

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, September 9, 2013**

Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons, Mark Fairbrother, Chris Boutwell, Mike Nelson; Town Administrator, Frank Abbondanzio; Administrative Secretary, Wendy Bogusz;

Meeting being Taped

Approve minutes of August 19 and 26, 2013, if available

Minutes not available at this time

Robert Trombley, WPCF Superintendent, FY2014 Sewer Rate Hearing

Fairbrother opens sewer rate hearing at 7:01 PM

1. Sewer Rate Public Hearing

The sewer rates proposed for Fiscal Year (FY) 2014 reflects an increase of approximately 3.7 %. This reflects the use of retained earnings (RE) in the amount of \$120,000. Any use of RE requires Town meeting approval; Town meeting is scheduled for 12 September to address this. A vote by the Selectboard at the public hearing must address that the rates are set contingent upon Town meeting vote. The sewer rates have not changed for 4 fiscal years. This has been beneficial for the residents and industry in the continuing tough and uncertain economic climate and has been possible due to the availability of funds in the RE account. There is no guarantee of substantial amounts of free cash at the end of any FY and so it is my suggestion that the Selectboard consider an increase of 3 to 4% in the sewer rates for FY 2014. I make this suggestion because should we have a year in which RE are low and/or a substantial budget deficit occurs, the sewer rate increase could run 10 to 20% all in one FY. By allowing small increases over time this may be mitigated.

How do we propose to use RE in FY 2014?

As we all are aware there have been expenditures in FY 2013 and estimated for FY 2014 that involves the repair of the Industrial Park sanitary sewer gravity main. At an upcoming Town meeting in September the use of RE will be discussed to support the deficit in the enterprise account for FY 2013 and an amount estimated to be spent in FY 2014. After these expenses have been covered we have determined that the use of \$120,000 will serve to keep the sewer rate increase to approximately 3 to 4%. This leaves \$34,290.60 remaining in RE.

Proposed Sewer Rates

Rates per 1,000 gallons – 3.7% increase

FY's 2010, 11, 12 & 13	Present 2014 proposed.	
I \$5.56	\$5.75	Gill, Southworth & Strathmore
II \$6.00	\$6.22	T. Falls, Mont. Center, Mont. City, Lake Pleasant
III \$334	\$344	12 month Flat Rate
IV \$6.00	\$6.22	Millers Falls

Non – Contract Surcharges

Total Suspended Solids	\$0.2932 per pound
Biochemical Oxygen Demand	\$0.3651 per pound

Septage – no change In Town & Town of Gill = \$75/1,000 gallons
Out of Town = \$80/1,000 gallons

Other – no change

Interest Rate – 14% per Annum
Demand Charge - \$5.00
Minimum Bill - \$36.00

Statewide sewer rate figures, calendar year 2012

The statewide 2012 range is \$210 - \$1,440, with an average of \$690 per household. Using the residential rate of \$6.22/1,000 gallons the Montague average household bill based on the state usage figure of 90,000 gallons of usage = \$560; using the actual Montague average flow of 61,321 gallons per residence then the average annual bill becomes \$381.42 and the increase to the homeowner over FY 2013 is \$13.00.

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1 AVENUE A, TURNERS FALLS, MA
MONDAY, September 9, 2013**

Charlie Blanker: Southworth goes along with the request from Mr. Trombley for using \$120,000 of retained earnings, even though the contract with the Town stipulates the entire surplus funds from one year can be used to lower the overall sewer rate usage numbers in the next fiscal year. We are willing to forgo that this year due to the circumstances in the Industrial park work.

Boutwell makes the motion that the Board approves the proposed rates for 2014 pending town meetings approval of using \$120,000 of retained earnings as follows: Rate I, \$5.75/\$1000, Gill, Southworth & Strathmore; Rate II \$6.22/\$1,000 T. Falls, Mont. Center, Mont. City, Lake Pleasant; Rate III \$344 for 12 month Flat Rate; Rate IV \$6.22/\$1,000 Millers Falls. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Boutwell makes the motion to approve for 2014 the Non – Contract Surcharges: Total Suspended Solids, \$0.2932 per pound; Biochemical Oxygen Demand \$0.3651 per pound; Septage – no change In Town & Town of Gill = \$75/1,000 gallons, Interest Rate – 14% per Annum, Demand Charge - \$5.00, Minimum Bill - \$36.00, Seconded by Nelson approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Approve Pay Requisition from CDM for Industrial Park, \$35,152.49

Nelson makes the motion to approve Invoice #2, Invoice #80468284-2 to CDM Smith in the amount of \$35,152.49. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Approve Notice to Proceed to Baltazar Construction, Inc. pending Town Meeting Approval

Nelson makes the motion to approve the notice to proceed to Baltazar Construction, Inc. pending town meeting approval this Thursday, as presented in the amount of \$743,350 as per quoted. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

Golrick asks if this can wait until next week for a vote, why rush. Fairbrother responds it has to be done and will be discussed at Town meeting.

Sewer rate hearing closed at 7:25 PM

Application to place 4' x 8' banner on the southern corner of Montague Town common, Franklin County Pumpkinfest – Michael Nelson

Nelson excuses himself from this portion of the meeting

Boutwell makes the motion to allow Michael Nelson of the Franklin County Pumpkinfest to hang a 4' x 8' banner on the southern corner of the Montague Town Common from September 29, 2013 until October 19, 2013, approved by Police Chief with note not to obstruct view of traffic. Seconded by Fairbrother, approved. Boutwell – Aye, Fairbrother – Aye, Nelson – recused from the meeting

Registration for Assembly, Public Demonstration or Use of Public Property: Northampton Cycling Club, September 21, 2013, 10:00 AM to 2:00 PM

Nelson makes the motion to approve the rest stop for the Northampton Cycling Club charity ride on Corner of Greenfield Road and Meadow Road on September 21, 2013 from 10:00 AM to 2:00 PM; Police Chief has signed off on it with a reminder to be cautious of vehicular traffic and call station if there is a need for assistance and certificate of insurance liability is attached. Approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Dog Complaint Hearing, Roberta Billiel, Investigation of Dangerous Dog,

Fairbrother opens Dog Complaint Hearing at 7:30 PM

Meeting is being taped. Introductions made

Chief Dodge sworn into the record, Roberta and Amanda Billiel sworn into the record

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UPSTAIRS MEETING ROOM
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MONDAY, September 9, 2013**

Fairbrother: When we last left this, we advised that the dog was to be restrained by chain and muzzled when out and about at all times.

Dodge: We did have a prior hearing on August 19th at which time the Board had set some lenient conditions based on the evidence I heard about this dog and facts. We were really concerned about the owners of the dog following through on those conditions for a couple reasons and one being based on what Ms. Roberta Billiel stated herself as far as financial difficulties in purchasing the proper fenced in yard to secure the animal. Having that in mind, we sent officers out there on two occasions to check on the dog and see if they complied with the conditions as promised. Based on our visits there we found they had not complied. (Dodge reads letter dated August 29, 2013 into the record – Attachment A at end of minutes). We did take the dog into custody on August 30, 2013. Ms. Leslie Colucci (Animal Control Officer who is in charge of the shelter) has advised me the dog has been disruptive at the kennel and she cannot allow the owners to come see the dog. The dog is in a locked kennel because no one can walk or take care of the dog. The dog is being fed but due to his behavior, no one can take the dog out for walks or socialization. I reviewed the law, particularly Chapter 140, section 157. When the Board of Selectmen deems a dog a dangerous dog, it shall order according to subsection c, one of 7 options. The Board of Selectmen tried to do some of those options already, 1 was the dog to be confined outdoors in a secure enclosed locked pen or dog run. The Board originally said fenced in yard, however the law is very specific on that and states it has to be a secure (roof), fence that is 2' in the ground. We were already told the basic fence was financially impossible. The owner can be ordered to give proof of insurance on the dog for not less than \$100,000, I'm guessing that's costly if even you can get that from an insurance company. Since we have already given them a chance, the Board was overly generous and gave them a chance. Since then it has been proved to me that the public is going to be protected from this animal. I'm recommending this dog be euthanized. My fear is that dog will get out one day when somebody goes to the door, it is going to go out and it is going to bite. It could be fatal if it was a child.

Billiel states she went and got a muzzle for him and has a thick rope for a leash and she has a choke collar

John: asked who has more rights, a person or an animal.

Leslee Colucci: Dog has been at our shelter for over a week, dog is not allowed to walk, cannot eat out of an 8' x 8' pen, it is inhumane to keep him there any longer than we have. This dog is not socialized, this dog is not safe and I personally would never take that dog out for a walk on my own and I do not expect any of my volunteers to do so either. I don't like to put any dogs down, and I'm sure the Chief doesn't either, but when a dog bites 2 people in one town within a short period of time, that is a scary animal no matter what the size. He is going crazy in this cell

Fairbrother: On behalf of John, Aida and anyone else on that street, personally I find it offensive that at two meetings, and rather bluntly say it's his fault he got bit.

Nelson reluctantly makes the motion to have this dog humanly euthanized once the 10 day appeal period has passed. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Hearing closed at 7:49 PM

Personnel Board, Ratify Votes taken in executive session on March 14, 2013, April 29, 2013 and May 13, 2013 relating to the implementation of the Pay and Classification Study for Union and Non Union Personnel
Nelson abstains from this as he was not on the Board when the executive sessions were held

Abbondanzio: We had three votes taken in executive session that need to be taken in open session because they relate to the Town Meeting actions to be taken on Thursday. We are unable to release the minutes of any of those meetings because they involve Collective Bargaining that is ongoing and are not specific to contracts that have been ratified, so we cannot release the actual minutes but we are releasing the votes that are being taken.

Questions from the audience. Cannot hear what was said

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UPSTAIRS MEETING ROOM
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MONDAY, September 9, 2013**

Boutwell makes the motion to ratify a vote taken in an Executive Session (#1) held on March 14, 2013. In this vote the Selectmen voted to adopt the recommendations of the Pay and Classification Study, prepared by Stone Consulting based on classifications at the 50th percentile of communities surveyed for the positions in question and assuming the adoption of Alternative #4, described on page 9 of the Executive Summary of the Final Consulting Report. Seconded by Fairbrother, approved. Boutwell – Aye, Fairbrother – Aye, Nelson - Abstain

Boutwell makes the motion to ratify the vote taken in executive session (#2) held on April 29, 2013 which placed the Town Clerk position in Grade G. Seconded by Fairbrother, approved. Boutwell – Aye, Fairbrother – Aye, Nelson - Abstain

Boutwell makes the motion to ratify a vote taken in an executive session (#2) held on May 13, 2013. In this vote the Selectmen voted to acknowledge a vote by non-union personnel to endorse implementation for the study for its members. Seconded by Fairbrother, approved. Boutwell – Aye, Fairbrother – Aye, Nelson - Abstain

**Frank Abbondanzio, Town Administrator's Report, votes may be taken
Unity Park Phase Two Improvement Project**

Approve Authorization to Disburse No. 4, Payment Requisition #4, \$14,195.95

Nelson makes the motion to approve Disbursement #4 in the amount of \$14,195.95 to Diversified Construction Services. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Approve Authorization to Disburse No. 5, Invoice #1.2012.107-5, \$11,160.00

Nelson makes the motion to approve disbursement No. 5 in the amount of \$11,160 to Berkshire Design Group. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Execute FY 2013 CDBG – Community Development Fund I (CDFI) Contract

Boutwell makes the motion to execute the FY2013 CDBG Community Development Fund (CDFI) contract for the Town of Montague as presented. Seconded by Nelson, approved unanimously. . Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Jeff Singleton, FRTA Route Issues

Singleton: This is in regards to the route changes FRTA is discussing and holding hearings on and is going to vote on September 19th. They are reorganizing the routes inside Greenfield pretty extensive and they seem like good ideas to me, but I'm not an expert. They are increasing the number of trips on the main bus that goes through Montague. It mainly goes Montague, Turners, Millers and back to Turners and Greenfield, then three times a day the bus loops around Montague Center. They are going to increase the number of trips on that one as part of this reorganization. They are talking about eliminating the direct service from Montague to Amherst, Route 23 that goes from Greenfield, through Montague to Amherst. I think it's a mistake, and we have a petition going around with 150 signatures on it. It basically says don't eliminate that route unless you can come up with an alternative that comes up with Montague in the loop. They are talking about replacing that route with one that goes from transportation center in Greenfield to GCC then down to South Deerfield. Then they are saying riders can take a PVTA from South Deerfield into Amherst. They are saying they have gotten feedback from GCC students that they want better access to Amherst than what they have now. The problem with it is that requires people who live in Montague to go to Greenfield, then GCC then to South Deerfield before they go to Amherst, which basically eliminates service on what is a pretty major transportation corridor . UMASS is the largest employer in the region, and I think it's a mistake to eliminate the service to there. The justification for eliminating the route is it is underutilized and costs too much. Amherst doesn't pay into the FRTA, but this fact wasn't brought up at the meeting. Route to Amherst has been priced out of ridership. I feel like they have created that situation because the rate for this route is twice as much and it seems by their own actions by raising price of route and only going 2 times a day.

Comments from the audience made, riders should be given a years notice about changes, survey was done, but during summer time when ridership was down. PVTA and FRTA busses don't communicate with each other

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Nelson reads letter to Michael Perot and Tina Cote at FRTA from the Town Planner

Nelson makes the motion to endorse Walter Ramsey's letter sent to the FRTA dated August 28, 2013. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Review Cable Advisory Committee Appointment, Charles Kelley

Fairbrother: This is a personnel issue, if you so desire it can be discussed in executive session.

Kelley: I have no idea what is going on. Last we spoke, I have done everything you asked me to do. I submitted the letter of resignation to MCCI and called and told Mike I was resigning. I have no idea what has happened since then as I have not had contact with anyone.

