

**SELECTMEN'S MEETING AGENDA
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
TUESDAY, April 16, 2013
- Subject to Change -**

11

Meeting Being Taped:

- (1) **7:00** Approve Minutes of February 11, 25, March 4, 14 20, 25 and April 1, 2013 if available
- (2) **7:01** Susan Mareneck, Director, Montague Catholic Social Ministries, votes may be taken
- Domestic Violence Memorial Tree Re-Planting in Peskeompskut Park on 5/2
 - Approve Application for use of Peskeompskut Park on 5/2/13
- (3) **7:10** Frank Abbondanzio, Town Administrator, votes may be taken
- Sign Notice to Proceed and Owner/Contractor Agreement with Diversified Construction Services, LLC for the Unity Park Phase 2 Improvements Project
 - 5/4/13 Special Town Meeting Warrant – To approve and execute draft warrant, attached hereto
 - 5/4/13 Annual Town Meeting Warrant – To approve and execute draft warrant, attached hereto
 - Topics not anticipated covered in the 48 hour posting requirement
- (4) **7:30** Personnel Board with Chief Charles Dodge, votes may be taken
- Continuation of Richard Suchanek's 111F leave
- (5) **7:35** Chief Charles Dodge, votes may be taken
- Discuss moving forward with the Assessment Center process to appoint a permanent Sergeant
 - Reminder to public about the Pooper Scooper Law
- (6) **7:50** Executive Session under G.L. c. 30A, §21 (a)(3) to discuss strategy with respect to Collective Bargaining - Implementing Pay and Classification study, Finance Committee invited, votes may be taken

Other, votes may be taken

- Release Executive Session Minutes from previous meetings dated: 11/8/10; 4/4/11; 4/11/11; 4/25/11; 5/17/11; 5/23/11; 7/18/11; 11/14/11, 6/18/12, votes may be taken
- Application for use of Peskeompskut Park – Entertainment Event, Montague Public Libraries, May 4, 2013 and July 17, 2013

Upcoming Meetings

The next regularly scheduled Selectmen's Meeting will be held **on Monday, April 22, 2013** at 7:00 p.m. at the Montague Town Hall, Upstairs Meeting Room, 1 Avenue A, Turners Falls, MA

Special and Annual Town Meeting scheduled for **Saturday, May 4, 2013** at 8:30 AM (Special) 9:00 AM (Annual) at the Turners Falls High School, Theater, 222 Turnpike Road, Montague, MA

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**SPECIAL TOWN MEETING
TOWN OF MONTAGUE
COMMONWEALTH OF MASSACHUSETTS
May 4, 2013**

Franklin, ss.

To either of the Constables of the Town of Montague in the County of Franklin:

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Montague qualified to vote in Town affairs to meet in the Turners Falls High School Theater on Thursday, May 4, 2012 at 8:30 A.M. and to act on the following articles and any motions which may be presented.

ARTICLE 1. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$25,000, or any other amount, for the purpose of utility appraisals, and the state mandated triennial revaluation or interim year valuation of real and personal property by the Assessing Department, and Appellate Tax Board appeal defense, or to pass any vote or votes in relation thereto.

ARTICLE 2. To see if the town will vote to expand the scope of the vote taken under Article 1 of the Special Town Meeting of May 5, 2012 to allow the existing appropriation to be used for the purpose of demolishing the building at 38 Avenue A, or to pass any vote or votes in relation thereto.

ARTICLE 3. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$10,000, or any other amount, for the purpose of increasing the Henry Waidlich Conservation Fund, or to pass any vote or votes in relation thereto.

ARTICLE 4. To see if the town will vote to transfer the sum of \$46,460, the balance remaining in Article #10 of the April 30, 2009 Town Meeting (Industrial Park off Millers Falls Road), into Article #24 of the May 7, 2011 Town Meeting (Industrial Park off Turnpike Road). Said funds to be used for the purpose of predevelopment and permitting of the Turnpike Road Energy-Industrial Park or to pass any vote or votes in relation thereto.

ARTICLE 5. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$25,000, or any other amount, for the purpose of supplementing the FY 2013 budget of the Police Department, or pass any vote or votes in relation thereto.

