

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, November 10, 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

Meeting Being Taped:

Votes May Be Taken:

Approve minutes of September 8, 15, 22, 29 and October 6, 14, 20, 27 November 3, 2014 if available

Nelson makes the motion to approve the minutes of September 8, 2014 with corrections. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

Nelson makes the motion to approve the minutes of September 15, 2014. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

Nelson makes the motion to approve the minutes of September 22, 2014. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

Nelson makes the motion to approve the minutes of September 29, 2014. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

Nelson makes the motion to approve the minutes of October 6, 2014. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

Nelson makes the motion to approve the minutes of October 14, 2014. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

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

Nelson makes the motion to approve the minutes of October 27, 2014. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

Nelson makes the motion to approve the minutes of November 3, 2014. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

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.

Golrick gives letter to the Board and the Media regarding her request to be on the agenda

Five Eyed Fox, Request for Sandwich Board sign on the corner of Avenue A and Third Street

M. Merchant originally submitted an application which Mr. Jensen was not in favor of, went back with his suggestions and have a new location in the grassy area at the corner of Avenue A and Third Street. (photos submitted). Would like to leave it up 24/7 during non snow months

Discussion about sign and snow and when it will be removed for snow storms.

Nelson makes the motion to approve a sandwich board for the Five Eyed Fox 3' x 2' containing advertising information about their business, to be located on the North side of the intersection of Third and Avenue A starting November 10, 2014 going through June 30, 2015 with the understanding that during the appropriate winter time of year, the sign will be removed until snow is gone. Should it accidentally be destroyed by the DPW it will not be the Town's problem. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

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Rodney Madison, 104 Avenue A, Current Use of the public sidewalk and planter space for display of your private property at 104 Avenue A without a permit or insurance

Dodge: I've been receiving complaints regarding items on the sidewalk which has now escalated to allegations of an illegal business with no cash register and sales taxes being taken out. Madison has registered a DBA at 104 Avenue A, but has not provided any proof of insurance. Contacted Dept. of Revenue and they have no record of Mr. Madison having a business in town. This has been assigned to their investigative unit as they are not happy he is running an illegal business. I asked for recommendations, they were cautious but wondered why we are allowing him to run a business. As far as I'm concerned this is an illegal operation. I'm asking the Board to shut the business down until Mr. Madison provides proof of insurance, proof he has insurance to place objects on the right of way, proof he has registered and complied with the State, sign offs with the Building Dept and Fire Dept, myself and the clerk authorizing him to run a business. I am afraid someone will get hurt and there is no insurance.

Fairbrother states these are all serious issues that need to be looked into but we are here tonight for the public sidewalk and planter space

Madison states he is legal and has every business certificate and license to run a business in Massachusetts and Turners Falls. States he has insurance now. Only want space in front of store, requesting 4'6" out in front of store front, by 22' long, I have followed what needs to be followed. My address has changed to 104 so I would like to apply for a permit. wants a sandwich board sign on corner. Madison tells Board how many people stop and say how much they like the planter

Nelson makes the motion to approve the use of public space, 104 Avenue A for the space in front of his business, 22' long and 4'6" out from the edge of the property. Motion withdrawn as the Board has not received an application at this time.

Further discussion about operation of business.

Items needed for next week and must be received by Thursday, 11/13/14 at noon: Proof of Insurance showing coverage amounts; application requesting use of public property; diagram showing placement and distance

Madison: I have a moss planter that is covered in moss. I have a pumpkin, a carriage, chotchkee's, rusted bicycle.

Fairbrother: We are basically back where we were 1-1/2 to 2 years ago but the next planter up

Ms. Golrick States she feels this should go to court not before the Selectmen

A variety of audience members speak in support of Mr. Madison

Nelson makes the motion to approve the use of public space 4'6" x 22' in front of 104 Avenue A until Monday, November 18, 2014 at 8:00 PM until the matter is revisited. Seconded by Fairbrother, approved. Boutwell – Aye, Nelson – Aye, Fairbrother - Nay (largely due to lack of insurance)

Nelson makes the motion to approve the use of the planter as it is currently being used in front of 104 Avenue A as it is currently being used by Mr. Madison through Tuesday, November 18, 2014 at which time it will be further discussed. Seconded by Fairbrother, approved. Boutwell – Aye, Fairbrother – Aye, Nelson - Nay

T. Bergeron reminds Mr. Madison of sprinkler system in the planter and to use caution when putting items in the ground.

Planter Committee to be notified of the above item.