Fairbrother: We appointed you to Cable Advisory Committee, an appointment that was unpopular with some people and when we appointed you I made note of the fact that everyone needed to play well with each other and get along. You were also supposed to resign from MCCI. (Letter was submitted to BOS today, Kelley states he told Mike a week ago over the phone). The problem is, we talked before we even appointed you and you made it clear you understood that you needed to resign from the MCCI Board and people were told to get along. That resignation was not forth coming. The problem is you were supposed to resign the next day. Town hall did not get anything until today; this has disappointed me and probably my colleagues and has put fuel on the fire for people who...

Kelley: I called Mike on the MCCI board right after I talked to you the last time and made it clear to him I was going to resign. I think some people are making this more of an issue than it should be, I've been dealing with this for some time now, no one has come to me and said lets work together. I'm here to work with these people, I bring expertise, I'm not going to be upsetting to them. Can I be on the committee probationary wise then to indicate to you I am going to be a positive influence? We do share the same goals. I do not know where this tension is coming from.

Further discussion about non resignation from MCCI Board

Fairbrother: I told you before, I think you are better suited on the Broadband Committee and it would be beneficial to everyone if you tendered a resignation to the Cable Advisory Committee. If you don't want to do that, I'm going to ask my colleagues to support a motion to remove you from the Cable Advisory Committee.

Kelley: The reason I want to be on the CAC is because I have insight to exactly what they have to do. That is also to provide oversight with what's going on at MCCI. I believe I know what's going on at MCCI better than anyone else does. I'm there for the oversight. Had I known that was the key thing. I didn't know the clock was ticking. Further explanation given

Discussion

Charles Kelley states he is resigning from the Cable Advisory Committee effective immediately

Pre-Town Meeting will be held tomorrow night, Sewer discussion and Pay and Classification discussion will be held first

Nelson makes the motion to adjourn the meeting at 8:55 PM. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

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UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, September 9, 2013**



**Montague Police Department
180 Turnpike Road (413) 863-8911
Turners Falls, MA 01376 (413) 863-3210 (fax)**

Chief Charles Dodge

ATTACHMENT A

August 29, 2013

To: Town of Montague Board of Selectmen
From: Chief Charles Dodge
Subject: Ms. Roberta Billiel Dog Hearing update

After attending the dog hearing on Monday August 19, 2013 with Ms. Roberta Billiel and hearing the description of her dog (Ulysses) I became even more concerned about the safety of having this dog in our community, or in any community.

I was not aware of the size of this dog until it was said during the hearing that this dog is over 100 pounds. I was also made aware that it is very difficult to control this dog.

I received a copy of the letter sent to Ms. Robert Billiel by the Board of Selectmen dated August 20, 2013 spelling out the conditions that were agreed to at the hearing between the Board of Selectmen and Ms. Billiel.

On Wednesday August 28, 2013 at 8:29am Staff Sgt Williams went to the Billiel residence to check on the dog and see if they had complied with the conditions of the hearing. Staff Sgt Williams advised me that nobody came to the door when he knocked however Staff Sgt Williams was very concerned because the dog tried to, in Sgt Williams' words, "come through the door and a window to get at him". The dog was extremely aggressive at this time.

On Thursday August 29, 2013 at 1:42pm Officer Miner went to the Billiel residence to check on the dog. Officer Miner, unaware of Staff Sgt Williams' visit the previous day, also reported to me that nobody was home but the dog was extremely agitated and was trying to get through the door at him. Officer Miner stated that he is not comfortable checking this residence as he feels that if the dog got loose it would attack him and anyone in the area based on what he saw.

I contacted Robert Billiel on the phone at 1:45pm on August 29th and advised her an officer was just at her residence to check on the dog and make sure she had complied with the conditions. Ms. Billiel stated that she was home but she was sleeping. I asked Ms. Billiel if she would meet Officer Miner in her driveway to show him the chain leash and muzzle and she stated that she would. Ms. Billiel informed me that she had not yet purchased a chain leash but she did have a muzzle and a thick leash, nylon type. Ms. Billiel stated that she has not taken the dog out much but when she does she uses the leash and muzzle.

Officer Miner went to the residence and spoke with Ms. Billiel. Ms. Billiel showed Officer Miner a thick rope leash and a muzzle. She did not have a chain (iron) leash.

Based on the evidence presented at the hearing, the failure of the Billiel's to comply with the conditions of the order (chain or iron leash), some recent police activity at this address, and the lack of socialization the dog is getting, it is in my opinion that the dog should be euthanized to prevent any more people from being injured by this very large and vicious Dog. I am also requesting that this dog be taken into custody and held at the pound until a further hearing can be held.

Please feel free to contact me if you have any questions.

If there was ever a case where I think it is in the best interest of both the community and the animal to lay a dog to rest, I think this is just about the best case scenario to warrant that.

Thank You, Chief Charles Dodge