

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, April 13, 2015**

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 April 6, 2015 if available

Nelson makes the motion to approve the minutes of April 6, 2015. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother – Aye

Public Comment Period: Individuals will be limited to two (2) minutes each and the Board of Selectmen will strictly adhere to time allotted for public comment.

J. Golrick: 1) Article 23 bylaw on Town Meeting warrant is ridiculous, clear evidence the town is just trying to make work for the police. 2) Requests topic be put on next agenda why treasurer collector and assessors position is going from elected to appointed (*this is not happening*). 3) Open Meeting Law complaints, this is a violation to wait until the 13th day to discuss this. 4) I'm embarrassed for BOS and ashamed to be in this town; this board needs to be more publicly friendly and it needs to know what needs to be done. It needs to be working for the people, it's not supposed to be having a closed agenda, articles that are useless. Would like Board to take more care in their decisions.

Suzanne LoManto, Turners Falls RiverCulture

Execute Contract with FirstLight Power for land usage (Unity Park waterfront and the iron bridge behind the Great Falls Discovery Center)

May 16, 2015 River's Song Celebration, 11:00 AM to 10 PM

August 1, 2015, Pocumtuck Homelands Festival, 10:00 AM to 8:00 PM

Cancelled to a future meeting

Kathleen Lynch

Request to be appointed to Cable Advisory Committee

Nelson makes the motion to appoint Kathleen Lynch to the Cable Advisory Committee effective immediately until June 30, 2015 upon receipt of Disclosure Of Appearance Of Conflict Of Interest and Disclosure By Non-Elected Municipal Employee Of Financial Interest And Determination By Appointing Authority Forms. Seconded by Fairbrother for discussion:

Fairbrother: As far as I'm concerned, Ms. Lynch has a text book conflict of interest and to appoint her would be a bad idea.

Nelson: It's a tricky spot because Ms. Lynch has a tremendous amount of knowledge, but there are issues she is going to have to excuse herself from conversation

J. Reynolds: I have been on the CAC several times and Ms. Lynch is a hard person to work with

Lynch: Depending on who you are I'm either very easy to work with or very difficult to work with, depending on what that process looks like. Rather than continue to complain about the CAC, I would like to join and contribute and help turn it around.

Discussion

Nelson would like this revisited in June because of the conflicts.

Nelson makes the motion to appoint Kathleen Lynch to the Cable Advisory Committee effective immediately until June 30, 2015 upon receipt of Disclosure Of Appearance Of Conflict Of Interest and Disclosure By Non-Elected Municipal Employee Of Financial Interest And Determination By Appointing Authority Forms. Seconded by Fairbrother, Boutwell – Aye, Nelson – Aye, Fairbrother - NAY

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, April 13, 2015**

Personnel Board

Set Salary of temporary Director of Assessing, Douglas McIntosh, Grade 2, Step 1, \$30.18/hour, effective 4/13/15

Nelson makes the motion to appoint Douglas McIntosh as temporary Director of Assessing, Grade 2, Step 1, \$30.18/hour, effective April 13, 2015. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother – Aye

Accept resignation of Carolyn Olsen as IT Administrator effective April 6, 2015

Fairbrother makes the motion to accept the resignation of Carolyn Olsen as IT Administrator effective April 6, 2015. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother – Aye

Approve Avenue A Adopt-A-Planter Regulations

Ramsey: The Selectmen are custodians of 35 planters on the sidewalk on Avenue A. Over the years there has been an informal program allowing private parties to adopt the planters for the purpose of maintaining them. This informal arrangement benefited the Town for many years, it saved the Town substantial amounts of maintenance costs and engaged local citizens and businesses while beautifying our downtown. However, it has become apparent that more formal guidelines are needed to ensure there is a full and fair opportunity for all interested parties to participate in the program and ensure the planters are maintained in a manner to promote public safety and welfare. The Selectmen tasked town staff to develop planter regulations. The regulations that are presented tonight have been drafted by the Town Administrator with the assistance of Linda Hickman, a longtime volunteer coordinator of the Streetscape planters. The regulations have been vetted by Town Counsel, feedback was incorporated from DPW Superintendent Town Bergeron, myself, Krista Snyder, Selectmen Nelson, Rodney Madison was also consulted on the regulations. In my opinion, these regulations are a byproduct of a successful growing downtown and it's a good indicator. Our volunteers have gotten so creative and invested in the planters that it has forced the town to look what it is doing to protect the public assets that are the planters and the street trees themselves. These regulations I feel walked a very fine line between beautifying the streetscape, encouraging volunteerism, and protecting the Town's assets and interest. They are not an effort to stifle creativity or the business community. I hear that concern loud and clear from my friends on Avenue A. The Selectmen, since the advent of RiverCulture have a long history of permitting, promoting and enabling public art nothing in these regulations prevent public art through the standard license procedure. Public art and community driven projects have always been permit able on public property through a license, in fact in addition to these regulations I've drafted some planter license guidelines so it is clear to everyone exactly what the Town's interests are.

Proposed regulation discussed (attached at end of these minutes)

Lengthy discussion was held regarding regulation, insurance requirements

L. Hickman gives history of adopt-a-planter program

Golrick feels this is a targeted regulation

R. Madison expresses his concerns regarding the planter meeting and how he does not agree with the regulations.

D. Jensen doesn't feel you can make people liable for planters. Doesn't feel public policy should be turned over to the Town's attorney. Need to go back to philosophy that the public policy should cover the volunteers who put their time, effort and quite frankly a fair amount of money to make the planters look good and I know the Town can't match that. Think if you have a planter you should automatically be on the committee.

Further lengthy discussion regarding trees, items in the planters, size of items in the planters

Fairbrother left meeting at 8:23 PM, returns at 8:28 PM

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, April 13, 2015**

Nelson makes the motion to appoint a 7 member planter committee made up of two current planter owners, two Turners Falls Business owners, two Turners Falls residents and one Montague at large resident. D. Jensen, W. Ramsey, L. Hickman and F. Abbondanzio would be Town Staff on the Committee. We will put out a request for letters with a due date of April 30, 2015. Seconded by Boutwell, Boutwell – Aye, Nelson – Aye, Fairbrother – not present

Rodney Madison

Application for use of Public Space (Right of Way)

Discussion of the status of the Planter Committee as the Committees recommendations presented for the Selectboard and Request to form such a Committee in the absence of one

Clarification of any by law stating residents must be responsible for insurance costs, If they choose to maintain a planter

The above topics will now be taken up by the planter committee at a later date

Nelson makes the motion to rescind the letter dated March 11, 2015 to Mr. Madison regarding planter regulations pending further guidance from the planter committee. Seconded by Boutwell, approved. Boutwell – Aye, Nelson – Aye, Fairbrother - Nay

Review of Policies and Procedures, Privacy Rules regarding record keeping and cc'ing correspondences between a private citizen and Town Officials

Madison: I requested this because my correspondence between Selectboard was cc'd to Police Chief, and I was wondering if that is standard procedure. I asked Wendy about it, she stated it was in error, so I don't need to go any further with this.

Open Meeting Law: Discussion and possible vote to acknowledge receipt of open Meeting law complaint on April 1, 2015 and to authorize a response

Nelson makes the motion to acknowledge receipt of the open meeting law complaint on April 1, 2015 and to authorize Town Counsel to respond on the Boards behalf. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Town Administrators Report

May 2, 2015 Town Meeting Warrant – Approve and execute draft warrant, attached hereto

Fairbrother makes the motion to place article 1 on the May 2, 2015 Annual Town Meeting Warrant:

ARTICLE 1. To see if the Town will vote to receive and act upon the reports of the Officers of the Town and to receive the report of any committees and act thereon. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Fairbrother makes the motion to place article 2 on the May 2, 2015 Annual Town Meeting Warrant:

ARTICLE 2. To see if the Town will vote to authorize the Board of Selectmen, or other Town departments with the approval of the Board of Selectmen, to apply for and accept grants from the Federal Government, Commonwealth of Massachusetts, or any other source, and to expend the same for purposes received without further appropriation, or pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Fairbrother makes the motion to place article 3 on the May 2, 2015 Annual Town Meeting Warrant:

ARTICLE 3. To see if the Town will vote in accordance with Massachusetts General Law Chapter 44, Section 53E ½, as amended, to reauthorize a revolving fund for the Hazardous Materials Response Planning Committee (a.k.a. the SARA Title III Committee) into which fund will be placed the fees collected from individuals responsible for oil and hazardous material spills, and to further authorize the SARA Title III Committee to expend up to a maximum of \$7,500 for the fiscal year beginning July 1, 2015 from the Revolving Fund for the purpose of cleaning up oil and hazardous material spills, or pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Fairbrother makes the motion to place article 4 on the May 2, 2015 Annual Town Meeting Warrant:

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, April 13, 2015**

ARTICLE 4. To see if the Town will vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2015, or pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Fairbrother makes the motion to place article 5 on the May 2, 2015 Annual Town Meeting Warrant:

ARTICLE 5. To see if the Town will vote to fix the salaries of all appointed officials as required by law for the fiscal year beginning July 1, 2015, or pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Fairbrother makes the motion to place article 6 on the May 2, 2015 Annual Town Meeting Warrant:

ARTICLE 6. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$8,428,454, or any other amount, for the maintenance of the several departments of the Town and for any other necessary changes, or pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Fairbrother makes the motion to place article 7 on the May 2, 2015 Annual Town Meeting Warrant:

ARTICLE 7. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$2,244,913, or any other amount, for the purpose of operating the Water Pollution Control Facility and associated pumping stations, or pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Fairbrother makes the motion to place article 8 on the May 2, 2015 Annual Town Meeting Warrant:

ARTICLE 8. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$80,350, or any other amount, for the purpose of funding the operations, maintenance, and debt service of the Colle Building, or pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Fairbrother makes the motion to place article 9 on the May 2, 2015 Annual Town Meeting Warrant:

ARTICLE 9. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$46,278, or any other amount, for the purpose of operating the Turners Falls Airport, or pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Fairbrother makes the motion to place article 10 on the May 2, 2015 Annual Town Meeting Warrant:

ARTICLE 10. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$760,615, or any other amount, for the purpose of paying the Franklin County Technical School District for Montague's share of the assessment for the yearly operation of the Franklin County Technical School, or pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Fairbrother makes the motion to place article 11 on the May 2, 2015 Annual Town Meeting Warrant:

ARTICLE 11. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$8,498,343, or any other amount, for the purpose of paying the Gill-Montague Regional School District for Montague's share of the assessment for the yearly operation of the Gill-Montague Regional Schools, or pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Fairbrother makes the motion to place article 12 on the May 2, 2015 Annual Town Meeting Warrant:

ARTICLE 12. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$385,000, or any other amount, for the purpose of documenting and improving various

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, April 13, 2015**

sewer and storm water lines and drains, including any related costs, or to pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

*Fairbrother makes the motion to place article 14 on the May 2, 2015 Annual Town Meeting Warrant:
ARTICLE 13. To see if the Town will approve the \$1,116,764.00 borrowing authorized by the Gill-Montague Regional School District, for the purpose of paying costs of GMRSD Window Project at Sheffield Elementary School, 35 Crocker Avenue, Turners Falls, MA 01376 replacing the windows in the auditorium/gymnasium wing, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of GMRSD School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) seventy six percent (76%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, or pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye*

*Fairbrother makes the motion to place article 14 on the May 2, 2015 Annual Town Meeting Warrant:
ARTICLE 14. To see if the Town will approve the \$145,000.00 borrowing authorized by the Gill-Montague Regional School District, for the purpose of paying costs of GMRSD Boiler Burner Project at Sheffield Elementary School, 35 Crocker Avenue, Turners Falls, MA 01376 replacing the boiler and two burners, including the payment of all costs incidental or related thereto, or pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye*

*Fairbrother makes the motion to place article 15 on the May 2, 2015 Annual Town Meeting Warrant:
ARTICLE 15. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$100,000, or any other amount, for the purpose of purchasing and equipping and making major repairs to DPW vehicles and equipment, including any and all incidental and related costs, or pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye*

*Fairbrother makes the motion to place article 16 on the May 2, 2015 Annual Town Meeting Warrant:
ARTICLE 16. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$43,325, or any other amount, for the purpose of funding FY 2016 principal and interest payments due on the Six Wheel Dump Truck authorized for lease at the May 5, 2012 Town Meeting, or pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye*

*Fairbrother makes the motion to place article 17 on the May 2, 2015 Annual Town Meeting Warrant:
ARTICLE 17. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$20,000, or any other amount, for the purpose of repairing the Shea Theater roof, including all costs incidental or related thereto, or pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye*

*Fairbrother makes the motion to place article 18 on the May 2, 2015 Annual Town Meeting Warrant:
ARTICLE 18. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$15,000, or any other amount, for the purpose of funding purchases of Police equipment such as firearms and accessories, computers and accessories, police cruiser equipment, department furniture, bullet-proof vests, tasers, radios or any similar items as well as extraordinary repairs to same, or to pass*

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, April 13, 2015**

any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

*Fairbrother makes the motion to place article 19 on the May 2, 2015 Annual Town Meeting Warrant:
ARTICLE 19. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$46,000, or any other amount, for the purpose of funding and supporting the retention and storage of Town records through a storage management system, or to pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye*

*Fairbrother makes the motion to place article 20 on the May 2, 2015 Annual Town Meeting Warrant:
ARTICLE 20. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$32,632, or any other amount, for the purpose of increasing the Town Capital Stabilization Fund, or to pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye*

*Fairbrother makes the motion to place article 21 on the May 2, 2015 Annual Town Meeting Warrant:
ARTICLE 21. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$15,000, or any other amount, for the purpose of maintaining the Montague Center School building, or to pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye*

*Fairbrother makes the motion to place article 22 on the May 2, 2015 Annual Town Meeting Warrant:
ARTICLE 22. To see if the Town will vote to amend Article 1, Section 1 of the by-laws of the Town of Montague (amended 3/12/92) by replacing the words “in some conspicuous place in each of the post offices of the Town and in each of the public libraries of the Town, and the Town office building,” with “on the Town’s website and on the official Town Hall Bulletin Board”, or to pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye*

*Fairbrother makes the motion to place article 23 on the May 2, 2015 Annual Town Meeting Warrant:
ARTICLE 23. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$8,200, or any other amount, for the purpose of funding the purchase of information technology equipment, parts, accessories, and software and for the installation thereof, or pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye*

*Fairbrother makes the motion to place article 24 on the May 2, 2015 Annual Town Meeting Warrant:
ARTICLE 24. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money for costs associated with the design, construction, and installation, including any costs associated with or incidental thereto, of a broadband fiber-to-the-home network to provide cable service to sections of the Town that do not have access to such service, to also include installation of a fiber backbone to enable future expansion of cable service throughout the Town, the expenditure therefore to be reduced by the amount of any gift, grant, or other funding source obtained for this purpose; and further to authorize the Board of Selectmen to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from any federal, state or other funds to defray the cost of said project, and to enter into such agreements and execute any and all instruments as may be necessary to accomplish the foregoing; and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen is hereby authorized to borrow said amount pursuant to Massachusetts General Laws, Chapter 44, section 7, or any other enabling authority, or pass any vote or votes in relation thereto. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye*

Nelson makes the motion to place article 25 on the May 2, 2015 Annual Town Meeting Warrant:

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, April 13, 2015**

ARTICLE 25. To see if the Town will vote to amend Article IV of the By-laws of the Town of Montague, by adding the following new section to be consecutively numbered at the end thereof, or pass any vote or votes in relation thereto.

GRAFFITI AND SPRAY PAINT BY-LAW

A. Graffiti Abatement

1. *Definition of "Graffiti". Any word, figure or painted design that is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or on any surface, regardless of the nature of the material of that structural component, unless the same was authorized in advance by the owner thereof.*

2. *The existence of Graffiti on any surface within the town is expressly declared to be a public nuisance affecting public health, safety and welfare.*

3. *No person shall apply or allow Graffiti to remain on any surface within the Town.*

4. *No owner of any surface within the town shall allow any Graffiti to remain thereon when the Graffiti is visible from the street or from other public or private property.*

5. *Whenever the Building Inspector, the Board of Health or its designee or a member of the Police Department determines that Graffiti on any surface within the town is visible from the street or from other public or private property, the owner thereof shall abate the Graffiti within 10 days of service of an order to abate or in such other time as the enforcement official shall order.*

6. *A property owner shall be deemed to have complied with an order to abate the Graffiti if it is obliterated by a matching building paint or by such other means as shall obliterate the Graffiti and remove the nuisance.*

7. *This by-law may be enforced by the Building Inspector, Board of Health or its designee or any police officer of the Town of Montague.*

8. *A property owner who violates any provision of this by-law may be penalized by non-criminal disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal Disposition By-Law, and may be punished by a non-criminal fine of twenty-dollars (\$20) for each offense. Each day that Graffiti remains on the owner's property after expiration of an order to abate shall constitute a separate offense.*

9. *Any person who applies Graffiti to any surface in the Town may be penalized by non-criminal disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal Disposition By-Law, and may be punished by a non-criminal fine of three hundred dollars (\$300) for each offense. Each day that Graffiti remains shall constitute a separate offense.*

10. *Whoever violates any provision of this by-law may be penalized by indictment or on complaint brought in the District Court. The maximum penalty for violation of this by-law shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense.*

11. *Nothing in this by-law shall be construed to limit in any way the Town's authority to order the abatement of a nuisance as set forth in any applicable law, including but not limited to the authority of the Board of Health as set forth in Massachusetts General Laws, Chapter 111, Sections 122-125. The Town may enforce this By-law or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.*

B. Sale or Delivery of Spray Paint to Minors

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, April 13, 2015**

1. *Definition of "Spray Paint". Any aerosol container that is adapted or made for the purpose of applying paint or any other substance capable of defacing the surface to which it is applied.*
2. *No person shall sell or deliver Spray Paint to any person under seventeen (17) years of age.*
3. *No employee of any establishment offering Spray Paint for sale to the public shall be penalized under this by-law if they reasonably rely on a facially valid form of identification issued by a federal, state, county or municipal government or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act (50 App. U.S.C. *451 et seq.), identification card issued to a member of the Armed Forces or a birth certificate.*
4. *This bylaw may be enforced by any member of the Town of Montague Police Department. Any person who violates this bylaw may be penalized by non-criminal disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal Disposition By-Law, and may be punished by a non-criminal fine of three hundred dollars (\$300) for each offense.*
5. *Whoever violates any provision of this by-law may be penalized by indictment or on complaint brought in the District Court. The maximum penalty for violation of this by-law shall be three hundred dollars (\$300) for each offense.*
6. *Any person who owns, manages or operates a place of business wherein Spray Paint is offered for sale to the public shall conspicuously post notice of this law in such place of business in letters of at least one inch (1") high stating: "The sale and possession of Spray Paint to persons under age 17 is prohibited by law and subject to penalties; valid identification may be required."*

C. Possession of Spray Paint by Minors

1. *No person under seventeen (17) years of age shall possess Spray Paint, unless accompanied by a parent or legal guardian or in the course of employment involving the manufacture, distribution, sale or use of Spray Paint.*
2. *This bylaw may be enforced by any member of the Montague Police Department. Any person under the age of seventeen (17) found violating the provisions of this by-law may be penalized by non-criminal disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal Disposition By-Law, and may be punished by a non-criminal fine of two hundred dollars (\$200) for each offense.*
3. *Whoever violates any provision of this by-law may be penalized by indictment or on complaint brought in the District Court. The maximum penalty for violation of this by-law shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye*

Nelson makes the motion to place article 26 on the May 2, 2015 Annual Town Meeting Warrant:

ARTICLE 26. To see if the Town will vote to authorize the Board of Selectmen to enter into a five-year contract with the Massachusetts Department of Environmental Protection and Waste Management Recycle America, LLC for recycling services at the Springfield Materials Recycling Facility or pass any vote or votes in relation thereto. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Fairbrother makes the motion to place article 27 on the May 2, 2015 Annual Town Meeting Warrant:

ARTICLE 27. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for one (1) additional all alcohol on premises liquor license to be exercised and located at 37 Third Street in the Turners Falls village of the Town, by the Five Eyed Fox, 37 Third St, Turners Falls, or its successors or assigns, said license

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, April 13, 2015**

not to be transferred to any other location; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, or pass any vote or votes in relation thereto.

The petition for special legislation shall take the following form:

AN ACT AUTHORIZING THE TOWN OF MONTAGUE TO ISSUE ONE ADDITIONAL LIQUOR LICENSE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special, rule or regulation to the contrary, the licensing authority of the town of Montague may grant one (1) additional license for the sale of all alcoholic beverages to be consumed on premises under section 12 of said chapter 138 to Five Eyed Fox, or its successors or assigns, to be exercised at and located at 37 Third St, in the Turners Falls Village in said town. A license granted under this section shall be subject to all of said chapter 138 except said section 17.

(b) Once issued, the licensing authority shall not approve the transfer of the license issued under this section to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this section.

Seconded by Nelson, approved unanimously. Boutwell – Abstain, Nelson – Aye, Fairbrother - Aye

Fairbrother makes the motion to place article 28 on the May 2, 2015 Annual Town Meeting Warrant:

ARTICLE 28. To see if the Town will vote to act on the following petition:

The undersigned direct the selectboard to solicit written proposals (for time task and money) for legal services for the upcoming fiscal year (2016-2017); all said proposals shall be presented to town meeting at the next special or annual town meeting for their vote. (Petitioned Article) Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Nelson makes the motion to place article 29 on the May 2, 2015 Annual Town Meeting Warrant:

ARTICLE 29. To see if the Town will vote to act on the following petition:

RESOLUTION TO BAN “FRACKED GAS” PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Montague, or neighboring communities, bringing said fuel en route to Dracut, Massachusetts to be used for electricity generation; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said pipeline would destroy unknowable amounts of forest, conservation land, and farmland; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, April 13, 2015**

Whereas the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C ("TGP", a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation; and

Whereas, we the citizens of Montague, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well-being to our neighbors in New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running now, therefore, be it

Resolved, that the people of Montague, Massachusetts:

- 1. Hereby call on our Selectboard to stand in opposition to TGPs high pressured pipeline and not allow it within our town borders;*
- 2. Oppose said pipeline, and any pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth or our Nation; and*
- 3. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well being and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.*
(Petitioned Article) Secoded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

*Nelson makes the motion to place article 30 on the May 2, 2015 Annual Town Meeting Warrant:
ARTICLE 30. To see if the Town will vote to act on the following petition:*

To see if the Montague Annual Town Meeting will vote to approve a contract between the town of Montague and its PEG access provider, Montague Community Cable Incorporated, or take any other action relative thereto. The contract shall not be for more than three years and shall be accompanied by a plan, submitted by MCCI, to expand local content and community involvement in the station (MCTV). (Petitioned Article). Secoded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother – Aye

Nelson makes the motion to sign the May 2, 2015 Annual Town Meeting Warrant as read. Secoded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Disclosure Of Appearance Of Conflict Of Interest As Required By G. L. C. 268a, § 23(B)(3)

Nelson makes the motion to accept the Disclosure Of Appearance Of Conflict Of Interest As Required By G. L. C. 268a, § 23(B)(3) regarding Ms. Kathleen Lynch on the Cable Advisory Committee. Secoded by Boutwell, approved. Boutwell – Aye, Nelson – Aye, Fairbrother - Nay

Disclosure By Non-Elected Municipal Employee Of Financial Interest And Determination By Appointing Authority As Required By G. L. C. 268a, §

Nelson makes the motion to accept the Disclosure By Non-Elected Municipal Employee Of Financial Interest And Determination By Appointing Authority As Required By G. L. C. 268a, § 19 regarding Ms. Kathleen Lynch on the Cable Advisory Committee. Secoded by Boutwell, approved. Boutwell – Aye, Nelson – Aye, Fairbrother - Nay

Topics not anticipated in the 48 hour posting requirements

Spring parade will be held on April 18, 2015

Fairbrother makes the motion to adjourn the meeting at 9:10 PM. Secoded by Nelson, approved unanimously. Boutwell- Aye, Nelson – Aye, Fairbrother – Aye

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, April 13, 2015**

**TOWN OF MONTAGUE
BOARD OF SELECTMEN
AVENUE A ADOPT-A-PLANTER REGULATIONS**

A. Program Purpose

The Board of Selectmen is the custodian of thirty-five planters on the sidewalks along Avenue A in the Village of Turners Falls. Over the years, there has been an informal program allowing private parties to “adopt” certain planters for purposes of cultivating, caring for and maintaining the planters. While this informal arrangement has greatly benefitted the community, it has become apparent that more formal guidelines are needed to ensure that there is a full and fair opportunity for all interested parties to participate in the program and to ensure that the planters are maintained in a manner that promotes public safety and welfare.

B. Adoption of Planters

Currently unassigned planters may be adopted on a first-come-first-serve basis. Planter assignments will be made in the order the applications are received. First preference will be given to abutting businesses.

Each applicant shall be eligible for one planter of their choosing, on a first-come-first-serve basis. Applicants may specify second and third locations choices in the event they are not awarded their first choice of planter. Applicants will be eligible for additional planters only if vacancies remain after the start of the planting season.

Applications shall be submitted for unassigned planters, by in hand delivery, to the office of the Board of Selectmen on an ongoing basis. Applications will be date and time stamped upon receipt.

Successful applicants (hereinafter referred-to as “Gardeners”) will be notified of their planter assignment annually by May 31 of the calendar year.

The Selectmen shall maintain a current list of contact information of the gardeners and their assigned planters.

The Selectmen will appoint a planter volunteer coordinator on an annual basis.

The assignment of a planter shall not be construed as creating or vesting in the Gardener any estate or interest in the planter or any portion of the Town’s property.

C. Planter Use and Maintenance

Gardeners are encouraged to fill the planters, weather permitting, by July 1. If any planter remains untended on or after July 15, the Board of Selectmen reserves the right to reassign the planter to another interested party.

Gardeners are solely responsible for the planning and management of their assigned planter, including providing their own seeds, plants, fertilizer and tools. Gardeners may find a sponsor to cover plant expenses. The Town will supply mulch and water within relatively close distance.

The Gardener acknowledges and agrees to accept the planter in “as is” condition, and that the Town has made no representation or warranty regarding the fitness of the planter for the intended purpose.

Gardeners will keep their planters free of weeds, diseased plants, insect infested plants, and they will maintain their planters by regularly watering, weeding, and trimming their plants.

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, April 13, 2015**

Items that are not plants or rocks shall be kept to no more than five small items, with the exception of pots containing live plants, being displaying for decorational purposes. While the addition of non-plant objects such as rocks, art, and inorganic items may be used to enhance the overall effect of the plants and flowers, the plants and flowers must remain the primary focus. Plantings must not be overshadowed and outnumbered by non-plant objects. An additional maximum of two small signs identifying the gardeners and a possible sponsor may be placed in the planters. These signs will be no larger than 2 feet by 1 foot in size. The Selectman may at their discretion require a license and insurance for additional display items subject to Article 4 (Use of Public Property) of the Town Bylaws.

The Town reserves the right to enter upon the planter at any time for all lawful purposes, and to remove any improvements, structures or plantings that do not comply with these regulations or that are deemed detrimental to public health, safety or welfare.

Gardeners and their guests shall observe and obey all applicable federal, state and local laws, and abide by these rules and any applicable public safety orders.

The Gardener listed on the application on file with the Town shall be solely responsible for the conduct of themselves and all family members, guests or any other person, including minor children, that they invite to work on the planters, and the Gardener agrees that they are responsible for any accident, injury, death or property damage that may result from their participation in the program.

Gardeners understand and agree that all services performed will be performed on a strictly voluntary basis, and that they will receive no compensation of any kind and will not be considered employees of the Town.

Dead vegetation should be removed before or shortly after killing frost. Gardeners who have not cleaned up their planters at the end of the season may not be invited back in the future.

The Board of Selectmen may terminate the Gardener's right to participate in the program if the Gardener fails to comply with any provision of these Regulations or any applicable law or order, or if the Board determines, after a public hearing, that the Gardener has engaged in conduct deemed detrimental to the program.

Gardeners and encouraged to work together and may form an ad hoc committee to further the purposes of the planter program. Said committee shall not be considered a public body of the Town.