

**SELECTMEN'S MEETING MINUTES  
UPSTAIRS MEETING ROOM  
1 AVENUE A, TURNERS FALLS, MA  
MONDAY, June 30, 2014**

*Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons, Mark Fairbrother, Chris Boutwell, Mike Nelson (absent); Town Administrator, Frank Abbondanzio, Executive Assistant, Wendy Bogusz;*

Meeting being Taped

**Approve Minutes of May 5, 12, 20 and June 2 and 16, 2014, if available, Votes may be taken**  
Minutes not available at this time

**Police Chief Chip Dodge, Votes may be taken**

**Execute Memorandum of Agreement to the Franklin County Sheriff's Office Regional Dog Control & Adoption Center**

*Fairbrother makes the motion to approve the Memorandum of Agreement to the Franklin County Sheriff's Office Regional Dog Control & Adoption Center and invoice in the amount of \$800.00 to cover the period from July 1, 2014 to June 30, 2015. Seconded by Boutwell, approved. Boutwell – Aye, Fairbrother - Aye*

**Continuation of Franklin County Law Enforcement Mutual Aid Agreement**

Dodge: On September 26, 2013 I asked the Selectmen to sign onto a County wide Mutual Aid Agreement; The Board asked that I bring this back before them around the end of June to see how things were going. Things have been going well, no major incidents and nothing stands out. We have been able to assist other Towns, Gill and Erving mainly. There are 26 communities, 24 Franklin County Towns have signed on and 3 counties outside have signed on; Hatfield, Petersham and Athol. Nothing negative has happened as a result of this and it is good to know it is in place. If you choose to do nothing tonight, the agreement stays in place until we decide to get out of it if we ever do.

J. Golrick reminds chip she wanted data on this. Dodge replies it's really not something that can be kept track of. Ms. Golrick does not think it's a good idea to have an unlimited sign on of mutual aid that has no facts, no end date, no money, it's just a feel good policy.

Bogusz reads Nelson's comments into the record: I have been a huge supporter of Mutual Aid for years. I highly encourage the board to continue supporting this.

**Betty Tegel, Handicap Accessibility also Jamie Howard and Sandy Facto**

Tegel: Requested transition plan last week and Ms. Tegel points out items that are no longer in effect. After making numerous site visits and taking documentation of many of the places, there is a real need to up date this transition plan. I understand there maybe something in the works, but this is the copy I received. People are working with us and businesses are working with us. We have come before you to say lets move forward, lets have a transition plan, lets form a committee to address all these issues in town and lets meet on a regular basis to come back for a Selectmen's meeting maybe September 1, with some of our accomplishments and what we have done. I have spoken with Walter Ramsey so you have not been excluded from this project I have been working on for 6 months. I'm going to ask that we work together and under Title II and III that we work on this. It's Architectural Access and people with disabilities, our elders, our disabled in the community are voting residents. We are all entitled to go to places of business and park in handicap parking spaces. I'm asking you to make ADA a priority in the Town of Montague and all villages that fall within jurisdiction. Asking Selectmen make ADA a priority, there are a lot of issues to work on and I think it is sound to have a committee made up of community leaders to work on this on an ongoing basis, and get feedback from the community. Wants feedback on this and how to work as a team to continue advocating folks with disabilities.

Facto: Wants handicap crosswalk fixed by library. I am sick and tired of not being able to go into a store to buy something I know is there. I want the right to go into a store and not have to knock on a window. I want real ramps for our people.

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Howard: There is great concern about pedestrian crossing near the Winslow Wentworth Congregate house. Letter read into the record from the residents of the Winslow Wentworth Congregate House requesting the Board of Selectmen address the dangerous situation at the corner of J Street and 7 Street.

Abbondanzio: I'm the handicap coordinator for the Town. I want to thank Sandy and Jamie for all they have done for the community. The Town is committed to serve the handicap community and meet their needs. It goes back to the transition plan in 2001 and everything that has happened in implementing that plan. Summary given of what has been done and what still needs to be done. I'm very proud what the Town has done with Parks and Playgrounds in handicap accessibility. We did a major handicap accessibility project on Avenue A, all crosswalks were made handicap accessible. We have a commitment from the DPW that every time they do a new road or sidewalk that they make sure the handicap accessibility issues are addressed. There are a couple of instances where better marking is needed or an additional space on the whole, but we have made the effort to address those kinds of needs. As far as businesses on Avenue A in the downtown in general, the HUD livability Study addresses the needs to a large degree in terms of what the community would like to see happening in making businesses more accessible to the handicap and I think that is a real noble objective. In talking with our building inspector on a project by project basis he is responsible for enforcing the architectural barriers for regulations in the State, not the ADA but the State handicap regulations. We went down the street building by building and project by project. We have made a lot of progress in getting individual businesses accessible.

Jensen: Several buildings have become handicap accessible in the past 15 years but there are still places that have not triggered Mass. requirements. The remaining buildings have made improvements in parking. AEA runs on a different strategy which means they have to run on reasonable accommodations and nobody is exempt; there is no local formal enforcement of it that is generally done by the community that is affected by it and is enforced by the Attorney General of the United States. One of the requirements of it is to have a plan.

Tegal expresses need for handicap signs throughout town. Feels the town needs to deal with current issues, parking spaces need to be created at Sheffield School, and need to get everyone on board to join the efforts. Asking for help in moving forward with this.

Fairbrother: 1) wants order sent out to all Town departments that one should obey no parking in handicap spaces, 2) highway go around town and make sure no brush or other obstructions hindering parking spaces, 3) building inspector and whoever is needed to assist them to take the transition plan from 2001 inventory it, and see what has been done and knock off what has been done. Someone from town hall mark up an old copy and meet with Betty to itemize where we stand

**Personnel Board, with Robert Trombley, WPCF Superintendent, Request to Hire Nicholas Fisher as WWTP Laborer, effective 7/1/14, Grade H2, Step 1, \$13.67/hr., 40 hours/week**

*Fairbrother makes the motion to hire Nicholas Fisher at WWTP Laborer position, effective 7/1/14, hours/week, UE Union, Grade H2, Step 1, \$13.67/hr., Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye*

**Request to Hire Katharine M.L. Jones, WWTP Admin. Asst, effective 7/1/14, Grade B, Step 1, \$16.21/hr., 25 hours/week**

*Fairbrother makes the motion to hire Katharine M.L. Jones, WWTP Admin. Assistant position effective 7/1/14, 25 hours/week, TOMEA Union, Grade B, Step 1, \$16.21/hr. Seconded by Boutwell, approved unanimously. Fairbrother – Aye, Boutwell – Aye*

**Ann Fisk, Montague Center Common: Permitted vs. non-permitted use; Installation of low profile fence around the Memorial Stone and Planting; Possible Placement of Picnic Tables for Summer use, Votes may be taken**

Fisk: The permitting process is a little lacking some people are not aware that you even need a permit to use the common. I'm wondering if we can think about dispensing the whole process or learn to live with some groups get them some groups don't. Mayday people don't get permits, the Mutton & Mead groups use it for rehearsals in

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April, May and June without a permit. I'm wondering if we can dispense of that? I also dovetailed that with the thought that I would like to see a fence put around the Memorial Stone and I didn't know what the process was for that. I got some estimates but I didn't know what the process was.

Fisk is told she needs to go to Town meeting for an appropriation unless there are donations to put it up, then we would just need an application with a plan. Fairbrother is in agreement with Ms. Fisk that guidelines need to be followed or we need to stop doing it. Abbondanzio thinks the guidelines need to be enforced because the reason the permit is in place in the first place is something related to the first amendment and public forum. The types of free speech that takes place on those public spaces are subject to First Amendment rights and the Town requires the permits so anyone exercising their free speech they have to take ownership for whatever they are doing so the Town is not in a position where it is sponsoring or perceived to be sponsoring any particular type of free speech. In this case, there really is an issue of enforcement rather than saying no we shouldn't be doing it.

Fisk: There was a wedding on the Common the end of May and the picnic tables that were brought there are being used a lot and I was wondering if the Town could put a couple picnic tables over there for people to use? To be discussed with Tom

**Suzanne LoManto, Turners Falls RiverCulture; Votes may be taken  
Registration for Assembly, Public Demonstration, or use of Public Property, Block Party on 8/2/14  
Avenue A between 3<sup>rd</sup> and 4<sup>th</sup> Streets, 12:00 PM to 9:00 PM, Block Party and Musical Performance at  
Spinner Park**

Fairbrother will vote to approve this in the absence of Michael Nelson and does not want to kill the Block Party and does not feel it has been well thought out

*Fairbrother makes the motion to issue a permit for assembly public demonstration, Use of Public Property to Suzanne LoManto from Riverculture on Avenue A between third and fourth streets Saturday August 2, 2014 between 12:00 PM to 9:00 PM, the Chief has signed off on this with the caveat that another officer be hired for the event. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother- Aye*

*Fairbrother makes the motion that the Board grant the permit to Suzanne LoManto of RiverCulture, for the 2<sup>nd</sup> Street Parking lot, near Unity Park on August 2, 2014 from 11:00 AM to 8:00 PM, for Use of property next to 2<sup>nd</sup> Street/Unity Park parking lot for up to 3 food vendors and up to 10 craft vendors, the Chief has signed off on the event and is covered by the Town's insurance. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye*

**Dan Kramer, Element Brewing Company, 1 Day Liquor License, at 2<sup>nd</sup> Street Baking Co., 104 Fourth St, TF on 7/12/14, Noon to 8:00 PM**

*Fairbrother makes the motion to issue a one day liquor license to Element Brewing Company, LLC, Bridge Street, Millers Falls for July 12, 2014 for use at 104 Fourth St. from noon to 8:00 PM for an airconditioner fundraiser for the 2<sup>nd</sup> Street Bakery, tips certification is in place, insurance in place and the Chief has signed off on the event. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye*

**John McNamara, Ruserious, LLC, License to place object in the Right-of-Way, Metal fence, 5' x 12' along north side of 102 Avenue A, Third Street Sidewalk, against said building**

McNamara: We recently purchased the building and the building needs a fair amount of work including a new electrical service, and apparently now a days they like you to put the meters on the outside of the building. What we want to do is protect the meters as well as put some trash cans in the fenced in area. We will disguise it with a nice fence with gates on both ends and build boxes to hold plants (bushes) so you wouldn't see meters or trash cans.

Motion made by Fairbrother to approve the license, but after a lengthy discussion motion is withdrawn until ownership is proved as they may own the property.

Abbondanzio, the question is do we have an easement over the land.

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L. Adams is in favor of this but since their ROW is still on the table and D. Jensen had such an issue with them building their barns and would not allow them to, doesn't think you can pick and choose when to abide by that and when you don't.

Fairbrother suggests McNamara meet with Building Inspector to figure out how far out his building goes and if this will be on his property, all he needs is a building permit.

**Frank Abbondanzio, Town Administrators Report**

**Appointments to Montague Cultural Council, Daniel Brandon, Shannon Coakley Ramsey, Jen Audley, remainder of 3 year term, 2 years, Expires 6/30/16**

*Fairbrother makes the motion to appointment Daniel Brandon to the Montague Cultural Council, for a 2 year term, that being the remainder of Moonlight Davis 3 year term, to expire June 30, 2016 effective immediately. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye*

*Fairbrother makes the motion to Appointments Shannon Coakley Ramsey to the Montague Cultural Council, for a 2 year term, that being the remainder of Morning Star's 3 year term, to expire June 30, 2016 effective immediately. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye*

*Fairbrother makes the motion to approve the appointment of Jen Audley for 2 years, Expires 6/30/16 to the Montague Cultural Council effective immediately. Boutwell – Aye, Fairbrother – Aye.*

*Fairbrother makes the motion to Appointment Katia Williford to the Montague Cultural Council, from June 30, 2014 through June 30, 2017, this is a 3 year vacant term. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye*

**Appointments to Airport Commission, Gary Collins, Keith LaRiviere, Rodney Herzig, 3 Years, Expires 6/30/17**

*Fairbrother makes the motion to re-appoint Gary Collins to the Airport Commission for 3 years from June 16, 2014 to June 30, 2017. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye*

*Fairbrother makes the motion to re-appoint Rodney Herzig to the Airport Commission for 3 years from June 16, 2014 to June 30, 2017. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye*

*Fairbrother makes the motion to re-appoint Keith LaRiviere to the Airport Commission for 3 years from June 16, 2014 to June 30, 2017. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye*

**Community Development Discretionary Public Hearing:**

Abbondanzio: We have this hearing every time we vote on use of Community Development Discretionary Expenditures. Community Development Discretionary Expenditures:

Current discretionary balance, \$63,422.83; Accounts to be closed out: \$458.36; new balance: \$63,881.19

Current Encumbrances and balance: Downtown Beautification - \$1,844.20; Unsafe /Unhealthy Buildings -

\$(940.96); Shea Theater - \$654.33; Dry Hill Cemetery Maintenance - \$2,220.00; Skate Board Park - \$1,092.88

Lake Pleasant Bell - \$3,952.97; St. Anne's Feasibility Study - \$9,975.00; Strathmore Code Compliance -

\$10,248.67; Unity Park Bike Crossing - \$1,386.35 Total - \$95,700.98. Recommended Spending:

Unsafe/Unhealthy Buildings - \$10,000.00; Strathmore Code Compliance - \$35,000.00; Total New Projects

\$45,000.00, New Discretionary Balance - \$18,881.19

*Fairbrother makes the motion to close out CD Neighborhood Event \$108.36; Canal Title Search \$350.00 Total Accounts to be closed out \$458.36. New discretionary balance would be \$63,991.19. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye*

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*Fairbrother makes the motion to transfer \$10,000 from the Community Development Discretionary Account to the Unsafe/Unhealthy Buildings Account. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye*

*Fairbrother makes the motion to transfer \$35,000 from the Community Development Discretionary Account to the Strathmore Code Compliance Account. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye*

**Executive Session under G.L. c.30A, §21 (a)(6) to consider strategy for Real Estate Strategy; Montague Center School, School Street, Montague, Votes may be taken**

Boutwell declares it would be detrimental to hold in public session Executive Session under G.L. c.30A, §21 (a)(6) to consider strategy for Real Estate Strategy; Montague Center School, School Street, Montague

*Fairbrother makes the motion to go into executive session at 9:25 PM Executive Session under G.L. c.30A, §21 (a)(6) to consider strategy for Real Estate ; Montague Center School, School Street, Montague, Votes may be taken. Seconded by Boutwell, approved unanimously. Fairbrother – Aye, Boutwell - Aye*