ARTICLE 6. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$1,750, or any other amount, for the purpose of installing a video surveillance system at Unity Park, or to pass any vote or votes in relation thereto.

ARTICLE 7. To see if the town will vote, pursuant to the provisions of MGL c 40 Section 58, to impose Municipal Charges Liens on real property located within the Town of Montague related to the following town charges:

- a. License, permit, inspection, reinspection, court filing, and court related fees as set forth by each department and amended from time to time;
- b. Dog fees as set forth by Massachusetts General Law or a Town Department and amended from time to time;
- c. Insufficient (bounced) check fees as set forth by each department and amended from time to time; and
- d. Unpaid and non-contested noncriminal disposition charges as set forth by each department and amended from time to time,

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By adding such charges to the tax on the property to which they relate, in the manner provided by said statute,
or to pass any vote or votes in relation thereto.

And you are directed to serve this warrant by posting attested copies thereof in some conspicuous place in each of the Post Offices, Libraries, and Town Hall of the Town, at least fourteen days before said meeting.

Hereof fail not and make due return of this document with your doings thereon to the Town Clerk fourteen days before said meeting.

Given under our hand this ____ day of April in the Year of Our Lord Two Thousand and Thirteen.

Christopher Boutwell

Patricia A. Allen

Mark Fairbrother

Selectmen, Town of Montague

Franklin, ss Montague, MA April , 2013

Pursuant to the within warrant, I have warned the Inhabitants of the Town of Montague by posting attested copies of the same in a conspicuous place in each of the Post Offices, Libraries, and Town Hall of the Town of Montague at least fourteen days before said meeting as within directed.

Constable of Montague

**ANNUAL TOWN MEETING
TOWN OF MONTAGUE
COMMONWEALTH OF MASSACHUSETTS
May 4, 2013**

Franklin, ss.

To either of the Constables of the Town of Montague in the County of Franklin:

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Montague qualified to vote in Town affairs to meet in the Turners Falls High School Theater on Saturday, May 4, 2013, at 9:00 A.M. and to act on the following articles and any motions which may be presented.

ARTICLE 1. To see if the Town will vote to receive and act upon the reports of the Officers of the Town and to receive the report of any committees and act thereon.

ARTICLE 2. To see if the Town will vote to authorize the Board of Selectmen, or other Town departments with the approval of the Board of Selectmen, to apply for and accept grants from the Federal Government, Commonwealth of Massachusetts, or any other source, and to expend the same for purposes received without further appropriation, or pass any vote or votes in relation thereto.
(Board of Selectmen Request)

ARTICLE 3. To see if the Town will vote in accordance with Massachusetts General Law Chapter 44, Section 53E ½, as amended, to reauthorize a revolving fund for the Hazardous Materials Response Planning Committee (a.k.a. the SARA Title III Committee) into which fund will be placed the fees collected from individuals responsible for oil and hazardous material spills, and to further authorize the SARA Title III Committee to expend up to a maximum of \$7,500 for the fiscal year beginning July 1, 2013 from the Revolving Fund for the purpose of cleaning up oil and hazardous material spills, or pass any vote or votes in relation thereto.
(Emergency Manager Request)

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ARTICLE 4. To see if the Town will vote in accordance with MGL Chapter 44 section 53E ½ to authorize a revolving fund for the Town's recycling program, into which fund will be placed fees collected from the Springfield Materials Recycling Facility, and further to authorize the Board of Selectmen to expend up to a maximum of \$15,000 for the fiscal year beginning July 1, 2013, for the purpose of off-setting expenditures for the operation of the Town's solid waste and recycling programs, membership in and services of the Franklin County Solid Waste Management District, and the purchase of recycled content or environmentally preferable products, or pass any vote or votes in relation thereto.

ARTICLE 5. To see if the Town will vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2013, or pass any vote or votes in relation thereto.

ARTICLE 6. To see if the Town will vote to fix the salaries of all appointed officials as required by law for the fiscal year beginning July 1, 2013, or pass any vote or votes in relation thereto.

ARTICLE 7. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$7,745,203, or any other amount, for the maintenance of the several departments of the Town and for any other necessary changes, or pass any vote or votes in relation thereto.

ARTICLE 8. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$1,953,363, or any other amount, for the purpose of operating the Water Pollution Control Facility and associated pumping stations, or pass any vote or votes in relation thereto.

(Water Pollution Control Facility Request)

ARTICLE 9. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$88,088, or any other amount, for the purpose of funding the operations, maintenance, and debt service of the Colle Building, or pass any vote or votes in relation thereto.

(Board of Selectmen Request)

ARTICLE 10. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$42,000, or any other amount, for the purpose of operating the Turners Falls Airport, or pass any vote or votes in relation thereto.

(Airport Commission Request)

ARTICLE 11. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$731,659, or any other amount, for the purpose of paying the Franklin County Technical School District for Montague's share of the assessment for the yearly operation of the Franklin County Technical School, or pass any vote or votes in relation thereto.

(Franklin County Technical School Request)

ARTICLE 12. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$7,965,557, or any other amount, for the purpose of paying the Gill-Montague Regional School District for Montague's share of the assessment for the yearly operation of the Gill-Montague Regional Schools, or pass any vote or votes in relation thereto.

(Gill-Montague Regional School District Request)

ARTICLE 13. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$8,000, or any other amount, for the purpose of replacing windows at the Unity Park field house, or pass any vote or votes in relation thereto.

(Parks and Recreation Request)

ARTICLE 14. To see if the Town will vote to authorize the Board of Assessors to negotiate a new agreement for property values for First Light Hydro Generating Company and Turners Falls Hydro LLC for the fiscal year 2014 triennial revaluation, or pass any vote or votes in relation thereto.

(Board of Assessor Request)

ARTICLE 15. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$8,200, or any other amount, for the purpose of funding information technology equipment, parts, accessories, software and installations, or pass any vote or votes in relation thereto.

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(Computer Administrator Request)

ARTICLE 16. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$20,000 or any other amount for the purpose of funding purchases of Police equipment such as firearms and accessories, computers and accessories, police cruiser equipment, department furniture, bullet-proof vests, tasers, radios or any similar items as well as extraordinary repairs to same, or to pass any vote or votes in relation thereto.
(Police Department Request)

ARTICLE 17. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$50,000, or any other amount, for the purpose of purchasing a one ton dump truck, or pass any vote or votes in relation thereto.
(Department of Public Works Request)

ARTICLE 18. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$75,000, or any other amount, for the purpose of funding purchases and major repairs of DPW vehicles and equipment, or pass any vote or votes in relation thereto.
(Department of Public Works Request)

ARTICLE 19. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$54,055, or any other amount, for the purpose of funding lease payments for 2 Six Wheel Dump Trucks, or pass any vote or votes in relation thereto.
(Department of Public Works Request)

ARTICLE 20. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$44,000, or any other amount, for the purpose of funding the lease payment for a Six Wheel Dump Truck, or pass any vote or votes in relation thereto.
(Department of Public Works Request)

ARTICLE 21. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$95,000, or any other amount, for the purpose of purchasing or leasing a bucket truck, or pass any vote or votes in relation thereto.
(Department of Public Works Request)

ARTICLE 22. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$10,000, or any other amount, for the purpose of funding the operation and maintenance of the Montague Center School building or pass any vote or votes in relation thereto.
(Department of Public Works Request)

ARTICLE 23. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$10,000, or any other amount, for the purpose of replacing the furnace at the Montague Center Library, or to pass any vote or votes in relation thereto.
(Libraries Request)

ARTICLE 24. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money, to authorize the Board of Selectmen it acquire by purchase, gift, eminent domain or otherwise the fee and/or permanent and temporary easements in certain parcels of land, adjacent to and/or contiguous to Greenfield Road, as depicted on a plan entitled "Massachusetts Department of Transportation Highway Division Reconstruction of Greenfield Road in the Town of Montague," dated October 28, 2011, as may be amended, on file with the Town Clerk, and the fee and/or permanent and temporary easements in parcels of land located within 200 feet of said parcels, as such additional areas may be shown on said plan, as hereinafter revised, for public way purposes, including, without limitation, drainage, utility, slope, grading and construction of improvements and structures, and other related purposes, which will enable the Town to undertake the Greenfield Road improvement project, and further, for the purpose of paying for the costs and expenses associated with the acquisition of said property interests, or pass any vote or votes in relation thereto.
(Board of Selectmen Request – 2/3 vote required for appropriation per G.L c 40, Section 14)

ARTICLE 25. To see if the Town will vote to accept, for the Planning Board, the provisions of G.L c39, Section 23D, which provides that a member of a board, committee, or commission holding an adjudicatory hearing shall not

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be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions enumerated in said statute are met, or pass any vote or votes in relation thereto.

(Planning Board Request)

ARTICLE 26. To see if the Town will vote to amend the Montague Zoning Map to redistrict Assessors Map 25, Lots 01, 02, 22; and Assessors Map 18, Lots 6 and 7 from (ID) Industrial to (AF-4) Agricultural Forestry-4, said area to total +/-74.0 acres, or pass any vote or votes in relation thereto.

(Planning Board Request)

ARTICLE 27. To see if the Town will vote to amend the Montague Zoning Bylaws Section 5.4.7 Minimum Floor Area in the following manner:

Remove:

For each dwelling unit no less than 700 s.f. of living space, exclusive of areas solely devoted to home occupations, and exclusive of basements, areas with less than six feet of ceiling space, porches, terraces and the like.

Replace with:

For each multi-family dwelling unit no less than 500 s.f. of living space, exclusive of basements and areas with less than six square feet of ceiling space, porches, terraces and the like. Relief may be granted by Special Permit from the Zoning Board of Appeals

Or pass any vote or votes in relation thereto

(Planning Board Request)

ARTICLE 28. To see if the Town will vote to act on the following petition:

We petition to have the following resolution placed on the warrant for the 2013 Annual Meeting in the town of Montague:

Whereas, Baystate Franklin Medical Center in Greenfield is the only hospital in Franklin County, the most rural county in Massachusetts; and

Whereas, local access to a full-service community hospital is essential to the health and well-being of the residents of Franklin County; and

Whereas, some important services previously available at Franklin Medical Center are now available only at the Baystate Medical Center in Springfield; and

Whereas the lack of public transportation and the long distance between parts of Franklin County and Springfield presents a challenge for many residents; and

Whereas, it is critical for the health of Franklin County residents that the broadest possible range of quality health care services be accessible to them within Franklin County,

Therefore, be it resolved that the Town of Montague calls upon Baystate Health Systems to commit all necessary resources to provide for the long-term viability of a full-service community hospital at Baystate Franklin Medical Center which will meet the health care needs of the residents of Franklin County; and

Be it further resolved that the Town Clerk be directed to send copies of this resolution to Mark Tolosky, President and Chief Executive Officer of Baystate Health Systems, and to Chuck Gijanto, President of Baystate Regional Markets.

Signed by 14 qualified voters of the Town of Montague

(Petitioned Article)

ARTICLE 29. To see if the Town will vote to accept Sections 19K and 108P of Chapter 41 of the Massachusetts General Laws. Said provisions provide the payment of a \$1,000 annual stipend to Town Clerks and Town

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Treasurers, respectively, who have succeeded in obtaining and maintaining state certification in their professions, or pass any vote or votes in relation thereto.

ARTICLE 30. To see if the Town will vote to establish the Montague Broadband Committee to investigate the potential of expanding broadband coverage to areas in the community that are currently underserved. And that the Town Moderator appoint a committee of seven members to include representatives from Chestnut Hill Area, from the Taylor Hill/Meadow Road area, from the Montague Industrial Park, the town planner, a town financial representative, a representative from the town cable committee, and legal representative, or pass any vote or votes in relation thereto.

Given under our hands this ____ day of April in the Year of Our Lord Two Thousand and Thirteen.

Christopher M. Boutwell, Sr, Chairman

Mark Fairbrother

Patricia A. Allen
Selectmen, Town of Montague

Franklin, ss Montague, MA April ____, 2013

Pursuant to the within warrant, I have warned the Inhabitants of the Town of Montague by posting attested copies of the same in a conspicuous place in each of the Post Offices, Libraries, and the Town Hall of the Town of Montague at least seven days before said meeting as within directed.

Constable of Montague