

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, July 25, 2016**

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

Approve Selectmen minutes of July 11, 2016 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:

None

Tom Bergeron, DPW Superintendent

Award Montague Street Sidewalk Bid and Execute Contract with A. Martin & Sons Construction, Inc. not to exceed \$76,449.16

Boutwell makes the motion to award the Montague Street Sidewalk Bid and Execute the Contract with A. Martin & Sons Construction, Inc. not to exceed \$76,449.16. Seconded by Nelson, approved. Nelson – Aye, Boutwell - Aye

Execute License Agreement with FirstLight Hydro Generating Company regarding the Turners Falls Main Drain Rehabilitation and Siphon Cleaning Project

Boutwell makes the motion to Execute the License Agreement with FirstLight Hydro Generating Company regarding the Turners Falls Main Drain Rehabilitation and Siphon Cleaning Project. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson - Aye

Walter Ramsey, Town Planner

Authorize Grant Agreement with the National Park Service Battlefield Protection Program for \$81,000 Battlefield Preservation Planning Grant for the Battle of Great Falls/Peskeomskut Study.

Ramsey: Second phase of the study, First phase was successful had over 500 people attend public events. The second phase is specifically doing archaeology in the battlefield area that was identified in the first phase

Boutwell makes the motion to authorize the Grant Agreement with the National Park Service American Battlefield Protection Program for \$81,000 Battlefield Preservation Planning Grant for the Battle of Great Falls/Peskeomskut Study work to be performed before August 1, 2018. Seconded by Nelson, approved. Boutwell – Aye, Nelson - Aye

Announce release of next round of Commercial Homesteading Program- Railroad Salvage Annex 15 Power Street- Due October 13, 2016.

Ramsey: Announcing we are releasing the next round of Commercial Homesteading for the Railroad Salvage Annex Building, 10,000 sq. foot building next to Railroad salvage and was taken for back taxes. Timing is good to release this as we have two projects under construction and I feel the market is good. There are a lot of people looking for space and this may be the opportunity to bring economic development to town. There will be a site walk through on September 1 and proposals will be due on October 13th. Information will be available on the Town's website tomorrow.

Boutwell makes the motion to announce the release of the next round of Commercial Homesteading Program- Railroad Salvage Annex 15 Power Street- Due October 13, 2016. Seconded by Nelson, approved. Boutwell – Aye, Nelson – Aye,

Issue notice of default of Airport Industrial Park Covenants for Assessors Map 17 Lot 58 and vote to repurchase the 7.9 acre lot on Industrial Boulevard.

Ramsey: I'm asking to start back the formal proceedings to buy back 7.9 acres of undeveloped land in the Industrial Park from Riverbluff Realty and this letter would establish the closing date on that land which would be October 27, 2016 . Town meeting has allocated to funds for the repurchase of the property.

Boutwell makes the motion the board exercise the Towns option to repurchase Industrial Blvd, Map 17, Lot 58 pursuant to its right under the Town of Montague's revised restrictive and protective covenants and give notice to River Bluff Realty LLC of its default thereof. Seconded by Nelson, approved. Boutwell – Aye, Nelson - Aye

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Execute FY17 and amended FY16 grant Massworks Grant Agreement for the Canal Street Parking Lot Project totaling \$352,785

Ramsey was not able to get paperwork in time but the project is moving forward and this will be brought forward to a future meeting.

Broadband Committee

Updates and discussion regarding Broadband Coverage of Unserved Homed

Kevin Hart: An email went around this weekend from Jeff Singleton regarding DTC's recommendations and MBI not following the recommendations. We just had a Broadband Committee meeting and we agreed with Jeff; we have our opinions about whether or not it will be productive but it can't hurt. As much as we don't like the Comcast decision on MBI's behalf still some people get broadband that didn't have it before. There was strong urging from other people for us to reject it but if you read the letter from MBI if we reject it, we get nothing so it's better than nothing

Steinberg: It's also important to note the legislation gives MBI control. The DTC only has an advisory capacity; they can only recommend not enforce and MBI has shown no real change how it feels to the towns I think it's important to send the letter to be on record but the expectation is about zero.

Hart: To Jeff's point, they are blatantly not following it; they came two weeks ago which Frank was able to email me so we could try to attend because we had no prior knowledge of Comcast coming. Their plan is to finalize an agreement with MBI then within 180 days produce maps of who's going to get it and who is not going to get it. They already have an agreement; we are looking at the potential negative on this as they would have to produce some maps first. Comcast said the information they received came from MBI, the irony of that is, the information MBI gave us regarding who's is and is not served initially they said came from Comcast; so you have both sides pointing at each other and blaming each other on this. Comcast said they needed 180 days to come up with an exact formula. The only negative thing this letter could do is delay the agreement 180 days than two years from then is when the work will begin. It's two years from the agreement but if you were to read the RFQ response from Comcast and they do 96% that is what was asked I think we have to be realistic at this point in time it would be great for them to do 96% and higher but they are bound to do 96%. My gut and the gut of this committee is they will do 96%. After Comcast comes back with the maps they left us with three certainties in the last meeting 1) they are going to target the areas with the highest density 2) they don't place poles so if you need a pole to get to your house you're not getting one so we know some people will not get it; 3) they have right of way issues with the railroad companies. Unless they can resolve the right of way issues nationally; Dry hill and Ripley Road are going to have some issues on the east side of the train track. What Comcast did say is they would come back to the town with a price to build the town out to 100% if the town was to agree to that price you would have to get a town vote to come up with X amount of dollars and that money will go to Comcast and they will build out to 100% but the town doesn't own any of the investment of that money it's just giving it to Comcast. That is a certainty what we would like to do as a committee is talk about what our options still are. This committee was formed we identified 59 houses that had no broadband and that grew to 206 house through the due diligence of this committee and the people in this town. If Comcast is going to get to the 96% that leaves 110 houses what we initially started with. The Matrix proposal is still available but the Town would be responsible for the make ready costs. The most recent number for the make ready costs that I was able to get from the Town of Princeton came out to about \$11,000 per mile so we're looking at about \$220,000 just for the 20 miles to build out. If we were to do the recommendations it would solicit other proposals and we would re-negotiate the proposal for the towns criteria not MBI's. I have been approached by two companies prior to the recommendation coming up for the DTC and we held off on having any discussion with them other than just preliminary because why bother if we are going to get Matrix. Discussion about other companies that are able to give proposals.

Hart asks if funding for a town wide solution viable, is it worth their energy to look at it?

Abbondanzio: Says you have to look at a lot of big projects coming down the road and there is a lot of debt out there.

Hart: Pricing we are getting is about \$35,000/mile and there is 108 road miles, but shave 8 miles out. Make ready cost is about \$11,000 per mile, so I came up with \$4.9 million to do a Leverett type build for the Town. We just wasted 18 months with MBI. If the town is not going to appropriate that kind of money then we are not going to entertain that solution, if \$5 million is going to get voted down, I don't want to spend any time on it. Hart goes over options available. The Town is going to have to show a willingness to work with a vendor coming to Town. We would like to come back to you in 90 days with more information on new plans available to the Town

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Discussion

Boutwell makes the motion to send letter as written to MBI and authorize the Broadband Committee to continue with it's due diligence and at the next Board meeting to hold a Community Discretionary Hearing to authorize further money for organizational needs. Seconded by Nelson, approved. Boutwell – Aye, Nelson - Aye

Acknowledgement of Open Meeting Law complaint filed by Jeanne Golrick on July 14, 2016, relating to the board failing to take roll call votes at their July 11, 2016 meeting due to remote participation. Authorize the town's attorneys, Kopelman and Paige to respond to this complaint.

Boutwell makes the motion to acknowledge the Open Meeting Law complaint filed by Jeanne Golrick on July 14, 2016, relating to the board failing to take roll call votes at their July 11, 2016 meeting due to remote participation and authorize the town's attorneys, Kopelman and Paige to respond to this complaint. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye.

Personnel Board

Execute Agreement between the Town of Montague and United Electrical, Radio and Machine Workers of America, Local 274, Effective 7/1/10 through 6/30/13

Boutwell makes the motion to execute the Agreement between the Town of Montague and United Electrical, Radio and Machine Workers of America, Local 274, Effective 7/1/10 through 6/30/13. Seconded by Nelson, approved. Boutwell – Aye, Nelson - Aye

Execute Agreement between the Town of Montague and United Electrical, Radio and Machine Workers of America, Local 274, Effective 7/1/13 through 6/30/16

Boutwell makes the motion to execute the Agreement between the Town of Montague and United Electrical, Radio and Machine Workers of America, Local 274, Effective 7/1/13 through 6/30/16. Seconded by Nelson, approved. Boutwell – Aye, Nelson - Aye

Authorize Memorandum of Understanding between the Town of Montague and United Electrical, Radio and Machine Workers of America, Local 274 pertaining to temporary compensation of Tim Little and Tim Peura

Boutwell makes the motion to authorize Memorandum of Understanding between the Town of Montague and United Electrical, Radio and Machine Workers of America, Local 274 pertaining to temporary compensation of Tim Little and Tim Peura. Seconded by Nelson, approved. Boutwell – Aye, Nelson - Aye

Authorize Personnel Status Change Notice: Tim Little, WPCF Operator, UE, Old Grade/Step D5, \$21.19/hr to New Grade/Step E6, \$23.44, effective 6/27/16 until 11/28/16

Boutwell makes the motion to authorize the Personnel Status Change Notice for Tim Little, WPCF Operator, UE, Old Grade/Step D5, \$21.19/hr to New Grade/Step E6, \$23.44, effective 6/27/16 until 11/28/16, temporary increase. Seconded by Nelson, approved. Boutwell – Aye, Nelson - Aye

Authorize Personnel Status Change Notice: Tim Peura, WPCF Operator, UE, Old Grade/Step D4, \$20.67/hr to New Grade/Step E5, \$22.87, effective 6/27/16 until 11/28/16

Boutwell makes the motion to authorize the Personnel Status Change Notice for Tim Peura, WPCF Operator, UE, Old Grade/Step D4, \$20.67/hr to New Grade/Step E5, \$22.87, effective 6/27/16 until 11/28/16, temporary increase. Seconded by Nelson, approved. Boutwell – Aye, Nelson - Aye

Authorize Personnel Status Change Notice: Resignation of Cynthia Hunter, Fulltime Dispatcher effective August 9, 2016

Boutwell makes the motion to accept Resignation of Cynthia Hunter as fulltime dispatcher effective August 9, 2016 with regret. Seconded by Nelson, approved. Boutwell – Aye, Nelson - Aye

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Bruce Hunter, FCRHRA, Project Manager

Contract Amendment for GZA GeoEnvironmental, Inc. (\$18,590 to \$12,083) to Eliminate Norma's park from LP FY15 Master Plan Project; Reduction in scope and fee (\$6,506.50)

Hunter: This is a change in contract with GZA GeoEnvironmental for Rudders and Norma's Park Master Plan and then we would move the difference to housing rehab in Lake Pleasant. The reason this came about is the Parks and Rec Committee and Jon Dobosz, the Parks & Rec Director have been working with Eversource to extend the agreement for Norma's Park. It was a three year agreement that lapsed, they are looking not to renew, to potentially sell the parcel and in good faith I advised the committee and the engineer that we didn't want to spend money on something we didn't have site control. We do not anticipate any change in status between now and when the grant is completed in December of this year so we are asking the Board for a budget revision of \$6,506.50 to be removed from the planning activity which is the master plan to the housing rehab activity in the FY15 Grant for Lake Pleasant. This would increase the number of units we could do from 4 to 6.

Boutwell makes the motion that the Board authorize a change to the FY2015 Montague CDBG Budget revision #1 to reduce the planning activity for Norma's Park Master Plan in Lake Pleasant by \$6,506.50 and add it to the Lake Pleasant Housing rehabilitation program in the amount of \$6,506.50. Seconded by Nelson, approved. Boutwell – Aye, Nelson – Aye

Boutwell makes the motion to authorize contract amendment for GZA GeoEnvironmental, Inc. for a reduction of \$18,590 to \$12,083.50 to Eliminate Norma's park from LP FY15 Master Plan Project; Reduction in scope and fee for a reduction of \$6,506.50. Seconded by Nelson, approved. Boutwell – Aye, Nelson - Aye

Execute Letter to Ryan Ambrose, DHCD re: FY2015 CDBG Budget Revision #1; FY15 Montague CDBG Budget Revision #1, Reduce Planning Activity Norma's Park Master Plan (\$6,506.50), Add to Housing Rehabilitation Program in LP \$6,506.50

Boutwell makes the motion to authorize FY 15 Montague CDBG Budget Revision #1, Reduce Planning Activity Norma's Park Master Plan (\$6,506.50), Add to Housing Rehabilitation Program in LP \$6,506.50. Seconded by Nelson, approved. Boutwell- Aye, Nelson - Aye

Town Administrator's Report

Treasurer/Collector Position; Process; Appoint Selection Committee: Frank Abbondanzio, Patty Dion, Carolyn Olsen and Karen Tonelli

Abbondanzio: Abbondanzio goes over process to appoint replacement of Treasurer/Collector. There is an exemption the temporarily appointment can stay in place until 2019, the end of Patty's term and there is no stipulation the person has to be a registered voter in Town. Anyone who would want to be eligible for the position would have to be a registered voter by the election. The position could also become an appointed position if allowed by Town Meeting. Under provision of the law, the person will be in the position until May, 2019. Plan is to advertise, will have to tell them the appointment is good until May 2019 if position stays elected. Advertisement will be placed as soon as possible so the person is in place by October, 2016.

Boutwell makes the motion to appoint Frank Abbondanzio, Patty Dion, Carolyn Olsen and Karen Tonelli to Selection Committee from the Treasurer/Collector position. Seconded by Nelson, approved. Boutwell – Aye, Nelson – Aye,

Notification of Retirement of Frank Abbondanzio, Town Administrator effective December 6, 2016

Town Administrator Position; Process; Appoint Selection Committee: Frank Abbondanzio, Carolyn Olsen, Wendy Bogusz, Gregory Garrison, Donald Valley, Pat Allen, Jay DiPucchio

Abbondanzio reads notification of retirement into the record.

Boutwell makes the motion to accept the Town Administrators resignation effective December 6, 2016 with regret. Seconded by Nelson, approved. Boutwell – Aye, Nelson - Aye

Abbondanzio: Goal is to have a new Town Administrator in place by November 14th at the latest; position needs to be advertised ASAP, earliest interviews will start is the beginning of October

Boutwell makes the motion to appoint, Frank Abbondanzio, Carolyn Olsen, Wendy Bogusz, Gregory Garrison, Donald Valley, Pat Allen and Jay DiPucchio, to the Town Administrator's Selection Committee. Seconded by Nelson, approved. Boutwell – Aye, Nelson - Aye

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Resignation of Laura Arruda as IT Administrator/Coordinator effective 10/31/16

Abbondanzio: Laura has announced her resignation as IT Administrator/Coordinator effective 10/31/16 and she has suggested we look into hiring a part time person and this would have to go to Town Meeting for approval. I will come back before you at a later date.

Boutwell makes the motion to accept the resignation of Laura Arruda as IT Administrator/Coordinator effective 10/31/16. Seconded by Nelson, approved. Boutwell – Aye, Nelson - Aye

Sign Warrant for 2016 State Primary on Thursday, September 8, 2016

Boutwell makes the motion to sign the warrant for the 2016 State Primary on September 8, 2016 which consists of one Representative in Congress, Second District, Councilor, Eight District, Senator in General Court Hampshire, Franklin & Worcester District; Representative in General Court, First Franklin District and Sheriff in Franklin County. Seconded by Nelson, approved. Boutwell – Aye, Nelson - Aye

Execute State 911 Department PSAP and RECC Support and Incentive Grant Program, \$21,792.00

Boutwell makes the motion to execute the State 911 Department PSAP and RECC Support and Incentive Grant Program in the amount of \$21,792.00. Seconded by Nelson, approved. Boutwell – Aye, Nelson - Aye

Topics not anticipated in the 48 hour posting requirements

None

Release and approval of Executive Session Minutes from 4/11/16 and 5/16/16, session #2 meeting relative to reputation, character, physical condition or mental health, rather than professional competence of an individual or the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual, open session and executive session pursuant to G.L. c. 30A, s. 21(a)(2) expected, votes may be taken
Nelson declares holding this executive session in open session will be detrimental to the public good.

*Boutwell makes the motion to go into executive session to review minutes from 4/11/16 and 5/16/16 session #2 meeting relative to reputation, character, physical condition or mental health, rather than professional competence of an individual or the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual, open session and executive session pursuant to G.L. c. 30A, s. 21(a)(2) expected, votes may be taken . Seconded by Nelson, approved. Boutwell – Aye, Nelson – Aye **Minutes Not released to the public.***

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

Nelson declares holding this executive session in open session will be detrimental to the public good.

Boutwell makes the motion to go into Executive Session under G.L. c.30A §21 (a)(3) to discuss strategy with respect to collective bargaining, IBPO, TOMEA, UE, votes may be taken. Seconded by Nelson, approved. Boutwell – Aye, Nelson - Aye

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

Nelson declares holding this executive session in open session will be detrimental to the public good.

Boutwell makes the motion to go into Executive Session under G.L. c.30A §21 (a)(3) to discuss strategy with respect to collective bargaining, IBPO, TOMEA, UE, votes may be taken. Seconded by Nelson, approved. Boutwell – Aye, Nelson – Aye

List of Documents and Exhibits:

- Montague Street Sidewalk Bid and Contract with A. Martin & Sons Construction, Inc. not to exceed \$76,449.16
- License Agreement with FirstLight Hydro Generating Company regarding the Turners Falls Main Drain Rehabilitation and Siphon Cleaning Project

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- Grant Agreement with the National Park Service Battlefield Protection Program for \$81,000 Battlefield Preservation Planning Grant for the Battle of Great Falls/Peskeompskut Study.
- Announcement of next round of Commercial Homesteading Program- Railroad Salvage Annex 15 Power Street- Due October 13, 2016.
- Letter regarding notice of default of Airport Industrial Park Covenants for Assessors Map 17 Lot 13A and vote to repurchase the 7.9 acre lot on Industrial Boulevard.
- Open Meeting Law complaint filed by Jeanne Golrick on July 14, 2016, relating to the board failing to take roll call votes at their July 11, 2016 meeting due to remote participation.
- Agreement between the Town of Montague and United Electrical, Radio and Machine Workers of America, Local 274, Effective 7/1/10 through 6/30/13
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- Memorandum of Understanding between the Town of Montague and United Electrical, Radio and Machine Workers of America, Local 274 pertaining to temporary compensation of Tim Little and Tim Peura
- Personnel Status Change Notice: Tim Little, WPCF Operator, UE, Old Grade/Step D5, \$21.19/hr to New Grade/Step E6, \$23.44, effective 6/27/16 until 11/28/16
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- Personnel Status Change Notice: Resignation of Cynthia Hunter, Fulltime Dispatcher effective August 9, 2016
- Letter to Ryan Ambrose, DHCD re: FY2015 CDBG Budget Revision #1
- Contract Amendment for GZA GeoEnvironmental, Inc. (\$18,590 to \$12,083.to Eliminate Norma's park from LP FY15 Master Plan Project; Reduction in scope and fee (\$6,506.50)
- FY15 Montague CDBG Budget Revision #1 Reduce Planning Activity Norma's Park Master Plan (\$6,506.50); Add to Housing Rehabilitation Program in LP (\$6,506.50)
- Treasurer/Collector Position, Process, Appointments to Selection Committee: Frank Abbondanzio, Patty Dion, Carolyn Olsen and Karen Tonelli
- Retirement letter of Frank Abbondanzio, Town Administrator effective December 6, 2016; Town Administrator Position
- Process; Appointments to Selection Committee: Frank Abbondanzio, Carolyn Olsen, Wendy Bogusz, Gregory Garrison, Donald Valley, Pat Allen, Jay DiPucchio
- Resignation of Laura Arruda as IT Administrator/Coordinator effective 10/31/16
- Warrant for 2016 State Primary on Thursday, September 8, 2016
- State 911 Department PSAP and RECC Support and Incentive Grant Program, \$21,792.00