

**SELECTMEN'S MEETING MINUTES  
UPSTAIRS MEETING ROOM  
1 AVENUE A, TURNERS FALLS, MA  
MONDAY, December 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 October 15, 21, 28, November 4, 18, 2013,**

*Boutwell makes the motion to approve the minutes of October 21, 2013. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**Jon Dobosz, Parks and Recreation Director, Establishment of a gift account for Wheelchair Swing planned for Unity Park** (also present: Kathy Webber, Leslie Cogswell, Marie Putala)

*Nelson makes the motion to allow Jon Dobosz to establish a gift account for the Wheelchair Swing planned for Unity Park. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**Suzanne LoManto, RiverCulture Director, It's a Wonderful Night, Registration for Assembly, Public Demonstration, Use of Public Property: 12/19/13**

**Hay Ride, Avenue A & Third, 6:00 PM – 8:00 PM** request withdrawn as driver not available on this date

**Roving Musicians, Avenue A & Third, 6:00 PM – 8:00 PM**

*Nelson makes the motion to approve Turners Falls RiverCulture to have 2 roving musicians for December 19, 2013 in conjunction with It's a Wonderful Night, from 6:00 PM to 8:00 PM in the downtown area of Avenue A and Third Street, the police chief has signed off on the event and it is covered by the Town's insurance. Seconded by Boutwell approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**Luminaries lit on Third Street from Avenue A to Unity, 5:00 PM – 9:00 PM**

*Nelson makes the motion to approve the lighting of up to 125 luminaries on Third Street from Avenue A down to Unity Park to the Turners Falls RiverCulture on Thursday, December 19, 2013 in conjunction with It's a Wonderful Night from 5:00 PM to 9:00 PM, the police chief has signed off on it, it is covered by Town Insurance and under premise that the fire chief approves of this and notifies Frank of any stipulations for a safe event. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**Tree lighting and visit from Santa at Spinner Park, 7:00 PM – 8:00 PM**

*Nelson makes the motion to approve the Turners Falls RiverCulture on December 19, 2013, from 6:00 PM to 8:00 PM, Tree lighting and visit from Santa Event at Spinner Park on Fourth and Avenue A, Police Chief signed off on this and will be covered by Town insurance. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**Chip Dodge, Police Chief, Set up interview dates to hire 1 Fulltime Police Officer and 4 Reserve Officers**

Interviews set up for Saturday, December 14, 2013 at 10:00 AM for full time police officer. January 7, 2014 at 5:00 PM for Intermittent Reserve Officer

**Letter of Recognition from Gill Chief David Hastings to Montague Police Officers**

Chief Dodge read letter from Chief Hastings into the record

**Personnel Board, Request to hire Seasonal Laborer, Colton Stebbins, \$10/hr, 3 – 7 months**

*Nelson makes the motion to hire Colton Stebbins for the WPCF as a seasonal labor effective Tuesday, December 10 at \$10/hour, up to 40 hours per week with position ending no later than June 30, 2014. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**Town Administrators Report, Votes may be taken**

**Approve Franklin County Sheriff's Community Service Request form for work to be done at 30 East Main Street, Millers Falls**

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*Fairbrother makes the motion to Approve the Franklin County Sheriff's Community Service Request form for work to be done at 30 East Main Street, Millers Falls. Seconded by Nelson approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**Revise and Re-advertise Millers Falls Commercial Homesteading**

New RFP will say rehab or new construction. This will open it up to Element Brewing and other bidders. Will have same criteria as in original RFP. Only changing demolition and new construction be added

*Nelson makes the motion to authorize Frank to revise and readvertise the Millers Falls Commercial Homesteading to include demolition and new construction and to submit upon completions. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye*

Fairbrother states Ms. Golrick assertions taxpayers should know Town of Montague is the owner of this property and we are allowed to do as we see fit.

**To discuss and ratify the decision of the Board of Selectmen to enter into an Executive Session on November 13, 2013 for the following purpose under G.L. c. 30A, §21(a)(3) to discuss strategy with respect to litigation, Town vs. Conley eviction matter currently in the Western Division of the Housing Court.**

Abbondanzio explains his response to open meeting law complaint as follows:

On November 12, 2013, I was informed by Town Counsel of an immediate need for an executive session meeting with the Board relative to litigation strategy in the case of Town v. Conley. At that time, I knew that the Board had already posted a joint meeting with the finance committee for November 13, 2013. Although this issue arose within the 48 hour posting window, the need for this discussion was not anticipated at the time of the original posting. Therefore, I prepared an amendment to the meeting notice on November 12, 2013. The amendment was posted on the Town's website, but it was inadvertently not sent to the Town Clerk for posting on the Town Hall bulletin board.

Prior to the meeting on the 13<sup>th</sup>, I was informed that two of the members could not remain at the joint meeting past 7:00 pm due to scheduling conflicts. I therefore, attempted to reschedule the executive session to 8:00 pm. I published a new notice on the Town's website, but it was inadvertently not sent to the Town Clerk.

The Board met with the finance committee as noticed from 6 to 7 pm, adjourned and then met again at 8:00 pm in open session to convene the executive session. I was subsequently informed that as a result of the adjournment of the first meeting, the vote to go into executive session actually took place in a separate meeting that was subject to the 48 hour posting requirement.

There was no intent to deceive the public through the manner in which the Board met and any error with respect to the posting of notices was inadvertent. Therefore, in the interests of full disclosure, I recommend that you ratify the November 13, 2013 vote to go into executive session with the following motion:

*Nelson makes the motion that the Board ratify the decision of the Board of Selectmen to enter into an Executive Session on November 13, 2013 for the following purpose under G.L. c. 30A, §21(a)(3) to discuss strategy with respect to litigation, Town vs. Conley eviction matter currently in the Western Division of the Housing Court because discussing the matter in open session would have detrimental effect on the Town's litigating position. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

*Nelson makes the motion to go into executive session at 8:00 PM under Mass. G.L. c 30A, Section 21 (a)(3) to discuss strategy with respect to Collective Bargaining involving town unions (TOMEA) Votes may be taken. Seconded by Boutwell, approved unanimously. Boutwell- Aye, Fairbrother – Aye, Nelson - Aye*

Fairbrother declares holding in open session would be detrimental to the negotiation process.

*Nelson makes the motion to adjourn the meeting at 8:20 PM. Seconded by Boutwell approved unanimously. Boutwell- Aye, Fairbrother – Aye, Nelson - Aye*