Dodge wants something in writing from the State that the business is registered

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Cable Advisory Committee (CAC), Accept the resignations of two members: Gary Earles, Eileen Dowd
Fairbrother makes the motion to accept the resignations from Gary Earles and Eileen Dowd from the Cable Advisory Committee. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother

There are two openings on the CAC

Michael Nelson, dba Franklin County Pumpkinfest, Use of public Property: 6th Annual Pumpkinfest, 10/24/15, 7:00 AM to 11:59 PM, Peske Park and Avenue A to 7th Street

Nelson recuses himself from the meeting

Fairbrother makes the motion to grant the one day permit for assembly, public demonstration and use of public property to Michael Nelson, dba Franklin County Pumpkinfest, Greenfield Road, Montague for October 24, 2015 from 7:00 AM to Midnight, the 6th Annual Pumpkinfest, the Chief has signed off on it and insurance will be supplied before the event. Seconded by Boutwell, approved. Boutwell – Aye, Fairbrother – Aye.

One Day Liquor License: 10/24/15, 2:00 PM to 10:00 PM

Fairbrother makes the motion to grant the request for a One Day Special License for Beer and Wine at Peskeompskut Park and Avenue A to Michael Nelson, dba Franklin County Pumpkinfest, Greenfield Road, Montague for October 24, 2015 from 9:00 PM to Midnight, Seconded by Boutwell, approved. Boutwell – Aye, Fairbrother - Aye

Application to Place Pumpkinfest Banner left of fountain at Peskeompskut Park 10/3/15 to 10/24/15

Fairbrother makes the motion to allow Michael Nelson, dba Franklin County Pumpkinfest, Greenfield Road, Montague to place pumpkinfest banner to the left of the fountain at Peskeompskut Park from 10/3/15 to 10/24/15; police chief has signed off on permit. Seconded by Boutwell, approved. Boutwell – Aye, Fairbrother – Aye

Review Executive Session minutes from 3/14/13, 4/1/13, 4/16/13, 4/29/13, 6/23/14, 7/14/14 and 10/6/14 and determine whether any are suitable for release due to the expiration of the executive session purpose. Open and executive session discussions expected

Nelson does not vote on 2013 minutes as he was not on the Board at that time.

Fairbrother makes the motion to release the Executive Session minutes #1 of March 14, 2013. Seconded by Boutwell. Approved. Boutwell – Aye, Fairbrother – Aye, Nelson – abstain (Pay & Class Study)

Fairbrother makes the motion to release the Executive Session minutes #2 of March 14, 2013. Seconded by Boutwell. Approved. Boutwell – Aye, Fairbrother – Aye, Nelson – Abstain (Colle Lease)

Fairbrother makes the motion to release the Executive Session minutes of April 1, 2013. Seconded by Boutwell. Approved. Boutwell – Aye, Fairbrother – Aye, Nelson – Abstain (Collective Bargaining)

Fairbrother makes the motion to release the Executive Session minutes of April 16, 2013. Seconded by Boutwell. Approved. Boutwell – Aye, Fairbrother – Aye, Nelson – Abstain (Pay & Class Study)

Fairbrother makes the motion to release the Executive Session minutes #1 of April 29, 2013. Seconded by Boutwell. Approved. Boutwell – Aye, Fairbrother – Aye, Nelson – Abstain (Pay & Class Study)

Fairbrother makes the motion to release the Executive Session #2 minutes of April 29, 2013. Seconded by Boutwell. Approved. Boutwell – Aye, Fairbrother – Aye, Nelson – Abstain (Pay & Class Study)

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Fairbrother makes the motion to release the Executive Session minutes #2 of June 23, 2014. Seconded by Nelson. Approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye (Montague Center School)

Fairbrother makes the motion to release the Executive Session minutes #3 of July 14, 2014. Seconded by Nelson. Approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye (Montague Center School)

Fairbrother makes the motion to release the Executive Session minutes of October 6, 2014. Seconded by Nelson. Approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye (Montague Center School)

J. Golrick wants to see Executive Session Minutes regarding Millers Falls and Conley issues next

Request to be appointed to the Broadband Committee from Lisa Enzer

Fairbrother makes the motion to appoint Lisa Enzer to the Montague Broadband Committee through June 30, 2016. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Next meeting will be held 11/18/14

Fairbrother makes the motion to adjourn the meeting at 8:40 PM. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye