

**SELECTMEN'S MEETING AGENDA
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, October 6, 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 (absent), Executive Assistant, Wendy Bogusz;

Approve minutes of August 11, 25, September 8, 15, 22, and 29, 2014 if available
No minutes available at this time

FY2015 Tax Classification Hearing, TOWN OF MONTAGUE – FY 2015 TAX CLASSIFICATION HEARING

Prior Year Statistics: FY2014 tax rates: \$16.34 Residential, \$24.85 Commercial, Industrial and Personal Property (CIP)

Recommendations and Explanations:

The Board of Assessors recommends a 1.31% shift to the CIP classes. This shift is one half of one percent less than that of the previous year. The recommended shift places a 60.537% share of the tax levy onto the residential class and 39.463% to the CIP classes.

FY2015 Proposed Split Tax Rates, \$16.96 Residential & Open Space (RO) / 3.8% increase \$25.65 Commercial, Industrial & Personal Property (CIP) / 3.2% increase

Total Taxable Valuation decreased \$2,865,371 an overall decrease of 0.38%. The majority of the decrease is within the residential class of properties. There were, however, very few overall adjustments made for FY2015 valuations, as the residential sales indicated consistency within the market to the prior year. The reduction is primarily due to cyclical inspections. The assessing department sent letters with department staff photos in advance of cyclical inspections. This public relations effort increased access to properties, many of which experienced a reduction in value due to previously unaccounted for physical depreciation.

Effect on FY2015 Tax Rate - Please be aware, there has been no settlement with FirstLight. They filed an abatement in FY2014 which was ultimately denied as no agreement value could be reached. The assessed valuation in FY2015 remains at the appraised value. FirstLight will undoubtedly dispute both the FY2014 and FY2015 valuations. An Appellate Tax Board case is imminent. As stated last year, we will hardly defend our valuation but, should they prevail in appellate court, the tax rate could go up significantly next year.

Proposed Levy Increase \$461,295 with Excess Levy Capacity of \$542.02

The Board of Assessors recommends the Select Board members vote yes for a Residential Factor of .866354 This moves 9.34% of the levy from the RO class to the CIP class. Last year the shift moved a 9.45% share of the levy. The slightly lower shift (one half of one percent) causes slightly less of the levy to be moved from the Residential and Open Space classes to the Commercial, Industrial and Personal Property classes.

The Board of Assessors recommends the Select Board members vote No for the OPEN SPACE DISCOUNT Local officials may select a percentage for open space that may not be less than 75% of its full and fair cash value percentage. The residential class (all homes and apartments) absorbs any discount applied to the open space class. The very nature of open space causes a reduced value because it tends to be landlocked and unbuildable. Many parcels that would be classified as open space are classified as farmland or forest land and therefore benefit from a reduced value. Montague does not currently have land classified as open space.

The Board of Assessors recommends the Select Board members vote No for the RESIDENTIAL EXEMPTION The Board of Selectmen may grant a residential exemption of a percentage that will not exceed 20% of the average assessed value of all residential parcels. Communities that receive special legislation can exceed the 20 percent maximum. The exemption reduces, by the adopted percentage, the taxable valuation of each residential parcel that is a taxpayer's principal residence. Granting the exemption raises the residential tax rate and shifts the residential tax burden to non-owner occupied residential properties. A residential exemption is beneficial in resort areas (i.e., Cape Cod and the Berkshires) to provide tax relief to permanent residents. In Montague, however, there are very few Second homes and the residential exemption would have very little effect.

**SELECTMEN'S MEETING AGENDA
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, October 6, 2014**

The Board of Assessors recommends the Select Board members vote No for the SMALL COMMERCIAL EXEMPTION. At the option of the Board of Selectmen, an exemption of up to 10% of the assessed value may be applied to the commercial class for parcels that are occupied by a business with an average annual employment of not more than ten employees and a valuation of less than one million dollars. The exemption applies to a specific parcel occupied by an eligible business, not to the eligible business itself. The commercial parcel does not have to be owned by the occupying business. The owner of the building receives the exemption not the qualifying business owner. If a parcel has multiple commercial occupants or tenants, all occupants must be eligible businesses. Only businesses certified by the Director of the Department of Workforce Development qualify. The list is not public information. The tax burden is shifted to the remaining commercial and industrial properties and does not include a shift to personal property. Montague shifts a portion of the residential tax burden to the CIP class of properties. This small commercial exemption would shift further tax burden onto the industrial park and other commercial and industrial properties.

Fairbrother moves the town adopt a Residential Factor of .866354 for FY15. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

Fairbrother makes the motion to adopt open space discount for FY2015. Seconded by Nelson. Boutwell – Nay, Fairbrother – Nay, Nelson – Nay

Fairbrother makes the motion to adopt the RESIDENTIAL EXEMPTION for FY2015. Seconded by Nelson. Boutwell – Nay, Fairbrother – Nay, Nelson – Nay

Fairbrother makes the motion to adopt the SMALL COMMERCIAL EXEMPTION for FY2015. Seconded by Nelson. Boutwell – Nay, Fairbrother – Nay, Nelson – Nay

Jeff Singleton, Execute letter to FRTA Administration Advisory Board

Singleton reads letter into the record

Nelson makes the motion to authorize the chair to sign the letter to the FRTA Advisory Board dated October 6, 2014. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

Dog Complaint Hearing , Joseph Dobias, 3 Rod Shop Road, Turners Falls

- Hearing opened at 7:20 PM
- Introductions made, Christopher Boutwell, Mark Fairbrother, Michael Nelson, Wendy Bogusz, Chief Charles Dodge , Calin Giurgiu, Boutwell reads complaint into the record
- Boutwell swears in Chief Dodge, Francis Garanin, Joseph Dobias
- Dodge reads Officer Sevene's report into the record
- Garanin gives her statement of what happened, shows photos to Board
- Dobias apologizes to Garanin and gives his statement on what happened
- Dobias has purchased a muzzle and registered his dog into training that starts October 15, 2014
- Dodge feels Dobias has taken the proper steps by getting a muzzle and registering the dog into training.

Nelson makes the motion regarding Bailey, that he is required to have a muzzle on him at all times when off the property with his owner, that he completes dog school that he is enrolled in, if there is further interactions, there will be consideration for putting the dog down, if further complaints are received from Chief Dodge. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

Copy of completed dog class certificate to be given to Chief Dodge and he will forward to Mrs. Garanin.

Hearing closed at 7:50 PM

Dog Complaint Hearing; Jody Rattigan, 41 Coolidge Avenue, Turners Falls

- Hearing opened at 7:52 PM, meeting being taped
- Introductions made, Boutwell reads complaint into the record
- Present: Christopher Boutwell, Mark Fairbrother, Michael Nelson, Wendy Bogusz, Chief Charles Dodge , Calin Giurgiu, Jody Rattigan, Bernice (neighbor to J. Rattigan)

**SELECTMEN'S MEETING AGENDA
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, October 6, 2014**

- Boutwell swears in Chief Dodge, Jody Rattigan

Chief Dodge: As stated April 22, 2014 the Board held a hearing and they were pretty lenient. Ms. Rattigan was not able to attend the meeting, but steps had already been started with a fence. After the hearing on June 25, 2014 Ms. Rattigan called to report her dog had gotten loose, again on September 8, 2014 a week later we started receiving reports that the mailman was bitten and attacked. I spoke with the postmaster in Turners and because his postal carriers have to deliver this route on a daily basis, they did not want to get involved. Postmaster made them file incident reports and two incidents with two different mail carriers were attacked by the dog, but neither one want to be involved as this is their daily job and do not want to cause a problem for anyone. I have a letter from the postmaster stating what happened with letter carriers. Seven days after the first incident the dog attacked its first postal carrier and I feel there is no choice but the dog be euthanized.

Calin: I agree with the chief; I have chased the dog many times, I'm not afraid of her, because I know how to handle her, but if she charges a child, the child will have no chance.

Rattigan: My daughter came in the last time. I take full responsibility for when my dog has gotten loose in the past.

Bernice: Dog has come to visit us, my husband is recovering from two broken hips and shows no sign of being vicious.

Rattigan: I have a 1-1/2 year old granddaughter who runs around and dog is no threat to her. I have two businesses and people in and out of my house all day and there is never an incident. There is an issue with people in uniform and there is a definite issue with my neglect in restraining the dog properly. I have checked into the dog training class, I would be more than happy to use a muzzle and I have looked into purchasing a very tall fence at Home Depot. I also have a run for her, but that particular night she was not on the run. I don't generally walk her because I really don't have time, I let her run in the back yard.

Fairbrother makes the motion that the dog known as Diamond be taken into custody, be held for 10 days for an appeal to be filed and with no further action the dog be euthanized. Seconded by Nelson for discussion. MOTION LATER
WITHDRAWN

Nelson asks about fence that was supposed to be built in April and how many times she has gotten out?

Rattigan states police officer came and checked the gate and he stated it was ok. She has priced a much higher fence that is much taller, but has not been built yet. The other fence was repaired and it is a smaller (shorter) one. She was under the impression she was to fix and repair the fence that was already there. Since then, the dog has been out 3 times and two other incidents. She has priced a much higher fence that will alleviate the problem without her being killed. I'm hoping obedience school will help with the issue of men in uniforms.

Chief Dodge: For the record I want it known I am an animal lover, particularly dog lover, and there is nothing that changes my mind about this dog. It is a very dangerous dog. Police Officers have been to her house a lot and they did not like that dog.

Rattigan disagrees with that statement

Ron Rancort (bite victim): Doesn't want to see dog put down, but doesn't see what the issue is with not being able to restrain the dog.

Rattigan states it is her fault

Rancort: You can see there are things piled up in front of the fence where the dog can climb up and spring board over, which could be how it is getting out. I don't want to see dog put down, but I don't really want to meet that thing in the street again.

Nelson: My biggest concern is the dog has been out 21 times since September 2013 and has bit twice. That is an incredible amount of times to be loose. We specifically said in the last motion, that a fence of proper strength and size be built for the dog in question by May 31, which was done in the meantime and there after the dog shall be kept in the secured fence and

**SELECTMEN'S MEETING AGENDA
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, October 6, 2014**

at home except when secured under leash. The Board expects no further complaints from the police, but if the Board receives any, the Board will come back for further deliberation.

Dodge: The problem is the dog has escalated. We were here before for a dog that was getting out, since the fence was put in, which the officer just verified the fence was there, he did not say it was a good enough fence, the dog has progressed to biting and attaching.

Rattigan: Because of my compromised state, she has taken on a protective roll. I am going to put up a bigger fence, I will put up a cage if I have too, I won't let her outside without a muzzle if I have to. Rattigan begs for another opportunity to restrain her dog properly, states she will do anything.

Dodge does not want another occurrence. He cannot have another mail person, child or another person attacked. It would bother me.

Boutwell states he is not in favor of euthanizing the dog. If dog is not euthanized a list of conditions will have to be put on it.

Fairbrother: If we don't put the dog down then the conditions are simple. The owner takes whatever steps are necessary to prevent that dog from getting out of the enclosed area. Anymore attacks, anymore reports of this dog being loose on the street, in the yard without a fence between it and anyone else, the dog is down.

Fairbrother withdraws previous motion and Nelson seconds the withdrawal.

Fairbrother makes the motion that effective immediately, owner, Ms. Rattigan take any and all steps necessary to keep the dog permanently within the house or the enclosed fenced area unless on a leash and with a muzzle. It is up to the owner to make sure the dog does not get out or cause further trouble, does not attack anyone else. Letter to state you are to keep dog under control and within your property and within 8 days a detailed description of how this will happen (you have a fence of x height, I have a leash a muzzle, entered into doggy school; this is to get the owner on record of what the steps are, the basic premise remains the same, the dog gets away, gets out of control, it is gone, period) is to be received in the Selectmen's Office, October 14th 4:00 PM. If dog gets out at any time he will be held for 10 days and then euthanized. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Fairbrother makes the motion that effective immediately, owner will take any and all steps necessary to prevent the dog Diamond from getting loose again. The steps are to be received in the Board of Selectmen's Office within 8 days, October 14, 2014 by 4:00 PM if not the Chief will return to this meeting for official ruling to put the dog down. Seconded by Nelson, approved unanimously. . Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Fairbrother: She can do whatever she wants or not do, but at the end of the day the dog does not get loose. Rattigan asks where she brings the letter and is told to Wendy in the Selectmen's office in Town Hall. The letter is simply to give us something from you stating these are steps you have taken. We are not approving them, we just want you on record of what you are doing. If the dog is seen loose again he is gone.

John Reynolds states if someone gets injured it is too late and you can't undo this and the Chief will have to say sorry, my decision was overruled. Fairbrother states Reynolds is correct but it's the Selectmen that

Wendy asks what needs to be done if she has not received a letter by 4:00 PM on Tuesday, October 14, 2014 at 4:00 PM? Rattigan states we will have a letter.

Fairbrother says that is secondary. The only important thing is the dog does not get loose

Hearing closed at 8:30 PM

**SELECTMEN'S MEETING AGENDA
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, October 6, 2014**

Nelson makes the motion to appoint Fairbrother as Chair for the next item. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Abstain

Suzee's Laundry, 84 Third Street, Turners Falls, Fashion Show, December 6, 2014

Entertainment Permit, 6:00 PM to 11:59 PM

Nelson makes the motion to approve a one day entertainment permit to Chris Janke, Suzee's Third Street Laundry at 84 Third Street for the Fashion show on Saturday, December 6, 2014, from 6:00 PM to 11:59 PM for instrumental music, live vocalist and exhibitions for the annual fashion show with up to 89 people in the room, plus other people in back room as noted on occupancy permit and insurance is forthcoming. Fee of \$50 Seconded by Fairbrother, approved. Nelson – Aye, Fairbrother – Aye, Boutwell - Abstain

One Day Beer & Wine License, 7:00 PM – 11:59 PM, (the Rendezvous – applicant)

Nelson makes the motion to approve the One Day Beer & Wine Licence to the Rendezvous at 84 Third Street from 6:00 PM to 11:59 PM for Saturday, December 6, 2014 for the annual fashion show at Suzees Laundry from 7:00 PM to 11:59 PM, insurance is forthcoming, alcohol needs to be purchased off the approved vendor list, fee is \$30.00. Seconded by Fairbrother, approved. Nelson – Aye, Fairbrother – Aye, Boutwell - Abstain

Chip Dodge, Police Chief

Execute the contract/agreement between Med Care and The Town of Montague for Ambulance and EMD Services for the Town of Montague Residents.

Nelson makes the motion to Execute the contract/agreement between Med Care and The Town of Montague for Ambulance and EMD Services for the Town of Montague Residents through June 30, 2016 as presented. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Execute FY15 Community Innovation Challenge Grant Application, Local Support Documentation Form for Franklin County Regional Animal Control Expansion

Nelson makes the motion to lend the Boards support to the FY15 Community Innovation Challenge Grant Application, Local Support Documentation Form for Franklin County Regional Animal Control Expansion project as presented. Seconded by Fairbrother, approved unanimously. Boutwell – Aye Nelson – Aye, Fairbrother – Aye

Other

Chief Dodge: I've been tasked with finding a new location for the dog kennel and the problem we have is permitting that will take over a year to build at the landfill. The land beside the police station appears to be the only viable spot if they can get the funding that can be built within the time frame of December 15, 2015. If they got the funding they could begin building tomorrow. It's out of the priority habitat area and it will be pushed close enough not to affect any future town expansions.

Other

FY15 Community Innovation Challenge Grant

Nelson: I received this over the weekend from Tracy Rogers at FRCOG asking me to forward this to the Board. They are looking to do a project for real time disaster mapping. They are looking to take technology that was already purchased by the Regional Emergency Planning Committee and utilize it in further ways with our towns. The Montague Center Fire Dept. has signed up for this.

Will this compete with the other grant? Not enough information is available

Reopening of Greenfield Cross Road

Fairbrother makes the motion the Board issue letter to all abutters on Greenfield Cross Road informing them that by October 31, 2014, Greenfield Cross Road will be reopened and instruct the DPW to inspect road to see if any repairs are needed: for discussion

Bergeron: I looked at the road the other day and the shoulders need to be cut back as the grass has overgrown a bit, there are cracks with grass but we can patch that stuff, move the barriers, clean up the piles from years of debris and sweep it. The road surface itself is more than adequate to take the cars. The schedule is out for Greenfield Road and Baltazar will be

**SELECTMEN'S MEETING AGENDA
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, October 6, 2014**

starting soon, so I think Greenfield Rd will slow down due to construction. I will install new stop signs. If major repairs are needed, I can get it on the Chapter 90 list for next year and repave it.

Jensen: It was closed due to a couple minor fender benders near the Adams house on the north end. There was questions on the legality. Not sure if Police Chief initiative or a Selectmen's initiative.

Boutwell: If it gets reopened, I'd rather see it as a one way.

Jensen feels there is fair argument in that especially if Hatchery Road is reconstructed that might make even more sense and it would allow work on Eastern end to be isolated and more efficient.

Dodge: Took photos from every angle and there is plenty of sight distance. Sees no issues with road being opened

Fairbrother: The road was probably closed illegally in the first place and I seen no reason why it shouldn't be open.

L. Adams: It was closed in 2000 by the Selectmen due to safety issues. Jersey barriers were placed at either end of our property and the road to use went to the residents who lived on it. Mass. Highway did not approve that route as a detour back then and they don't now because it is an unsafe angle. The road was closed illegally and should have gone to Town Meeting and because it's a county road FRCOG should have been notified and permission obtained. Went before Selectmen 3 1/2 years ago to keep it permanently closed. At this time it is important to note that the right of way on the cross road has not been verified, there are no bounds left from the 1820 layout and hence either a new one needs to be drawn or the bounds that are there presently would need to be used.

Discussion

Adams: You are hereby notified we have prepared a lawsuit with the Federal Court against the Town of Montague in regards to the Hatchery Road project and the treatment we have received. The Town can now explain to the residents why they didn't come to the table three years ago or after the fire to resolve these issues and why they are going to waste more town money and go to court on another case instead of doing the right thing which is coming to the table open with all involved parties.

Discussion about procedure to open the road

Fairbrother makes the motion the Board issue letter to all abutters on Greenfield Cross Road informing them that by October 31, 2014, Greenfield Cross Road will be reopened and instruct the DPW to inspect road to see if any repairs are needed. A public hearing to be held on October 20th. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Rich Becker, 151 Third Street, Turners Falls

Execute Agreement of lease between Cottage Industries, LLC and Town of Montague, parcel of land on Second Street, Assessors Map 4, Lot 100 for Skateboard Park with accessory parking facilities until September 30, 2016

Mr. Becker did not show up to the meeting. Will be put on a future agenda.

Town Administrators Report

Execute License to enter and use real property, Alice & Ted Armen, School Street Montague Center (Assessors Map 43, Lot 123) for planting and cultivating a garden, including the installation of perimeter fencing

Nelson makes the motion to approve License to enter and use real property to Alice & Ted Armen, School Street Montague Center (Assessors Map 43, Lot 123) Book 1656, page 151 for planting and cultivating a garden, including the installation of perimeter fencing at a rate of \$10 per year for a total of \$30 until June 30, 2017. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Execute Warrant for State Election

Fairbrother reads warrant into the record

**SELECTMEN'S MEETING AGENDA
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, October 6, 2014**

Fairbrother makes the motion to place the warrant as presented for the November 4, 2014 State Election. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Topics not anticipated in the 48 hour posting requirement

Nelson makes the motion to approve a permit to Harmony Lodge AF&AM for an annual foot race on bike path on Saturday, October 11, 2014 from 9:00 AM to 12:00 PM permission being granted to property that the Town owns which includes Masonic Avenue, Rod Shop Road and Solar Avenue; Police chief has signed off on it, requested people help out with road crossing and insurance policy is attached. Seconded by Boutwell, approved. Boutwell – Aye, Nelson – Aye, Fairbrother – Abstain. Mr. Billings to be notified to come in earlier next year.

Nelson makes the motion to approve use of the corner of Montague City Road and Masonic Avenue to the Harmony Lodge AF&AM for the use of hanging a 4' x 8' banner for an Open House event on October 17, 2014, the banner will be hung from October 12 to October 17, 2014. Chief Dodge has signed off on it and reminded them not to impede motorists view of traffic. Seconded by Boutwell, approved. Boutwell – Aye, Nelson – Aye, Fairbrother - Abstain

Public Comment Period: Any public discussion regarding any agenda item or other matter will be reserved for this time slot. Individuals will be limited to two (2) minutes each and the Board of Selectmen will strictly adhere to time allotted for public comment.

- Reynolds: Wants to know why this is in here and whether or not the Board has thought about what it does to people coming in to talk about the agenda. If you wait until the end, when everyone has fallen asleep, you've missed the point.
- Boutwell responds that other communities follow this format and he is trying to stick to the schedule.
- Singleton thinks it's wrong but not the right time to have it. Would be better if people were allowed to comment on agenda items, but if you are running late, cut comments short. Exercise your authority. Commenting on a topic after you already voted for it is not public comment
- L. Wicks would prefer this comes at the beginning of the meeting. W. Bogusz given reason why public comment was scheduled at the end of the meeting, due to previously scheduled items on the agenda
- J. Golrick expresses her dislike with the whole idea of having this topic on the agenda. Also wants time on the agenda and will submit something in writing.
- R. Rosenblatt: Expresses his perplexity at another executive session for Montague Center School issue, perplexed negotiations have taken this long, perplexed that there hasn't been an agreement signed with Mr. Zacheo, perplexed the town is going to have to pay for ongoing maintenance costs, perplexed town hasn't signed an agreement and even more perplexed Mr. Zacheo is here. With Mr. Zacheo here at the meeting it appears there can't be any detrimental effect on negotiations. We are concerned about the building and feel there needs to be more transparency on part of the board.
- Fairbrother has been wondering why Montague Center School would be in Executive Session. Limiting public comment on subjects on or not on the agenda to the end of the evening is close to an insult to the people on the agenda or in the room. Would request comments be made at the beginning of the meeting. Open meeting law quite explicitly states the public does not have the right to speak at the meeting. You can request it, but you don't have to be given it.

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

Fairbrother makes the motion to discuss strategy for Real Estate; Montague Center School, School Street, Montague, in open session. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

OPEN SESSION:

Ramsey: We have an offer to buy the property drawn up by the Towns legal counsel. There are several terms included as part of the sale. This is an agreement to come to an end date. The developer is committing to submit an application for a variance to the State Building Code Appeals court within 14 days to apply for the Variance. The Selectmen are agreeing to provide support for the application at no cost or expense to the Town. Assuming this variance is obtained on or before December 1, 2014 then the buyer/developer would enter into a purchase and sale agreement for the property on or before December 1, 2014. The closing will take place before February 1, 2015. As part of the agreement the Town will remove the underground oil tank by December 31, 2014 weather permitting but with a note no later than May 31, 2015. The Town will indemnify the buyer from all liabilities associated with the removal of the underground storage tank. Sale of property

**SELECTMEN'S MEETING AGENDA
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, October 6, 2014**

will be contingent upon complying with all terms and conditions required by Mass. General Laws. If parties do not agree by October 9, 2014 then this offer is null and void. We have an estimate of \$6,000 to remove the tank.

Zaccheo has read over offer to sell and feels it is reasonable. This is one of the last contingencies to see if Board will accept a residential sprinkler system as opposed to a commercial sprinkler system for the feasibility of the project. If that happens then the project is feasible and I'm willing to move forward with it. If it doesn't then the project is dead and we all move forward in different directions.

Jensen: I've had a discussion about the technical issues relating to the two sprinkler systems. I personally think the residential sprinkler system is more than adequate and could be better as it is a life protection system as opposed to a property protection system. I've talked about the capacity of the water system in Montague Center both by pressure and volume of the storage tank. I think there are a number of reasons why the state would hear this favorably. I'm of the opinion it is a variance well worth granting and there are some mechanisms in the building code for me to address it but without the essential unequivocal support of the fire chief in Montague Center I don't think that is a good idea or a possibility. Mr. Greene prefers to see the higher system put in, but he will neither support or oppose an application for a variance, his position is neutral. I think his willingness not to oppose it is critical.

Discussion about fuel tank and not removing the tank until Mr. Zaccheo owns the building or until warm weather. Discussion about installing other tanks into the building, Highway Department is against taking out the tank until the property transfers. Zaccheo states no closing is done until tank is removed. Discussion about purchase price of the building, it is decided to go into Executive Session

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

Boutwell declares this discussion could be detrimental to the town's position.

Nelson makes the motion to enter into executive session at 10:19 PM 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. The Board will reemerge into open session following the executive session. Seconded by Fairbrother, approved. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Fairbrother makes the motion to come out of Executive Session and go back into regular session at 10:40 PM. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

OPEN SESSION:

Boutwell: We are back in open session; we have come up with a potential agreement and offered to sell the building for a \$1.00

Fairbrother: but the buyer agrees to have 2 more 500 gallon tanks put into the building so that we can take the old tank out, pump it over into that at closing at Zaccheo's expense. Once Zaccheo closes on the building he can figure out how many tanks are needed.

Fairbrother makes the motion that the Board authorize and sign this offer to sell agreement (Attachment A) as edited and redrafted tonight. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

Nelson makes the motion to adjourn the meeting at 10:45 PM. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye