

**SELECTMEN'S MEETING  
UPSTAIRS MEETING ROOM  
1 AVENUE A, TURNERS FALLS, MA  
MONDAY, August 8, 2016**

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 and Executive Assistant Wendy Bogusz

**Approve Selectmen minutes of July 11 and 25, 2016**

*Nelson makes the motion to approve the minutes of July 11, 2016. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - 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**

None

**St. Stanislaus B. M. Society**

**MGL c. 138, §12 On-Premises Licensees Sunday Opening Time allowed at 10:00 AM Execute Form 43, St. Stanislaus B. M. Society, 6 K Street, Turners Falls, MA**

Boutwell abstains from this portion of the meeting

*Nelson makes the motion to approve the request by St. Stanislaus B. M. Society 6 K Street, Turners Falls, MA, MGL c. 138, §12 On-Premises Licensees Sunday Opening Time allowed at 10:00 AM , 6 K Street, Turners Falls, MA if they so choose to open at that hour. Seconded by Kuklewicz, approved. Nelson – Aye, Kuklewicz – Aye, Boutwell - Abstain*

**One Day License, extend premise on 8/27/16 from 11:00 AM to 6:00 PM**

Nelson makes the motion to approve the One day beer and wine license to St. Stanislaus B. M. Society, 6 K Street, Turners Falls from 11:00 AM to 6:00 PM for outdoor drinking extended on their property, insurance has been provided. Seconded by Kuklewicz, approved. Nelson – Aye, Kuklewicz – Aye, Boutwell - abstain

**Liquor License Hearing**

**Annual On Premises, §12 All Alcohol, Liquor License, (Restaurant) Five Eyed Fox, Aric Applegate Binaco, as Manager, 37 Third Street, Turners Falls**

Boutwell recuses himself from this portion of the meeting

*Nelson makes the motion to approve the Annual On Premises, §12 All Alcohol, Liquor License, (Restaurant) Five Eyed Fox, Aric Applegate Binaco, as Manager, 37 Third Street, Turners Falls (This is allowed through special act of legislation) Seconded by Kuklewicz, approved. Nelson – Aye, Boutwell – Aye, Kuklewicz – Aye, Boutwell - Abstain*

**Kelly Burgh, FCYFA Bulldogs Cheerleaders**

**Use of public property: Helmet drive on August 21, 2016, from 10:00 AM to 2:00 PM, Avenue A/Seventh Street, Turners Falls**

*Boutwell makes the motion to approve the request for use of Public property for the helmet drive on August 21, 2016, from 10:00 AM to 2:00 PM, to the FCYFA Bulldogs Football and Cheerleaders on Avenue A/Seventh Street, Turners Falls, pending the Police Chief signature and receipt of insurance. Seconded by Nelson, approved unanimously. Boutwell- Aye, Nelson- Aye, Kuklewicz - Aye*

**Kerri Lapointe**

**Request for Montague to participate in State Police Blue Ribbon Campaign**

Lapointe: Here on behalf of the wives of the Mass. State Police and are currently running a campaign for law enforcement asking each town across the state to place blue ribbons on Town Commons and signs leading into Town. Asking for Towns blessing to place blue ribbons will take full responsibility to make sure they look appropriate and if they are falling down I take them down and if asked to take them down I will do so. Also asking the local police to participate when the ribbons are being placed. Nelson would also like the Board to participate in the ceremony.

*Nelson makes the motion to approve the request for the Town of Montague to participate in the Mass. State Police blue ribbon campaign and allow Kerri Lapointe to place up to 20 blue ribbons throughout town as appropriate. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

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**Walter Ramsey, Town Planner**

**Execute Change Order #1 for Canal Street Parking Lot, (\$600); (Change Order #3 \$8,900; will be discussed at a later date) Project Update**

*Nelson makes the motion to execute change order #1 for Canal Street Parking Lot with a decrease of \$600 (changing out some granite curbing for Cape Cod berm and removal of utility pole). Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

**Authorize Professional Services Agreement with FRCOG for Zoning and subdivision technical assistance**

*Nelson makes the motion to authorize the professional services agreement with the FRCOG for zoning and subdivision technical assistance. Seconded by Boutwell. Approved Unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

**Personnel Board**

**Appoint Steven Chase, Police Dispatcher, 37.69/hrs, Grade B, Step 5, \$18.07, effective 8/8/16 (Per diem); 8/22/16 (Fulltime)**

*Boutwell makes the motion to appoint Steven Chase, Police Dispatcher, 37.69/hrs, Grade B, Step 5, \$18.07, effective 8/8/16 as per diem and full time on 8/22/16. Seconded by Nelson, approved. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

**Appoint Cynthia Hunter, Police Dispatcher, Per-Diem, Grade PT, \$19/hr, effective 8/9/16**

*Boutwell makes the motion to appoint Cynthia Hunter as Per Diem Police Dispatcher, Grade PT \$19/hr effective 8/9/16. Seconded by Nelson, approved unanimously. Boutwell- Aye, Nelson – Aye, Kuklewicz - Aye*

**Richard Kuklewicz**

**Disclosure by Special Municipal Employee of Financial Interest in a Municipal Contract as Required by G.L.c.268A, § 20 (d), Selectmen**

*Kuklewicz: As most folks know I have been the Electrical Inspector in town for about 20 years and also a selectmen so this is to clear up and put this disclosure on record; I'm requesting this because I'm a Selectmen with a population of 10,000 or fewer people, the interest I have is I do work for the Town as a part time Electrical Inspector I'm paid as services are rendered \$27.50 per inspection, approximately \$6,000/year (this is on the high side)*

**Disclosure by Municipal Employee of Financial Interest in a Municipal contract as Required by G.L.c.268A § 20(b), Franklin County Regional Technical School District Representative**

*Kuklewicz discloses that he is a Representative on the Franklin County Regional Technical School District and has been on that for a little over 21 years now.*

**Disclosure by Municipal Employee of Financial Interest in a Municipal contract as Required by G.L.c.268A § 20(b), Turners Falls Fire and Water District Prudential Committee Member**

*Kuklewicz discloses that he is also a member of the Turners Falls Fire and Water District Prudential Committee Member and has always recused himself from doing inspections around them.*

*Nelson makes the motion to accept the disclosure from Rich Kuklewicz regarding his financial interest in a Municipal Contract as Required by G.L.c.268A, §20 (b) with his relationship with the Franklin County Regional Technical School District as a representative. Seconded by Boutwell, approved. Boutwell – Aye, Nelson – Aye*

*Nelson makes the motion to accept the disclosure from Rich Kuklewicz as a special municipal employee with financial interest in a Municipal Contract as Required by G.L.c.268A, §20 (d) as a Montague Selectmen. Seconded by Boutwell, approved. Boutwell – Aye, Nelson – Aye*

*Nelson makes the motion to accept the disclosure from Rich Kuklewicz as a special municipal employee with financial interest in a Municipal Contract as Required by G.L.c.268A, §20 (b) as a Committee Member of the Turners Falls Fire and Water District. Seconded by Boutwell, approved. Boutwell – Aye, Nelson – Aye*

**Town Administrators Report**

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**Remove Jay DiPucchio from Town Administrators Selection Committee**

*Nelson makes the motion to remove Jay DiPucchio from the Town Administrators Selection Committee with regret. Seconded by Boutwell, approved. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye (Jay is too busy at the moment)*

**Appoint Mark Fairbrother to Town Administrators Selection Committee**

*Nelson makes the motion to appoint Mark Fairbrother to the Town Administrators Selection Committee for a term until the position is filled effective immediately. Seconded by Boutwell, approved. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye*

**Draft Administrative Consent Order with Penalty #ACOP-WE-15-1N001-NT from DEP**

Abbondanzio: We received a draft administrative consent order from DEP for discharges that exceeded our permit. The first one took place November 14, 2014 for effluent discharges that exceeded our permit. The second one took place between January 6 and February 3 of 2016 which was a total of 9.6 million gallons for a period of almost a month. What the draft consent order does is levy a civil administrative penalty for the discharges totaling \$17,089. Within 30 days of the effective date of the consent order we are to pay \$5000. They agree to suspend \$12,089 of the \$17,089 provided we don't violate any provision of the consent order or further violate any of the regulations cited within two years of the effective date of the consent order. The meat of the consent order is to give the town the opportunity to satisfy DEP's desire to know exactly how the Montague process works as we have an innovative way of treating waste; however there is a lot of unknowns. We currently have a pilot program that has been ongoing for 2 to 3 years. Grant has participated in writing the operating procedures process manual for that process but DEP wants more. They have us doing an engineering study, collect data, evaluate data and see exactly what's going on in the process. They really want to replicate the process at other locations and they want to make sure whatever we are doing long term, is that it is safe and it won't result in repeated overflows violations of the permit. They have to be convinced of that before a final permit to continue the process is issued; they want an engineer hired and that has to happen within 30 days. There were some tight timelines whether they're realistic or not we don't know. We went over the consent order on the timeline and there are a couple of changes that Grant was suggesting we should make and he has made contact with DEP to get there Okay.

Kuklewicz: They tied an issue that really had nothing to do with our process. I'm unsure if the first violation was a discharge from the plant and you might be able to clarify that. The second issue was a systems failure combined sewer overflow issue and there was debris blocking the screening racks as it was described to me that effluent never made it to the plant, so I don't know how they tied the two together other than a way to pressure us to hire an engineer to create a report and benefit others besides Montague.

Weaver: Recounts events that are described in the order from DEP. Thinks this is an excellent opportunity for the Town to assemble what is a long term equipment needs. Since they have given us 6 months to do that, timelines are tight. DEP is tolerant or supportive until the report comes in. I recommended 3 changes in talking with the folks at DEP: page 3, correct numbering first 9 needs to be 8; Page 4 new 8A I'm not a Massachusetts professional engineer I'm a Connecticut professional engineer but is a grade 6, strike word then Grant and others will be eligible; page 4 interim report, within 30 days, 60 days submit scope of work 90 days give all your results, only gives you 30 days to collect samples, going from 90 days to 150 days to give results and maintain 180 days for study results

Abbondanzio: My question to Grant earlier today was since our process is at a much reduced scope than what it was previously since we are not taking waste from 20 plus towns in the county, I was wondering if we did the engineering study now, would we get the true picture with data.

Weaver: We are getting there to starting the process again, but not there. We had two people today. The focus is doing sampling and testing throughout the plant, and I'm struggling to see what they are looking for.

Discussions need to be held with DEP to find out what they are looking for and to schedule a meeting with them.

*Nelson makes the motion to authorize Frank and Grant to work together to send letter to MASS DEP prior to the August 12, 2016 deadline indicating the Town for the most part is on Board with the consent order as presented but prior to the Selectboard signing off on the consent order we need clarification and further discussion on a few items. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye*

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Further discussion about program

**Award Town Energy Use Bid**

Abbondanzio: We've been purchasing power for Town buildings wholesale through the FRHOG and Yolon Energy asked if we would take in request for quotes and quotes were due today at 10:00 AM and Hampshire Power did not meet the deadline. Yolon received 8 proposals and I'm recommending Direct Energy. I ran this proposal through Beth Greenblatt, Beacon Energy Systems and she offered her advice after reviewing the results and she is comfortable with Direct Energy quote and provided certain criteria's could be met and Mr. McCance assured me these could be met. The contract will be for 14 months and this is at the suggestion of Beth. Over the two years we saved over \$24,000. I relied on Beth's' advise as to what made sense.

*Nelson makes the motion to accept the proposal from Direct Energy to supply Electricity to the Town of Montague with 7.644 cents per kilowatt hours. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye*

**Gill Montague Bridge Rehabilitation Project Ribbon Cutting, 8/25/16 at 9:30 AM**

Ribbon cutting is scheduled for August 25, 2016 at 9:30 AM

**Release and approval of Executive Session Minutes from 1/5/15, 12/7/15 meeting relative To Collective Bargaining; 5/4/15 Real Estate – Montague Center School; 8/10/15 & 11/16/15 Purchase/Lease Agreement Strategy, Senior Center; 10/26/15 Litigation; executive session and open session, pursuant to G.L. c. 30A, s. 21(a)(2) expected, votes may be taken**

Will be put on the next agenda

**Discussion regarding Berkshire Gas Moratorium RE: DPU Docket #16-103**

Do we feel as a Board if it's the best interest of the community to be involved with the DPU Hearing.

**Executive Session under G.L. c 30A, Section 21 (a)(3) to discuss possible legal action and Strategy concerning the Berkshire Gas moratorium DPU docket #16-103, Votes may be Taken**

Kuklewicz: This new proceeding is the DPU taking a look at the moratorium which is very similar to a discussion we had on the previous DPU Hearing #15-178 that talked about the pipeline, again we feel there is not a need for this moratorium. The Town had a consultant who presented information at the DPU hearing that there are other ways to get supply into this region that range from increased capacity at a LMG facility, repairing leaks, energy conservation among other things. The decision we need to make tonight is, is the Town interested in pursuing this DPU Hearing? I think it is in the towns best interest of the Town to see this moratorium ended, because it has been an impairment to businesses, that are remodeling projects and can't get gas supply.

Elan: I want to clarify the new DPU proceeding #16-103 is not only focused on the moratorium, it is Berkshire Gas's five year forecast and supply plan review by the Department of Public Utilities. It will focus heavily on the moratorium.

Kuklewicz: There are two levels of decision making: 1) do we feel it is in the best interest of the community to become involved with another DPU Hearing and costs that might be and what the associated costs might be, what would we set as a limit. Those are things we should discuss prior to going into executive session

Elan: We have been approached by an anonymous donor who will also be trying to raise donations.

Kuklewicz: So we have a funding force to start us, and we have money approved at town meeting, but the question is if this money is in the scope of allocation. We would need to get an opinion on this.

Elan: I'm very uncomfortable having this discussion in public.

Kuklewicz: Do we feel is this something we want to be involved in at the Town level? The Board feels they have concerns and feel the Town should be involved.

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Nelson makes the motion to go into Executive Session at 8:18 PM under G.L. c 30A, Section 21 (a)(3) to discuss possible legal action and Strategy concerning the Berkshire Gas moratorium DPU docket #16-103, Votes may be Taken. Seconded by Boutwell, approved. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye

**Open session resumes at 8:41 PM**

Kuklewicz: During executive session we voted to retain services of Atty. Richard Kanoff DPU #16-103

*Nelson makes the motion to ratify the vote taken in executive session. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye*

*Nelson makes the motion to adjourn at 8:43 PM. Seconded by Boutwell – Approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye*

**List of Documents and Exhibits:**

- Minutes of July 11, 2016
- Form 43: Liquor License; Annual On Premises, §12 All Alcohol, Liquor License, (Restaurant) Five Eyed Fox, Aric Applegate Binaco, as Manager, 37 Third Street, Turners Falls
- MGL c. 138, §12 On-Premises Licensees Sunday Opening Time allowed at 10:00 AM
- Execute Form 43, St. Stanislaus B. M. Society, 6 K Street, Turners Falls, MA, MGL c. 138, §12 On-Premises Licensees Sunday Opening Time allowed at 10:00 AM
- One Day License, , St. Stanislaus B. M. Society, 6 K Street, Turners Falls, MA extend premise on 8/27/16 from 11:00 AM to 6:00 PM
- Use of public property: Kelly Burgh, FCYFA Bulldogs Cheerleaders Helmet drive on August 21, 2016, from 10:00 AM to 2:00 PM, Avenue A/Seventh Street, Turners Falls
- Request for Montague to participate in State Police Blue Ribbon Campaign
- Walter Ramsey, Town Planner, Change Order #1 for Canal Street Parking Lot, (\$600); Change Order #3 \$8,900; Project Update
- Professional Services Agreement with FRCOG for Zoning and subdivision technical assistance
- Appointment form, Steven Chase, Police Dispatcher, 37.69/hrs, Grade B, Step 5, \$18.07, effective 8/8/16 (Per diem); 8/22/16 (Fulltime)
- Appointment form, Cynthia Hunter, Police Dispatcher, Per-Diem, Grade PT, \$19/hr, effective 8/9/16
- Richard Kuklewicz: Disclosure by Municipal Employee of Financial Interest in a Municipal contract as Required by G.L.c.268A § 20(b), Franklin County Regional Technical School District Representative
- Richard Kuklewicz: Disclosure by Special Municipal Employee of Financial Interest in a Municipal Contract as Required by G.L.c.268A, § 20 (d), Selectmen
- Richard Kuklewicz: Disclosure by Municipal Employee of Financial Interest in a Municipal contract as Required by G.L.c.268A § 20(b), Turners Falls Fire and Water District Prudential Committee Member
- Appointment Form, Mark Fairbrother to Town Administrators Selection Committee
- Draft Administrative Consent Order with Penalty #ACOP-WE-15-1N001-NT from DEP
- Town Energy Use Bid
- Announce Gill Montague Bridge Rehabilitation Project Ribbon Cutting, 8/25/16 at 9:30 AM