Falls F. L. Roberts, 132 Third Street, Turners Falls and to send this on to ABCC noting that Manton is TIPPS certified, will be doing that for the entire staff, there won't be a lot of signs. Seconded by Fairbrother. Approved unanimously. Allen – Aye, Fairbrother – Aye, Boutwell – recused*

Fairbrother relinquished the chairmanship to Boutwell.

**Upcoming Meetings**

The next regularly scheduled Selectmen's Meeting will be held on Tuesday, February 19, 2013 at 7:00 p.m. at the Montague Town Hall, Upstairs Meeting Room, 1 Avenue A, Turners Falls, MA

**Executive Session**

*Fairbrother moved that the board go into Executive Session under G.L. c.30A, §21(a)(3) to discuss strategy with respect to Litigation regarding the Montague Center School, votes may be taken. Seconded by Allen. Approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye*

The chair declared that there would be a detrimental effect to the town if this was addressed in open session. The board will only come out of executive session to adjourn.

*Allen makes the motion to adjourn the meeting at 8:45 PM. Seconded by Fairbrother, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye*