

**SELECTMEN'S MEETING MINUTES  
UPSTAIRS MEETING ROOM  
1 AVENUE A, TURNERS FALLS, MA  
MONDAY, September 30, 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, August 26 and September 9, 16, and 23, 2013 if available**  
Minutes not available at this time

**Barbara Drew Rivera, NELCWIT, Event Application for use of Peskeompskut Park; Take Back the Night March on October 17, 2013, from 4:30 – 7:30 PM**

*Boutwell makes the motion to approve the application from Barbara Drew Rivera, NELCWIT for use of Peskeompskut Park; Take Back the Night March on October 17, 2013, from 4:30 – 7:30 PM, the insurance certificate has been provided and the fee to be waived. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**MJ Adams, Director Community Development, FCRHRA, Sign Budget and Program Revision Form, Montague CDBG FY2012**

Adams: Last week we had the public hearing to seek public comment and it sounded as if there were no objections to the game plan to transfer \$70,000 from program delivery administrative funds into program activities, so I'm here to ask you to sign off on the paperwork. (voted last week)

**Sign Letter to Patricia Dervan, DHCD requesting approval of budget revision**

*Boutwell makes the motion that the Board authorize the Chair to sign the letter dated September 30, 2013 to Patricia Dervan from DHCD. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye*

**Sign Unity Park Phase Two Improvement Project, Change Order #5 in the amount of \$4,823.72**

Topic to be tabled for two weeks awaiting approval from DHCD to move money around

**Sign Agreement between Town and Montague Catholic Social Ministries for Early Literacy Education & Care Program**

MJ met with Susan, of MCSM and they will be starting soon, this is an activity that is exempt from environmental review because it is a social service activity, she's good to go, we've done the contract and we're asking you to execute it. This activity is focused on providing literacy for children who are in daycare while parents are getting literacy training. There will be at least three twelve week activities here in town.

*Boutwell makes the motion to authorize the chair to sign the agreement between the Town and the MCSM which runs through December 2014. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**Dan Kramer, Element Brewing Company, votes may be taken**

**1 Day Liquor License, at Harvest, 50 Third Street on 10/19/13, Noon to 10:00 PM**

Nelson abstains as Pumpkinfest is his event

*Boutwell makes the motion that the Board approve a 1 day beer license for Element Brewing Company for 30 Bridge Street, Millers Falls on October 19, 2013 to be held at 50 Third Street, Turners Falls. Insurance certificate has been approved. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Abstained*

**1 Day Liquor License, at 30 Bridge Street on 12/13/13, 4:00 PM to 11:00 PM**

*Nelson makes the motion to approve the request for a 1 day liquor license to Element Brewery on December 13, 2013 from 4:00 PM to 11:00 PM at 30 Bridge Street, Millers Falls. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**1 Day Liquor License, at 30 Bridge Street on 12/14/13, 3:00 PM to 11:00 PM**

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*Nelson makes the motion to approve the request for a 1 day liquor license to Element Brewing Company, LLC on December 14, 2013 from 3:00 PM to 11:00 PM at 30 Bridge Street, Millers Falls and insurance is provided. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**Entertainment License at 30 Bridge Street on 12/14/13, 5:00 PM to 10:00 PM**

*Fairbrother makes the motion to approve the entertainment license for Element Brewing, LLC, 30 Bridge Street, Millers Falls for December 14, 2013, from 5:00 PM to 10:00 PM, instrumental music, live vocalist, fee is \$50, permit would be contingent upon receipt of the approval of fire department, board of health, and police department.. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**Frank Abbondanzio, Town Administrator's Report, votes may be taken**

**Sign Engineering Agreement for Landfill Monitory Services with Tighe & Bond, during FY14, Maximum Fee of \$12,700**

Abbondanzio: This is a contract we do every year, we have a responsibility at our landfill to meet the post closure requirements and it's become a routine thing and is built into the Highway Departments budget.

*Nelson makes the motion to approve the Agreement for Landfill Monitory Services with Tighe & Bond, during FY14 (July 1, 2013 through June 30, 2014) with a Maximum Fee of \$12,700, and a copy of Tighe & Bonds insurance is attached. Seconded by Boutwell, approved unanimously. Fairbrother – Aye, Nelson – Aye, Boutwell - Aye*

**Sign revised agreement regarding electricity aggregation with Hampshire Council of Governments**

*Nelson makes the motion to approve the revised agreement regarding electricity aggregation with Hampshire Council of Governments as presented. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**Topics not anticipated covered in the 48 hour posting requirement**

There is a meeting coming up with FRTA on Wednesday and Fairbrother will not be able to attend and was hoping one of the other Selectmen could attend. Whatever happens at the meeting on Wednesday will then come before the Board of Selectmen then there is a comment period and we will see what happens. Fairbrother wants the facts, what happens if we do certain things

**Rodney B. Madison, License to place a sign or object in the right of way, 102 Avenue A, Turners Falls**

Madison: I'm seeking a permit to put wares in front of my shop and the space that abuts my store front, not exceeding the length of my building and not exceeding the length of the stairways on Avenue A. On Third Street I want permission to put my wares along the building about a quarter of the way down Third Street, no further than what the length of the stairway is. I also want to put stuff in the open space by the planter. I thought the planter was a different subject

Abbondanzio: The Streetscape committee has come up with guidelines on what can and cannot be placed in the planter. The issue is how the Board wants to enforce that because it's part of the public space.

Madison: I was told the Selectboard didn't have anything to do with the planters the Streetscape Committee and the planter people made these policies so they are the ones to see about that.

Fairbrother: The planter is not on the table at the moment since this permit is for the areas shown on the map.

Jensen: When I drew this up, it was drawn up to reflect Mr. Madison's plan, I was informed the planter would be handled separately by the planter committee, but the jurisdiction or enforcement powers over the planters still rests with the Board of Selectmen. The Board of Selectmen could over rule the planter committee, but I was told the Board intended to defer unless they changed their minds. I believe Mr. Madison's request over all is to include the planters but the jurisdictional decision making over the planters was going to be handled somewhere else.

Madison: My issues were the new policies that came out regarding the planters. There were wording changes I asked the Streetscape committee to make about the planters. Does that have to be Okayed by the Selectmen?

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Fairbrother: Final authority rests with this Board.

Jensen does not have any problems with Mr. Madison's stuff being out. The stairs are an obstruction in the public way and the area in question is unavailable to the public. As it wraps around the building, the normal flow of pedestrian traffic wouldn't use that first 5 feet normally, then the sidewalk is almost 11' wide so the flow of traffic is generally away from the building. I don't see any problems with the three foot strip next to the planter as it is a very wide place.

Elizabeth Nash: Impressed with how Selectmen are working to make the right decision. Likes what Mr. Madison is doing.

*Nelson makes the motion to approve the license to place objects in the right of way to Madison on the Avenue, by Rodney Madison, 102 Avenue A, Turners Falls, areas to be displayed as presented which are facing the store, there is a planter, to the left of the planter a 3' x 10' area, facing the store there is a 5'6" width and 25' length that space will not include where the stairs are, on Third St. the 25' length of the building with a 5' width into the sidewalk display area (area highlighted in yellow on map) and to also include 1' on each side of the stairway; no items to exceed the display area to obstruct wheel chair access and contingent upon insurance certificate received by October 10, 2013. Seconded by Boutwell, approved unanimously Boutwell – Aye, Fairbrother – Aye Nelson – Aye*

**Planter discussion:**

Abbondanzio: Most places you have plants in the planter and there have been rare exceptions in the past where people have put rocks in the planter to embellish the planters. When someone was going to do something out of the ordinary, they came in here to get a permit to do that. I think the Board should continue to do that. We have been trying to encourage diversity in most of the boxes and they are different from one another and I think that is a good thing. When you talk about having objects in the planters that is another whole subject. The Streetscape Committee recently met and came up with a series of guidelines to deal with objects in the planters other than plants. They suggested the main purpose of the planters was to enhance the visual appearance of the downtown, diversity is encouraged regarding the contents of living plants and flowers, while the addition of non plant objects such as rocks, art may be used to enhance the overall effect of the plants and flowers, the plants and flowers must remain the primary focus. Plantings must not be overshadowed or outnumbered by non plant objects. Items that are non plants should be kept to a minimum and not dominate the planter. That is where this board comes in and its jurisdiction in terms of issuing a permit for anything that involves objects in the plans. I feel very strongly about that. The Planters are not meant to be used for advertising, promotional or political messages. I think the Board needs to weigh in on exactly what is going to be acceptable and what isn't. The only signage allowed in planters is signs that identify the gardener, the persons or businesses contributing to maintain the planter, temporary signs showing recognition of special achievements in the care of the planter which the Streetscape Committee puts in there from time to time. As far as objects go non plant objects shall be used as decorative accents only, safety first. Further details given as per guidelines.

Madison: I'm usually very careful not to put anything controversial up, nothing religious, obscene, maybe whimsical and weird. Its taste and opinion and it's hard for me to decide, I don't know what is art, I'm not an artist. I'm careful what I put out there, I don't put poles in the ground anymore. I have put 2 nails in 2 trees and that is the extent of the damage to the wildlife. I guess the issue is how much stuff can be put out and what kind of stuff. I want to compromise, I could put out less. I think the policy needs to be changed because I'm non compliant.

Abbondanzio: We hear a lot of feedback from other merchants and I'm concerned that we have to be careful to set the right precedent because other people may want to do things that we won't like.

Discussion

Madison states he can put less stuff out and tone it down

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Fairbrother: Sounds like both sides know where other side is, I would say Madison fills out another form for planter, do you seem to understand the concerns of others in the community that it might be excessive, the members of the committee here, would it be reasonable to say that you can grasp his idea of art and expression. I would like to send this back to the Streetscape Committee and Mr. Madison, keeping in mind the others point of view we have to think of the whole downtown, we can't just think of one. On the other hand do we really want to shut this all off? I would like to see this go to the Streetscape Committee to see if a totally amicable compromise can be worked out. If it can't then bring your application in and this board will listen to everyone again and make a decision.

Abbondanzio states there was a consensus that the members did not want to discourage creativity and they like a lot of what Mr. Madison has done, but they are trying to define this balance.

Jensen: The Streetscape committee has taken this up twice and neither time have the suggested that Mr. Madison be shut off.

Madison: I've emailed two people on the committee and asked both of them could they come look at my garden and see if I was in non compliance and was I okay. I didn't get a response. The only thing said was there was going to be a meeting.

Nelson: These are the suggested protocol that the Streetscape committee has come up with, this is not any official anything, the Board of Selectmen hasn't approved it nor has any other entity. This Board has not said this is what we do, the way we do it. That being said, we have designated these people to do this work for us and come up with this plan. If we are going to give these people the authority to come up with this, it should at least be adopted by the Board of Selectmen if we are going to enforce it.

Madison asks if he should take the things out of the garden tomorrow. Boutwell responds, I would say for the time being, and Madison states he will do that.

Madison asks when he will be able to put things back and Fairbrother says there will be a meeting with Mr. Madison and any other vendor on Main Street who wants to weigh in on this and see if a solution can be hammered out amongst themselves.

Madison asks why he is being asked to take things out and if there is a policy that states what can be in the garden at this point.

Fairbrother responds that he is in favor of finding a solution. Personally he would be willing to say can you take some of the stuff out, tone it down for now, scale it back for now. A meeting will be held soon then report back with an answer. If an answer cannot be achieved, this Board will do its' duty and have another hearing and decide something.

*Nelson makes the motion to allow Rodney Madison of 102 Avenue A to continue to keep items in the planter at an appropriate scaled down quantity as he determines to be appropriate until an official streetscape protocol is approved by the Board of Selectmen. Seconded by Boutwell, approved. Fairbrother – Aye, Nelson – Aye, Boutwell - NAY*

Boutwell states there are no rules out there for the planter and thinks everything should be taken out as it is Town Property. Nelson disagrees.

Fairbrother states we should all try and find an amicable solution and Madison responds that he thinks we will and thinks we are all on the same side. Thinks we are all trying to reach the same goal

*Nelson makes the motion to adjourn the meeting at 8:30 PM. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*