

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, February 22, 2016**

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

Approve minutes of February 8, 2016

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:

Charles Kelley: The complaint he put in has been resolved. The open meeting complaint regarding the CAC and Broadband Committee will continue on. I'm going to ask where the emails are regarding the person getting off the CAC. I want to see a copy of the emails. I am putting together a town meeting article that would ask for a town wide, municipal owned fiber optic cable system over build.

Jeff Singleton: I have been asked to ask about the RR Salvage Building and the level of security. Tom Bergeron replies it's not our building, the Annex is owned by the Town which we continue to put locks on it, which keeps getting taken off and broken into. David Jensen will have to be asked about the large building

Alice Armen

Use of community garden (School Street, Montague Center, Map 43, Lot 123) for GCC Gardening Class on Fridays, April 1 through May 1, 2016, 9:00 AM to 12:00 PM

Armen: I'll be teaching a gardening class every Friday morning through the first week of May, 5 sessions. GCC has concern about self insurance status and since I lease the land I don't know if I fill it out or the Town. I believe it has to do with insurance. I will be teaching the class and they will be coming to learn.

Wendy will forward the information to the insurance company for their review.

Personnel Board and Tom Bergeron

Appoint Brian Doolittle to Shop Foreman, TOMEA Grade E, Step 1, \$20.72/hr. effective February 22, 2016

Kuklewicz makes the motion to appoint Brian Doolittle to Shop Foreman, TOMEA, Grade E, Step 1, \$20.72 per hour, effective February 22, 2016. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Appoint Michele Esposito, Lead Mechanic, UE Grade D, Step 1, \$19.20/hr. effective February 22, 2016

Kuklewicz makes the motion to appoint Michele Esposito, Lead Mechanic, UE, Grade D, Step 1, \$19.20/hour, effective February 22, 2016. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Town Administrators Report

Turners Falls Power Canal Service Outage 9/19/16 through 9/24/16

This is the yearly drainage of the Power Canal which will be drained 9/19/16 through 9/24/16

Update on racial training for Town employees

Nelson: We have received two proposals from different folks and we are currently looking for ways to fund this training. I approached RiverCulture, but they are unable to help. I need to check with Frank on possible sources and if anyone from the public has an idea on available resources, please let us know.

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Rodney Madison expresses his displeasure that the Board would look at another proposal where they have worked hard to put this together and brought this before the Board originally. He wanted SEED to join his program, but they decided to go their own way. The proposal has been designed for Turners Falls

Swan Keyes explains how she was surprised the Board was looking at another proposal too. She may be able to help with fund raising or writing a grant for this training.

Nelson explains the confusion and how the Board thought SEED was a part of Rodney's proposal.

Discussion

Kuklewicz: This is a much deeper training than what is available through our insurance company.

Kuklewicz makes the motion to proceed pending funding, with the Cultural Sensitivity Training as presented by Swan Keyes and her group. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Topics not anticipated in the 48 hour posting requirements

Tomorrow night there is a broadband committee meeting and it is posted so the Board of Selectmen can attend.

Public Hearing

Discussion of updating signage at the Montague Center Town Library

Nelson: This past fall on a nice 60 degree day, we were painting at the MC Library and started to look around and wondering what needed to be done to spruce up the library. Decided that the signs need to be repainted.

Hickman: What I would really like to see is a prominent sign on the building that says Montague Center Library as there is currently a sign that says Town Hall and it's very confusing for people.

Discussion of taking down the Town Hall sign, where to put it and what should go up in its place. Bergeron feels the sign may be too heavy for his people to remove and suggests we check with a sign company

Kuklewicz makes the motion to investigate the replacement of the Montague Center Town hall sign and authorize Tom Bergeron and Linda Hickman to get estimates. The current Montague Center Town Hall sign to be preserved for historic purposes. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Jeff Singleton doesn't feel this public hearing was publicized correctly as it is a historic building.

Ramsey replies while it is on the National Register for historic places, it is not a local historic district and there are not restrictions on it and they are not required to hold a formal public hearing.

This will be put back on the March 21, 2016 agenda

Gina McNeeley, Board of Health

Discussion of Noise Ordinance

Nelson: This is beginning dialog to discuss a noise ordinance that was last updated in 2005. Tonight's meeting is to look at it and see where we are with it, if there are particular things we want to be altering,

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changing or have any considerations with. I do want to emphasize tonight's meeting is not specific to any business, this is solely to look at the ordinance in the general sense and see where we go from there. I'm turning this over to you Rich, as this is your baby.

Kuklewicz: When we had some challenges around some noise events last spring and summer, the Board sat through some pretty heated discussions and I felt unprepared how we made our decisions. At that time, the Board tried to figure out what was the best way, levels were set at 70 without understanding the full impact of sound, and I've since done a little more research and spoken to Gina who has more experience with this. We granted an exemption/extension to allow a certain level up through the end of the entertainment season; there were still several challenges so I thought it would be good if we addressed it and came up with a policy dealing with noise and sound issues throughout not only downtown but the entire town. This way, if there is an event in town if people start complaining about noise the Board of Health or the Police Department at least will have some guidelines to follow. If people know they are having an event that might be noisier than normal we have a mechanism in place. Tonight is just a kickoff and to bring in the Board of Health on this. We need to look at this policy and see what the best way to move forward is.

McNeely: My scope is more specific than just a general scope. Because I was asked to look into this sort of late in the game and as a demonstration I would like you to listen to what it sounds like to live next to a tavern (music played at noise levels). This is not acceptable under any public health standard. Public health is a plural word, it is not singular. Private ownership of a business is singular and when a public's health is abused or infringed upon then the public health comes before the private, that's why we have the laws we have. I think what the Board should do is immediately eliminate the 80 decibels. I think 70 is a high enough number and drafting a regulation.

Kuklewicz: That was an exemption that has expired.

McNeely: I don't think it should ever stand at 80, the highest it should ever go is 70 outside, anywhere, I'm not talking about anywhere in particular. A lot of discussions I've had, we talked about promoting businesses downtown, but I think we missed how there are 35 residents abutting Hubies downtown. I'm talking about an impact on a neighborhood. You're talking about a business, a neighborhood and a mixed use. Business is not only a storefront, its people who renovate dilapidated buildings and make them habitable.

Kuklewicz: I want to make sure we broaden, at least in the business districts we have something reasonable and safe for people that are enforceable. Certainly the situation we had last summer was not reasonable.

Dodge: I believe there was a compromise last year that worked well. For example, Hubies was given 8 days and the public was given notice. This was a good joint effort.

Kuklewicz: I received calls on several occasions, it really is a public health issue and I would like to keep the focus there.

E. McLain: My partner John and I have a home and a business adjacent to Hubies Tavern and what happened last June was everyone wanted to be supportive of a new business and I don't think anyone really understood the level of 10 decibels. Rather than the town asking them to stay within the 70 decibels the Town allowed them to be louder. Loud is loud, stress is stress whether music is inside or outside. The Town went through this 10 years ago with Yesterdays, we don't need to go through this again. Hubies far exceeds the regular noise of a restaurant. We have a petition signed by the residents of

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downtown, none of us want to go through another summer like last year; it's not fair to feel like a prisoner in our own home. We are not asking for special treatment, just asking that the noise ordinance already adopted by this town be enforced, 70 decibels or less. We want the violations to be documented and we want violations to have consequences.

Discussion

McNeely feels the current regulations requires further evaluation because the regulations were originally written for a business with music indoors

Kuklewicz: Asks McNeely to review this issue as we may need a more comprehensive regulation in place rather than an ordinance. I want to see something addressing all noise throughout town. McNeely is asked to bring before her Board then bring it back to us with a process and suggestions.

Kuklewicz would like to ask the Director of the Board of Health to do some more review and work to come up with a more comprehensive policy the director feels is appropriate for the community at large. First step would be to review it with the Board of Health, then bring it back to us, then we will have some public hearings. I don't think we will have time to get it on the Annual Town Meeting warrant, so we might have to do something at the Selectboard level this year until we can get it as a town by law. McNeely will be back on March 21, 2016

Personnel Board with Chief Charles Dodge

Appoint Joshua C. Dobosz, Police Officer, IBPO Grade Patrol, Step 1, \$21.51/hr. effective March 20, 2016

Kuklewicz makes the motion to Appoint Joshua C. Dobosz, Police Officer, IBPO Grade Patrol, Step 1, \$21.51/hr. effective March 20, 2016. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Topics not anticipated

Kerrita Mayfield introduces herself as she will be working with Swan Keyes on Racial sensitivity Training

Executive Session under G.L. c.30A, §21(a)(3) to discuss a UE Grievance, Votes may be taken.

Nelson declares having this in open session will be detrimental to the public good

Kuklewicz makes the motion to go into Executive Session under G.L. c.30A, §21(a)(3) to discuss a UE Grievance, Votes may be taken. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Executive Session under G.L. c 30A, Section 21 (a)(3) to discuss potential litigation, Regarding Kinder Morgan Pipeline, Votes may be taken

Nelson declares having this in open session will be detrimental to the public good

Kuklewicz makes the motion to go into Executive Session under G.L. c 30A, Section 21 (a)(3) to discuss litigation, Regarding Kinder Morgan Pipeline, Votes may be taken. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

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*Kuklewicz makes the motion to adjourn the meeting at 8:26 PM. Seconded by Boutwell, approved unanimously.
Kuklewicz – Aye, Boutwell – Aye, Nelson – Aye*

List of Documents and Exhibits:

- Minutes not available
- Use of public property form – Community Garden
- Personnel Status Change Notice: Brian Doolittle
- Personnel Status Change Notice: Michele Esposito
- Personnel Status Change Notice: Joshua C. Dobosz
- Letter from First Light: Turners Falls Power Canal Service outage notification