

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, October 26, 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 October 19, 2015;

*Boutwell makes the motion to approve the minutes of October 19, 2015. Seconded by Kuklewicz, approved.
Boutwell – Aye, Kuklewicz – Aye*

Executive Session Minutes of September 21, 28 and October 5, 2015

To be approved in executive session

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:

Mr. Adams: Reads prepared statement into the record

Nelson states it is a state project, where the Town has no control over it and he has also lost half of his front lawn and is not happy about it, but it is for the betterment of the Town.

Liquor License Hearing

Riff's Inc., d/b/a Riff's North, Michael J. McCarthy as manager has applied for a transfer of the All Alcohol Liquor License (Restaurant) from J & L Holdings, Inc. d/b/a Kali B's Wings & Things. The premise is located at 166 Avenue A, Turners Falls, MA Frank Flannery, Atty; Jeff Cahill and Mike McCarthy
Boutwell recuses himself from this portion of the meeting

Owners asked to be considerate of neighbors when doing business plan regarding entertainment.

*Kuklewicz makes the motion to approve the liquor license transfer request of Riff's Inc., d/b/a Riff's North, Michael J. McCarthy as manager for an All Alcohol Liquor License (Restaurant) from J & L Holdings, Inc. d/b/a Kali B's Wings & Things. The premise is located at 166 Avenue A, Turners Falls, MA. Seconded by Nelson, approved.
Kuklewicz – Aye, Nelson – Aye, Boutwell – Abstained*

Boutwell rejoins the meeting

Bruce Hunter, FCRHRA

Execute Authorization to Disburse No. 1, Invoice #1.2015-18-1, Town of Montague FY14 (6K) – Avenue A Design Project Phase 2, Contractor: Berkshire Design Group, Inc. \$6,650

Hunter: This is the first payment, 50% of the project fee they have completed a survey, schematic design, have a layout of the poles being presented to stakeholders tomorrow (fifth street to Greenfield Savings Bank) all owners of adjacent property are invited to meeting tomorrow.

Kuklewicz makes the motion to approve Disbursement No. 1, Invoice #1.2015-18-1, Town of Montague FY14 (6K) – Avenue A Design Project Phase 2, Contractor: Berkshire Design Group, Inc. \$6,650. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Execute Authorization to Disburse No. 1, Invoice #1.2015-18-1 & 2, Town of Montague FY13 (6B) – Avenue A Streetscape Enhancement Project, Phase 1, Contractor: Berkshire Design Group, Inc. \$3,780

Hunter: This is first two payment for the construction management of the bump out and existing lighting, about \$6,000 remains that will be paid over the next 3 months as the project is completed.

Kuklewicz makes the motion to approve Disbursement No. 1, Invoice #1.2015-18-1 & 2, Town of Montague FY13 (6B) – Avenue A Streetscape Enhancement Project, Phase 1, Contractor: Berkshire Design Group, Inc. \$3,780. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Approve Contract Amendment with Berkshire Design Group, Inc. for additional structural engineering services for the Avenue A Streetscape Improvement project Phase One, \$750

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, October 26, 2015**

Kuklewicz makes the to approve the Contract Amendment #1 with Berkshire Design Group, Inc. for additional structural engineering services for the Avenue A Streetscape Improvement project Phase One, in the amount of \$750. Seconded by Boutwell, approved unanimously. Boutwell- Aye, Kuklewicz – Aye, Nelson - Aye

Review Change Order #4, Avenue A Streetscape Enhancement Project, Modification to existing pole bases
Everything is looking good and will be coming back at a later date

Walter Ramsey, Town Planner

Community Development Discretionary Hearing: Avenue A Street Light Base Plates, \$5,000

Kuklewicz makes the motion to approve the allocation of \$5,000 from the Community Development Discretionary account for Avenue A Streetscape Project (Light Base Plates), in the amount of \$5,000. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Request from Barcroft Media to film at the Strathmore Complex on Tuesday, 10/27/15, Jack McKay and Rory Conlin

McKay: The plan is to shoot a promo for a video game that is being launched next month called Fallout 4 which is set in post-apocalyptic Mass. where everything is abandoned. We have an urban explorer who's taking us through some abandoned structures in Massachusetts where the game is set, talking about these structures and why they're important – how we learn about the past through living relics. We will have drones flying around. To make it as visually interesting as possible, we want to go into the basement, have him exploring around. The idea is these are structures that will be left when there's no people around.

Ramsey: They have agreed to pay the Town \$1,000 fee for the access and will give the town access to the aerial photographs of the Strathmore mill after the game is released. Because of safety concern the fire chief is requiring at least one person detail from his department. Their certificate of insurance has been provided and a certificate of indemnification has been provided and the Airport Manager has granted permission.

Kuklewicz makes the motion to approve the request by Barcroft Media to film at the Strathmore Complex on Tuesday, 10/27/15 as outlined by Walter Ramsey. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

MJ Adams, Director of Community Development, FCRHRA

Budget Amendment to Avenue A Streetscape Improvements:

Execute letter to Ryan Ambrose, DHCD, re: FY14 CDBG Activities, \$50,000 change. (\$15,000 project contingencies; \$21,000 budget transfer from uncombed FY14 Housing Rehab Grant/Loan; \$9,000

Adams: This will make the request to DHCD to transfer \$9,000 from Housing Rehab Revolving Loan Fund into the Streetscape account and to transfer \$22,000 unexpended and uncommitted housing rehab funds in FY14 grant, so we can get this project moving along and hopefully finished before the winter.

Kuklewicz makes the motion to send letter to DHCD to transfer the money as outlined by MJ, \$22,000 from grant funds and \$9,000 from housing rehab. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Execute Close Out Report Form for Montague CDBG FY13

Kuklewicz makes the motion to sign close out report, Grant #CDF I-G-2013-Montague-00705. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Execute letter to Mark Southard, DHCD, FY15 CDF Special Conditions

You certify that you will Coordinate with fuel assistance program in terms of energy efficiency and the second item is a new provision that they ask Selectmen to be aware if there are any findings of civil rights issues or judgments or decisions against the Town the state reserves the right to modify and apply additional grant conditions to the Town.

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, October 26, 2015**

Kuklewicz makes the motion to authorize the chair to sign the letter to Mark Southard, Community Development Manager at DHCD as discussed. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye.

Kuklewicz makes the motion to authorize MJ to put accounting information together for amounts expended for use of Community Development money pre October 1. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Transfer from the Montague HRRLF; \$5,000 Town Funds), Execute Budget and Program Revision Form
No vote needed

Kevin Hart, Broadband Committee, Update on how process has changed since last meeting

Hart: Last Update to BOS was June 29, 2015 and a letter was sent to MBI to express the desire to go with a solution that will serve the majority of the unserved and can be expanded in the future.

- Governor Baker signed legislation for a \$50 Million dollar bill for Unserved/underserved communities in February. Montague falls into a \$5 Million Dollar bucket with 9 other Cable (Comcast) served towns. The 10 towns have 1,540 unserved with Montague having 204 which is approximately \$3,245 per household if divided evenly. MBI said at the most recent FRCOG meeting 3 weeks ago no formula has been determine.
- Since that meeting Massachusetts Broadband Institute sent out an RFQ and two companies responded; Matrix Group and Comcast. Matrix furnished us their response to MBI, Comcast did 'not.
- MBI has held 3 meetings that Montague has attended at FRCOG. At those meetings MBI has expressed that it was their goal to have any respondent achieve a 96% of served households. We know that Matrix's proposal brings us to around 98% to start. If Comcast were to meet the 96% threshold the 4% that is omitted has very little hope of being served in the future.
- MBI has extended the deadline for additional information to Comcast and we cannot get a response as to whether Comcast has in fact responded.
- The Town of Hardwick and Montague are the only cable served towns that have received proposals from Matrix. All the other towns are putting their faith into Comcast to achieve a 96% served home rate.
- The process as explained at the most recent FRCOG meeting as the town would participate in the decision process. When pressed, Eric Nakajima of MBI said he will recommend to his boss, Pam Goldberg first then bring to the towns. His response when challenged to how the towns are actually involved in the selection is "they have the right to refuse". He expected to meet with each town at the end of December. Based on the delay thus far it will give us little to no time to prepare for a special Town Meeting in January.
- We are left waiting for MBI with no indication of what they intend to do. We have a plan that has been presented and it exceeds the 96% threshold that MBI has suggested to Comcast. This plan is ready to implement and construct . .
- Town of Hardwick and Montague Broadband Committee sent a letter to MBI/ Eric Nakajima requesting we are separated from the other 8 Cabled served towns that are willing to accept Comcast's proposal.
- The reason for meeting with BOS is to ask for guidance. Each of the Solutions will require work from the town to determine any expenses to the town, if at all. For instance the Matrix solutions requires the town establish a Municipal Light Plant (MLP) or pass special legislation. Like the Town of Mt. Washington to circumvent the MLP. The MLP 2nd vote will be held either at the Winter Special Town Meeting (if held) or Town Meeting in the spring. If the MLP does not pass the town will be required to wait 2 years. It is imperative that the Broadband Committee know which direction they need to go to prepare the BOS, Town Meeting members and any other committee that may be involved. We are at a standstill since June 29th

Matrix Solution Highlights:

- Utilizes the existing MBI/MassBroadband 123 Network
- Montague's portion of the IT Bill would be used to cover Make Ready costs (Utility surveys)
- Each household that wishes to connect will be required to put \$500 toward running fiber from the street to the home. If they do not wish it will be at the street and later can be installed.
- Matrix will build out the entire network and it will be paid through subscriber fees over a 20 year period.

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, October 26, 2015**

- If the town decides at any point to have ownership of the network a payoff schedule is proposed.
- If a resident in this area does not want the service they do not get charged for it.
- The town will be responsible for any legal fees necessary for the establishment of the MLP.

If this was to happen as promised in a meeting with MBI the financial impact on the town would be minimal. How do you recommend we proceed from here? We have been stifled and the silence from MBI is deafening, what can we do to increase awareness and support from this project on a local and state level. Who can the BOS or Broadband Committee contact to make sure our desires are heard? The importance of these actions is to ensure the best deal for the Town of Montague. We are an advisory committee and need clout behind our voices, that is why we are coming before you today.

Ramsey feels if letters are sent out like in June that will help get things going again. Simplified letter to be written for the Chair to sign.

Time line of the next 6 months

Relationship between Montague Broadband and Hardwick Broadband working together to achieve same goal and ask for their assistance

Kuklewicz makes the motion to authorize the Michael to sign letter on behalf of the Board to our legislators regarding Broadband in the Town of Montague. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Personnel Board

Execute Personnel Status Change Notice, Charles E. Dodge, III, Grade I, Step 5, \$86,034 + incentive pay, annual, effective 11/15/15

Kuklewicz makes the motion to sign the Personnel Status Change Notice for Charles E. Dodge, III, Grade I, Step 5, \$86,034 plus incentive pay annually, effective 11/15/15. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Town Administrators Report

Vote to accept gifts for the purpose of providing a K-9 vehicle

Kuklewicz makes the motion to set up a gift account for the purpose of providing a K-9 vehicle. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Execute agreement to transfer FY16 Local Cultural Council funds from the Mass. Cultural Council to the local cultural council account for the Montague Cultural Council.

Kuklewicz makes the motion to authorize the Chair to execute agreement to transfer FY16 Local Cultural Council funds from the Mass. Cultural Council to the local cultural council account for the Montague Cultural Council in the amount of \$4,700. Seconded by Boutwell, approved unanimously. Boutwell- Aye, Kuklewicz – Aye, Nelson – Aye.

Execute Agreement by and between Town of Montague and TOMEA, 7/1/13 – 7/30/16

Boutwell makes the motion to execute the agreement between the Town of Montague and TOMEA , July 1, 2014 to July 30, 2016. Seconded by Kuklewicz, approved unanimously. Boutwell – aye, Nelson – aye Kuklewicz - Abstain

Topics not anticipated in the 48 hour posting requirements.

None

Executive Session, under G.L. c.30A, §21(a)(3) to discuss strategy with respect to Litigation, votes may be taken

Nelson declares doing this in open session could be detrimental to the public good.

Kuklewicz makes the motion to go into executive session at 8:10 PM. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – aye, Nelson - Aye

Kuklewicz makes the motion to go out of executive session at 9:15 PM and adjourn the meeting. Seconded by Boutwell approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye