

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, August 10, 2015**

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

Approve minutes of July 27, 2015, if available.

Boutwell makes the motion to approve the minutes of July 27, 2015. Seconded by Kuklewicz, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson – 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:

Madison: Feels like he has been hoodwinked by the Selectboard again. Wrote a request asking to sit in front of the Selectboard, now has been a month and thought Nelson was clear on what he was requesting. You didn't address my request again. Apology made and accepted in good faith. Now sees it differently and wants to know if he has the right to appear before the Selectboard

Hanold: Looking for up to four new members to be on the Finance Committee, currently do not have a quorum and cannot conduct business. Contact Ray Godin, Town Moderator if interested.

Ayana Masla: Intersted in follow up process on her request from last week and seeing how we can heal and act as an example nationwide.

Nelson: Has contacted police chief to see what training they have been exposed to and will be working on this matter.

Sam Guilford: Requesting time to speak during CAC agenda item

Sawyer Laucano: Support Rodney in his effort to have dialog and would urge board to have Mr. Madison to come before the Board and let him present what he feels is important.

Appointments to the Cable Advisory Committee, Kathleen Lynch and Mark Fairbrother

Kuklewicz: When these appointments came up 6 weeks ago, I wanted to have a chance to talk with Mark and Kathy about their feelings on cable advisory

Fairbrother states he resigned from the CAC a month ago and it is a mute point but he wants to know what was said about him at the June 29th meeting.

Kuklewicz said he was concerned with the emails he saw after the meeting that didn't appear to be sent to all the members of the committee. I wanted to ask you about that first hand, I clearly got a feeling from the meeting you were less than enthusiastic about the contract discussions. That was the only thing I had a problem with. As you know, emails can take on a life of their own both in issues around a discussion and around how you may say something. A person getting this second hand may misinterpret this and something that is supposed to benign ends up sounding like a personal attack.

Fairbrother states he understands this probably better than anyone in town.

Kuklewicz: Thought it would be good for Kathy to come in because there has been quite a bit of concern over the apparent conflict. Selectboard has received letters regarding the potential conflict, Ms. Lynch has had contact with Ethics Commission. So I wanted to have a discussion about this.

Jason Burbank: We currently have 3 members out of a 5 member Committee which has made it difficult to get a quorum sometimes. (The Selectboard reduced the number of members from 7 down to 5 a while ago)

Kuklewicz: Kathy, I'm sure your aware of the controversy, you've seen some of the documents that have been passed around. I understand there is a conflict with some issues because your husband is an employee of MCCI.

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Lynch: Discussion I had with Pauline Nygen and I submitted her findings in writing to this board upon appointment. I did what she recommended which was to disclose what the potential conflict was. I additionally disclosed I could have a potential appearance of a conflict in the Comcast negotiations because of the employment situation with my husband. However, I did not vote to move forward on a contract with MCCI. Therefore I think that removes me from the issue of having a conflict. The only way I could exercise my conflict of interest was if I influenced specific sections of the contract which then encouraged my husband and family to benefit financially. I don't see that, if someone else sees that, they have not pointed it out. If they feel that way, I would love for them to submit that as I would immediately recues myself. I have attended and participated in all the meetings. I think the committee benefits from the depth of my knowledge and on the other hand all this interpersonal nonsense is wearing. Feels cable is a huge issue in Montague and has been poorly handled in the past and I feel I have a lot of positive input to help change that. I think I have helped change that, I think we have made progress with the Comcast negotiations as infrequent as they are and if the committee doesn't continue with its work they will be in year 4 of the contract extension. I think I have proven myself.

Kuklewicz: I'm fairly new to the process as cable advisory goes, but when I was elected to the Selectboard I started attending the meetings to act as a liaison between the Selectboard and Cable Advisory Committee. I found the work being done at the meetings while Kathy was appointed were being done professionally. I personally do understand there was a conflict because her husband works for the station, but the points being discussed have nothing to do with anyone's salaries, its what are we expecting to get from performance of services. Feels Kathy conducted herself very well during the meeting. Don't know how other members of the CAC feels about her being on the committee. I had no problem working with Kathy, felt she provided very good input.

John McNamara : Wasn't here when Kathy was appointed, if I was, I would have urged the BOS not to appoint Kathy, feels it is a conflict. She is knowledgeable and has been helpful. The last weeks she hasn't been on the committee but has been participating as a resident which has been helpful. I was brought on as an advisory, so I 'm familiar with access and L/O. One incident that sticks with me is that public speak was going on too long so she asked that it be limited, I had issues with that. I would like the Selectboard not to reappoint Kathy

Lynch: What Mr. McNamara is calling retaliatory is called political dialog in free speech

Burbank: Feels Kathy has been a great net positive benefit to the Committee. Would be his preference that she be reappointed to this committee. Anything that goes on in this committee is as open as can be.

Lynch: At what point can I request executive session to continue this.

Kuklewicz asks that comments be short, respectful, orderly, and people to stick with the facts and reasons.

Singleton: I don't have a huge problem with Kathy beyond the CAC, she is prepared and does good work. I don't feel she should have been granted exemption from Form 19. Feels like when you appointed her to the Board it was wrong and setting a bad precedence if you don't rescind the exemption.

Sawyer Laucano: There are few people more qualified than Kathy to be on the Committee. The problem is her husband is the station manager and decisions are constantly being made regarding the station. Thinks it would be impossible for Kathy to not be involved in some way or another. Once the contract is finalized the CAC will oversee MCCI. There is a huge conflict.

Reynolds: Part of all the problems was the infighting, having a separate advisory group was formed to stop that.

Further comments/discussion

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Lynch: I understand the concerns of the people that have spoken today. I've never hidden my biases, I think they are completely allowable, I disclosed what my conflict is, I've operated within the law. That being said, I understand why certain people have issues.

Kuklewicz: Sometimes the appearance of a conflict in and of itself raises the awareness or thought there is a conflict. I would rather have a committee with less controversy around the decision making process.

Boutwell makes the motion to appoint Kathy Lynch to the Cable Advisory Committee. Seconded by Kuklewicz. Not passed. Boutwell – Nay, Nelson – Nay, Kuklewicz - Nay

Robert Trombley, WPCF Superintendent, Summer Help

Kuklewicz makes the motion to authorize Robert Trombley to interview and hire an individual and come back before the Board at the next meeting. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Allen Fowler, Civic Center Commission, Recommend/Award Shea Theater Lease to STAC

Fowler: Enthusiastically endorse the STAC to come in and manage the Shea Theater going forward. Even though we only had one proposal, I think there's' would have risen to the top for 3 main reasons, they addressed their visioning process around keeping this a community theater, keeping it open to both small and large local productions coupled with that which makes it tenable and successful is their ability to bring in larger traveling acts that will bring in revenue that will also support the balance between smaller things of local interest that won't produce the same revenue. Finally, if you look at the makeup of the Board of directors, they have the staffing that speaks to publicity to business management to community outreach. It is a well written proposal. They are going to build on what is currently going on there, but I feel it is going to shift gears and build momentum

The Board is impressed with the paperwork submitted

Kuklewicz makes the motion to recommend continued negotiations to award the contract to STAC (Shea Theater Arts Collective) effective January 1, 2016. Seconded by Boutwell approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye,

Jocelyn Silverlight, Use of Public Property: Block Party, 4th Street, between Avenue A & L Street. August 22, 2015 2:00 PM to 9:00 PM

Kuklewicz makes the motion to approve the application of Jocelyn Silverlight for a Block Party on 4th Street between Avenue A and L Street on August 22, 2015 from Noon to 10:00 PM with a rain date of September 19, 2015, the Brickhouse will cover the insurance portion. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Walter Ramsey, Town Planner

Review Franklin Regional Transit Authority's proposal for a bus stop with pull-out, shelter, and other amenities on the west side of 3rd Street between the two entrances to the public parking area

Ramsey: We last discussed in the fall that we were looking for a good spot for a bus stop in downtown Turners on the opposite side of our current bus stop. We found a good location, further down the street between the public parking lot entrances on Third Street which would require the removal of one on street parking spot. The location is further away from the Avenue A intersection which makes it better suited for a bus stop. I checked with the Rendezvous and Great Falls Harvest and they have no problems with this site. This location will not interfere with pedestrian traffic.

Kuklewicz makes the motion to approve the request to establish a bus stop as presented on the West side of Third Street between the two entrances to the public parking area. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

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Authorize contract with GEG Construction of Springfield, MA for a total of \$289,475.25 for the Millers Falls Road Soil Stabilization and Storm water Management Project.

Kuklewicz makes the motion to authorize the contract with GEG Construction of Springfield, MA for a total of \$289,475.25 for the Millers Falls Road Soil Stabilization and Storm Water Management Project.. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Review Town Planner's draft written comments to Federal Energy Regulatory Commission and Mass Energy Facilities Siting Board regarding the proposed Northeast Direct Pipeline

Ramsey: Went to scoping hearing 2 weeks ago, this letter identifies concerns specific to Montague. This is for the written record that will be reviewed by FERC. The letter asks FERC to respect our local and state regulations that are in place. It makes reference to community plans (open space plan, hazard mitigation plan and our comprehensive plan) and asks them to respect them. It also gives details of the impact of the pipeline in town.

Kuklewicz makes the motion to authorize the Board to sign the letter to the Federal Energy Regulatory Commission and the Mass. Energy Facilities Siting Board regarding the proposed Northeast Direct Pipeline and to add the request for information regarding restrictions of usage Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

Request for \$7,500 in funding assistance to partner with neighboring towns in a Franklin Regional Council of Governments – led scope of services that will ensure Montague will have legal representation and technical expertise in the FERC process.

Ramsey requests this issue be tabled until the next meeting.

Discussion about setting up a committee regarding the pipeline, to be discussed at a later time

Greenfield's request for letter of support for Mass Works grant application for the downtown Greenfield Parking Garage

Kuklewicz makes the motion to authorize the chairman to sign the letter of support for Mass Works grant application for the downtown Greenfield Parking Garage. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Town Administrators Report

Request from AJC Global Jewish Advocacy to sign resolution condemning anti-Semitism

The Board would like someone from this group to come in before the Selectboard and explain this before signing this

Notification of who is authorized to contact Town Council

Bogusz: Contact with Town Council needs to be authorized by the Town Administrator or Board of Selectmen. People authorized to speak with Council is as follows: Wendy Bogusz, Frank Abbondanzio, Walter Ramsey, Gina McNeely (re: Receivership program) and members of the Selectboard.

Topics not anticipated in the 48 hour posting requirements.

Letter has been received from Gary Konvelski regarding items placed on the sidewalk. Letter has been sent and businesses involved are asked to submit permits by next Thursday as we will be having a hearing on 8/24/15.

Finance Committee is looking for members

Executive Session under G.L. c.30A, §21 (a)(6) to consider strategy for Real Estate; Senior Center Lease Agreement, Votes may be taken

Nelson declares having this discussion in open session could be detrimental to real estate strategy

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*Kuklewicz makes the motion to go into Executive Session under G.L. c.30A, §21 (a)(6) to consider strategy for Real Estate; Senior Center Lease Agreement, Votes may be taken. Seconded by Boutwell, approved unanimously.
Kuklewicz – Aye, Boutwell – Aye, Nelson - Aye*

**Executive Session as authorized pursuant to M.G.L. c.30A §21 (a)(1) for the purpose of
Discussing the reputation, character, physical condition or mental health, rather than professional
competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought
against, a public officer, employee, staff member or individual. Specifically, the Board will discuss an
employee's request for a leave of absence due to the employee's physical condition.**

Nelson declares having this discussion in open session would be detrimental due to the employee's physical condition

Kuklewicz makes the motion to go into executive session to Discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. Specifically, the Board will discuss an employee's request for a leave of absence due to the employee's physical condition. Seconded by Boutwell, approved unanimously. Kuklewicz – Aye, Boutwell – Aye, Nelson - Aye

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