

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, June 15, 2015**

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

Approve minutes of June 1, 2015, if available

Not available at this time

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:

Janel Knockelby: Here to complain about noise at Hubies Tavern. This matter will be put on the next meeting agenda

R. Madison: Mentions to the Board that there are no black teachers, only 1 administrative position that are currently working at the GFMS/TFHS. Would encourage school committee to recruit.

Madison is told to address the school committee as they could address the issue more appropriately.

Jon Dobosz, Parks & Recreation Director

Recommend Award of Skate Park Construction Contract to Grindline Concrete Skatepark Design & Construction, in the amount of \$366,000

Kuklewicz makes the motion to award the Skate Park Park Construction Contract to Grindline Concrete Skatepark Design & Construction, in the amount of \$366,000. Seconded by Nelson, approved unanimously. Kuklewicz – Aye, Nelson - Aye

Walter Ramsey, Town Planner

Execute three (3) individual Memoranda of Agreement with Narragansett Indian Tribal Historic Preservation Office, Wampanoag Tribe of Gay Head (Aquinnah) Tribal Historic Preservation Office, and Chaubunagungamaug Nipmuck Tribal Historic Preservation Office regarding the “Battle at Great Falls/Wissatinnnewag-Peskoempkut” research project

Ramsey: Counsel gave his approval for the contracts. Payments are coming from the Federal government. One tribe wanted lump sum payment, two wanted hourly payments, total cost is \$8500 of all three contracts. Counsel confirmed this has nothing to do with Airport project.

Kuklewicz makes the motion to accept the Memorandum of Agreement between the Town of Montague and the Narragansett Indian Tribe regarding the battle of Great Falls/Wissatinnnewag-Peskoempkut. Seconded by Nelson, approved unanimously. Kuklewicz – Aye, Nelson – Aye

Kuklewicz makes the motion to accept the Memorandum of Agreement between the Town of Montague and the Wampanoag Tribe of Gay Head (Aquinnah) regarding the battle of Great Falls/ Wissatinnnewag-Peskoempkut. Seconded by Nelson, Approved. Kuklewicz – Aye, Nelson - Aye

Kuklewicz makes the motion to accept the agreement between the Town of Montague and the Chaubunagungamaug Nipmuck Tribe the “Battle at Great Falls/Wissatinnnewag-Peskoempkut. Seconded by Nelson, Approved. Kuklewicz – Aye, Nelson - Aye

Letter to Mass. Department of Transportation regarding the importance of immediate repair of the General Pierce Bridge

Nelson reads letter into the record asking Mass. DOT to take immediate action to repair the General Pierce Bridge

Kuklewicz makes the motion to send the letter to the Mass. Department of Transportation as presented adding sending to Representative Kulik and Senator Rosenberg, FRCOG, Mass Highway District 2 and the Governor. Kuklewicz – Aye, Nelson - Aye

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Vote to submit formal complaint to Attorney General regarding DPU denial of Montague's request to have Plan-NE intervene on its behalf in Berkshire Gas Hearing before DPU

Diane Mcavoy and Ariel Elan

Mcavoy outraged by denial of request that we were refused intervening status with the DPW. We were at a deadlock at what to do next.

Elan: Has proposed resolutions that she would like passed. This has to do with moving forward from the fact that the DPU has refused to plan for the NE the intervener status in the Berkshire Gas proposed contract agreement of KinderMorgan. Plan-NE, which we joined in order to have a status and voice in those hearings are appealing this decision to the DPU Commissioners. There was a very well informed testimony to the DPU at a hearing held on June 11th. These resolutions are ways the Selectboard could move forward from this denial of access and present at the DPU. Reads proposed regulations into the record:

“Resolved that the Montague Selectboard will request a meeting of its representatives with the Attorney General to discuss our concerns regarding Berkshire Gas and the Kinder Morgan pipeline, including the Berkshire Gas moratorium on new and expanded gas service in Montague.”

“Resolved that the Montague Selectboard will write to the Department of Public Utilities protesting the exclusion of Pipeline Awareness Network of the Northeast (PLAN-NE) as an intervenor in DPU docket 15-48, as Montague is a member of PLAN so that PLAN can represent the Town's interests in this and related DPU dockets.”

McAvoy feels that with Montague being part of the moratorium and pipeline go right across the plains and under the river. We need to get more proactive like Deerfield, we need to do more. Perhaps we should be filing injunctions with DPU, with the Attorney General, with the Governor

Tara?: What Ariel is doing is wonderful. Its filing for intervener status to get official documents on time, otherwise you don't know. Beyond intervener status there are other things people are doing. Deerfield is filing a complaint with the Federal government stating the entire process is fraudulent, that the pipeline is not needed for example and their board of health is passing ordinances that a pipeline technically couldn't meet. Massachusetts is a home rule state.

Discussion

Elan would like a pipeline group that includes a Selectmen being a part of it.

Abbondanzio states we would have to go to Town Meeting if there are any expenditure of funds required. Reynolds feels that after July 1 we would not need to go to Town Meeting for the Money. Abbondanzio feels we would need a commitment if it was a significant expenditure.

Kuklewicz would like to research a little more around the injunctions to see if he will endorse one way or another. I don't think I'm prepared at this moment to sit in front of the Attorney General. I have my personal opinions, but I think we need to have the technical information, and I'm not sure who we would have in our corner regarding this at this time. I agree with it in principal, I just don't think we have any staff with the technical information.

Ramsey has been going to Regional meetings with the FRCOG with Selectboards from the Franklin County towns and they are pursuing their own strategies which overlap this DPU intervention. At the FRCOG level they are preparing for the FERC process. The county is talking about coming back to the Towns asking for them to chip into this.

Discussion

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Kuklewicz makes the motion to ask staff at Franks direction to review the two proposed resolutions that would be sending a letter to the attorney general to discuss our concerns around Berkshire Gas/Kinder Morgan pipeline, the moratorium and the expanding gas service in Montague and being denied gas service. Second letter being addressed to the Dept of Public Utilities protesting the extrusion of the pipeline awareness network as an intervenor in the DPU docket #15-48 and explaining the towns interests and why we feel it was inappropriate. Seconded by Nelson, approved unanimously. Kuklewicz – Aye, Nelson - Aye

Town Administrator Report

Sign June 23, 2015 Election Warrant for proposition 2-1/2 to replace windows in the Sheffield School Auditorium/Gymnasium wing

Kuklewicz makes the motion to sign the June 23, 2015 Election Warrant for proposition 2-1/2 to replace doors and windows in the Sheffield School Auditorium/Gymnasium wing. Seconded by Nelson, approved unanimously. Kuklewicz – Aye, Nelson - Aye

Sign MOU for Hauling Services effective 7/1/15 for Fiscal Year 2016 with FCSWMD

Kuklewicz makes the motion to approve the MOU by and between the FCSWMD and the Town of Montague for Hauling Service effective 7/1/15 for Fiscal Year 2016. Seconded by Nelson, approved unanimously. Kuklewicz – Aye, Nelson - Aye

Sign 5 Year Contract with the Springfield Materials Recycling Facility for recyclables

Kuklewicz makes the motion to sign the 5 year contract with the Springfield Materials Recycling Facility for Recyclables. Seconded by Nelson, approved unanimously. Kuklewicz – Aye, Nelson - Aye

Tables & Chairs License request, Marion LaCoy, Twisters, 52 Avenue A, Turners Falls

Kuklewicz makes the motion to approve the license request for tables and chairs For Marion LaCoy, at Twisters, 52 Avenue A, Turners Falls, with a \$50.00 fee as presented. Seconded by Nelson, approved unanimously. Kuklewicz – Aye, Nelson – Aye

Topics not anticipated in the 48 hour posting requirements.

Use of Public Property

Kuklewicz makes the motion to approve use of public property by the Newt Guilbault Baseball League for a Boot Drive at the intersection of Avenue A and Seventh Street on June 28, 2015 from 9:00 AM to 3:00 PM, raindate July 11, 2015. Seconded by Nelson, approved unanimously. Kuklewicz – Aye, Nelson - Aye

Planter Committee

Abbondanzio: David Jensen had questions whether or not Town Staff were voting members on the Planter committee?

Nelson feels staff would be there as support, non voting members

Kuklewicz makes the motion to clarify the position of staff members on the planter advisory committee that they are advisory members only. Seconded by Nelson, approved unanimously. Kuklewicz – Aye, Nelson – Aye

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

This will be held in open session

Ramsey: Have signed purchase and sale agreement vetted by Town Counsel and signed by Mark Zaccheo, consideration is \$1,000, closing by July 30, 2015. Town can remove the heating equipment that we have deemed valuable to the Town; buyer cannot reassign the property; Sale subject to land development agreement. 22 units up to 39 parking spaces. Development completed within 24 months of the sale. Construction schedule and financing plan have not been completed yet. Last construction schedule is from February, need updated one. Financing plan presents a challenge, Counsel requests he submit proof of financing, such as a commitment letter from a financial

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institution. Zaccheo is currently working with two banks, and they will be presenting to their board later this month and has \$650,000 in the bank. Counsel wants us to wait until he has proof of financing.

Kuklewicz asks if there is a benefit to having a signed purchase and sale agreement?

Kuklewicz makes the motion to authorize the selectmen to sign the purchase and sale agreement between the Town of Montague and Olive Street Development, LLC. Seconded by Nelson, approved unanimously. Kuklewicz – Aye, Nelson – Aye

Kuklewicz makes the motion to adjourn the meeting at 8:15 PM. Seconded by Nelson, approved unanimously. Kuklewicz – Aye, Nelson - Aye