

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, July 28, 2014**

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, Executive Assistant, Wendy Bogusz;

Meeting being Taped

Approve Minutes of May 20, June 2, 16, 23, 30, July 14, 2014

Fairbrother makes the motion to approve the minutes of May 20, 2014. Seconded by Nelson, approved unanimously. Nelson – Aye, Fairbrother – Aye, Boutwell – Aye

Fairbrother makes the motion to approve the minutes of June 2, 2014. Seconded by Nelson, approved unanimously. Nelson – Aye, Fairbrother – Aye, Boutwell – Aye

Alice Johnson, Absentee Building Owners and Graffiti

Johnson expresses her concern about the graffiti that is on the downtown buildings. Wants to get people motivated to get graffiti cleaned up off of buildings. Would like to have building owners power wash painted areas, but if they refuse would like to get volunteers together to paint over graffiti on buildings if owners will allow it. Ms. Johnson is advised to contact Mike Sevens the Community Policing Officer. The Board thanked her for taking the initiative and bringing this forward.

Suzanne LoManto, Director Turners Falls RiverCulture

Registration for Assembly, Public Demonstration or Use of Public Property on 8/2/14 Designate Pedestrian Zone, close part of First Street, 11:30 AM to 8:00 PM

Nelson makes the motion to close First Street from corner of L street to corner of Third Street to Suzanne Lomanto, Turners Falls RiverCulture on August 2, 2014 from 11:30 AM to 8:00 PM, Police Chief has signed off on permit. Seconded by Fairbrother, approved. Boutwell – Aye, Nelson – Aye, Fairbrother – Abstain

Designate Parking for activities at the GFDC and at Basically Bicycles, on 8/2/14 from 11:00 AM to 8:00 PM

Nelson makes the motion to designate 2 parking spaces on Third Street for Basically Bicycles customers on August 2, 2014 from 11:00 AM to 8:00 PM and additionally 20 spots in the lot at the Great Falls Discovery Center, same hours for use by the Discovery Center Art show with the understanding the spots will be available after 5:00 PM. Seconded by Fairbrother Boutwell – Aye, Nelson = Aye, Fairbrother - Abstain

Fire Spinning, location to be determined
No Insurance, event cancelled

Personnel Board

Appoint Kathleen Lacey, Library Assistant, Grade A, Step 2, \$13.95/hr., effective 7/29/14

Nelson makes the motion to appoint Kathleen Lacey as Library Assistant, Grade A, Step 2, \$13.95/hr, for 17 hours per week, effective 7/29/14. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Paul Gilbert, CDM, Black Topping on Millers Falls Road

T. Bergeron: I'm not impressed with Baltazar's paving where sewer project was done. Dennis Baltazar stated he has done all he will do on the paving and any further work we will be charged. I talked to my guys at Warner Bros. and they suggested the work is bad due to a small paver box and the fact that they are not pavers. I received an estimate from Warner Bros. for both travel lanes approximately 1200 feet of the Millers Falls Road section and it will cost \$35,394 which will get rid of all the bumps. We only expected a 6' to 8' wide trench and we got a 24' wide trench, the contract called for a patch and that is what we got. If something like this ever happens again, we should request in the contract that they have a paving company do the paving.

Discussion about paving job

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Fairbrother makes the motion to authorize Tom Bergeron, DPW to engage Warner Bros. to pave that section of Millers Falls Road in the amount of \$36,000. Seconded by Nelson grumpily, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Nelson makes the motion to cease all work with Baltazar Contractors effective immediately on this contract. Seconded by Fairbrother approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Nelson makes the motion to hire Warner Bros. Construction to pave for the price of \$32,097 from corner of Millers Falls Road and Industrial Blvd to manhole 3 for full width of the street. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

Appoint Danielle Marie, Per Diem Dispatcher, \$15.00/hr., effective 7/29/14

Fairbrother makes the motion to appoint Danielle Marie as Per Diem Dispatcher at the rate of \$15.00/hour effective July 29, 2014. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

Charles Dodge, Chief of Police

Request Street Sign at the intersection of First St. and L Street and top of First St. by Kostanski Square prohibiting large trucks from traveling down past Unity Park

Dodge requests this due to a residents complaint with the new park and bike path the area is now popular and they have noticed large trucks going down the hill exceeding the speed limit. I talked to Tom Bergeron and he said that to make this official I would have to go before the Board to request allowing signs be installed.

Fairbrother makes the motion to place signs for No Commercial Vehicles over 10 tons, placement on south side of Kostanski parking lot and beginning of L and First. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother – Aye

Announce to community Code Red is ready

Dodge: I've been working with Code Red and soon residents will be getting a call announcing Code Red is up and running. We will also be doing advertising.

Pam Tierney, Black Cow Burger, 127 Avenue A

Nelson makes the motion to appoint Mark Fairbrother as Chair for this portion of the meeting. Seconded by Boutwell. Approved Nelson – Aye, Boutwell – Aye, Fairbrother - abstain

One Day Liquor License, August 2, 2014, 2:00 PM to 9:00 PM during block party

Fairbrother states he will not vote for this due to short notice of submitting permit and no one is present for the discussion. No vote taken

One Day Liquor License, October 18, 2014, 2:00 PM to 9:00 PM during Pumpkinfest

Ms. Tierney can meet with the Board on this at a later date.

Boutwell rejoins meeting

Jeff Singleton, FRTA Assessments

Singleton: As part of the process, the Regional Transit Authority is going through a comprehensive service analysis to evaluate the existing routes, but because of some of the discussions last year, they hired a consultant to try to understand better how Towns are assessed for their services and explain it to the Towns. The report was due the end of June and this is the result of that consultant's report which is supposedly an explanation of how we are assessed by the FRTA. It's a general explanation of how they do assessments which I found to be extremely confusing. There were no specific numbers for Montague; thought there would be a spread sheet showing how our assessment was calculated. Our assessment went up 15%, or \$11,000 in FY15 over FY14 and it doesn't say what we are getting charged for. How much that costs, what the other charges are, it just doesn't explain what the assessment is. I

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would urge you to request spread sheet explaining our assessment and. I think when you get an assessment from the FRTA you should be getting an explanation where those numbers are generated from.

Abbondanzio: I tend to agree with Jeff. I think there was a general restructuring of FRTA services and there was a restructuring of services through Orange and back and there are a lot of trips that go through Montague; we probably have more runs than we really want. In the process we lost services going to Amherst, and we haven't had the opportunity to request the kind of services we really want. We may be paying for more services that run from Greenfield to Orange than we really want.

Singleton thinks routes could be restructured to get rid of redundant routes that go Orange, Turners to Greenfield and get the same or better service.

Nelson makes the motion for Singleton and Frank to get together to draft a letter to the FRTA and bring before the Board at the next meeting. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson -Aye

Fairbrother makes the motion to appoint Jeff Singleton as the Board's designee to the FRTA. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Town Administrators Report

Execute Hampshire FRCOG Energy Contract

This will be on the August 11 agenda as figures were not available

Update on Shea Theater

Abbondanzio: At the last meeting I was asked to contact Town Counsel and get a written opinion regarding disposition of the Shea Theater lease. He has determined the lease is subject to Ch. 30B if interested property has a value in excess of \$35,000 over a 10 year period. The town has to use an appraisal procedure with the value of that lease for the comparable market rent survey will be for period of 10 years. I have gotten a proposal from a vendor who would be willing to do appraisal for \$700. I'm asking to have that done and I will have the estimate on the value back in 2 weeks. At that time we will know if it needs to be put out in an RFP. Board has authorized an interim lease until December 31, 2015 and I will be drafting a lease.

Fairbrother makes the motion to authorize Frank to contract with FSI Appraisal Company, Inc. for a comparable market rent survey for the Shea Theater at \$700. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Abbondanzio: If RFP is necessary I will be suggesting re-instating the Civic Center Commission

Comments and discussion regarding the Shea and events that are being held there.

Board will be reinstating Civic Center Commission, interested parties are asked to submit resumes

Update on Hatchery Road

Abbondanzio: At the last meeting the Board voted to petition FRCOG to relay out Hatchery Road to reflect the right of way with no more than 50'. In the interim period, Town staff including Planner, DPW Superintendent, Building Inspector and myself met with Jim Toth, Engineer working with the Adams family and Jeffrey Hoynoski of MassDOT. We met to discuss the proposed layout that could be included in the Town's petition to the FRCOG Executive Committee. The concept of the proposed plan that comes out of that meeting is as follows: The existing Hatchery Road right of way between Turners Falls Road and Cross Road would be maintained at 49' 6 inches with one exception. The right of way abutting the Adams' barns would be reduced to 42 feet to accommodate the rebuilding of the barns outside a right of way. This would avoid the need to obtain a waiver from the State Building Folks. The right of way between Cross Road and Greenfield Road would be reduced to 50 feet for the entire distance if possible. The reductions in width would occur on either side of the proposed roadway. In the easternmost segment closest to Cross Road, the right of way would be reduced from 66 feet to 50 feet. It would

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result in about a quarter of an acre of additional land becoming part of the APR, north of the road. Further west, the right of way would also narrow to 50 feet, but some of the narrowing would occur on the south side of the road to accommodate a septic system that is currently located in the right of way. With the revised layout, it would no longer be in the right of way. At its juncture with Greenfield Road, the narrowing of the right of way to 50 feet is a little more problematic. The 66 foot right of way accommodates recommended turning radiuses and drainage. The APR folks would like the ROW at the junction to be 50 feet. MassDOT has indicated it would make the 50 foot ROW work at the intersection. The proposed plan would include the removal by the Town DPW of the asphalt patch at the intersection of Hatchery Road and Greenfield Road. I am recommending that the Board approve the use of \$2,000 in community development discretionary funds to hire Mr. Toth to prepare the necessary layout plans and to sheppard the re-layout through the FRCOG process. His contract needs to be approved. Our goal is to initiate the layout process at the August 14 meeting of the Executive Committee. We are assuming that a layout hearing and viewing in Montague could be held the following month. In discussions with MassDOT, I have been assured that the project will be bid out on September 6th as planned and that the layout revisions and instructions to the contractor to monument the new layout will follow. It will not delay the advertising of the work.

Abbondanzio reads petition and needs 5 signatures from residents to forward to the FRCOG

Adams submits formal complaints against Walter, Jensen and Frank on the way they were treated

Fairbrother makes the motion that the board vote to amend previous votes of May 5, 2014 and July 14, 2014 which instructed the Town Administrator to petition the FRCOG to layout Hatchery Road in a manner in which the right of way was no more than 50 feet by adopting the following language instead: "To relocate Hatchery Road such that our intent is to have the new layout width no wider than 50 feet except along the west end of the northerly sideline where the width of layout may need to be wider than 50 feet to encompass existing drainage works. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Community Development Discretionary Hearing: Hatchery Road Layout Engineering, \$2000

Fairbrother makes the motion to earmark \$2000 from the Community Development Discretionary Account for the purposes of Hatchery Road Engineering. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

Nelson makes the motion to use up to \$2000 to fund the contract with James Toth to do the Hatchery Road layout. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Appoint Juanita Caldwell to Board of Registrars, 3 years, effective 7/1/14

Nelson makes the motion to appoint Juanita Caldwell to the Board of Registrars for a period of 3 years, effective July 1, 2014. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Appointments to Senior Center Committee: Deb Bourbeau, Beverly Demars, Louise Deren, Elsie Gilman, Barbara Kuklewicz, Anna Viadiero, Etta Wallitis, Frank Abbondanzio, MJ Adams, John Murphy, Roberta Potter, Walter Ramsey

To be discussed at a future Meeting

Executive Session under G.L. c 30A, Section 21 (a)(3) to discuss potential litigation, Regarding First Light, Votes may be taken

Executive Session under G.L. c 30A, Section 21 (a)(3) to discuss potential litigation, Regarding Millers Falls Road/Industrial Boulevard Sewer Replacement Project, Votes may be taken

Executive Session, under G.L. c.30A, §21(a)(3) to discuss strategy with respect to Litigation, Erving – Montague Sewer Agreement, votes may be taken

Boutwell declares holding these Executive session in open session will be detrimental to the Towns position

Nelson makes the motion at 9:30 PM to go into Executive Session under G.L. c 30A, Section 21 (a)(3) to discuss potential litigation, Regarding First Light, Votes may be taken, Seconded by Fairbrother, approved unanimously.

Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

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Nelson makes the motion at 9:30 PM to go into Executive Session, under G.L. c.30A, §21(a)(3) to discuss strategy with respect to Litigation, Erving – Montague Sewer Agreement, votes may be taken Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Next meeting to start at 6:00 PM on August 11, 2014