

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

**AMENDED**

**-Subject to Change-**

Topics may start earlier than specified, unless there is a hearing scheduled

**Meeting Being Taped**

**Votes May Be Taken**

1. **7:00** Approve Selectmen minutes of July 25 and August 8, 2016
2. **7:01** 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
3. **7:05** Edite Cunha
  - Tree Cutting and Clarification of the tree policy and procedures in Town
4. **7:15** Walter Ramsey, Town Planner
  - Execute FY17 MassWorks Contract for Canal Street Parking Lot
  - Execute Change Orders #3 and #4 for Canal Street Parking Lot totaling \$11,743.29
  - Execute Change Order #5 for Canal Street Parking Lot totaling \$12,067.64
  - Authorize Payment to Clayton D. Davenport Trucking, Inc. for Canal Street Parking Lot, \$68,217.20
5. **7:30** Personnel Board
  - Resignation of Fulltime Dispatcher Debra-Lynn Shedd effective 8/26/16
  - Appoint Katherine Chapdelaine, Fulltime Dispatcher, 37.69/hrs wk, TOMEA Grade B, Step 3, \$17.20/hr, Per diem 8/23/16, Fulltime 8/27/16
6. **7:32** Ariel Elan
  - Updates on Berkshire Gas Intervention and the Supreme Judicial Court ruling against the so-called "Pipeline Tax"
7. **7:40** Open Meeting Law – Discussion and possible vote to clarify, ratify and confirm votes taken during the Boards July 11, 2016 meeting as set forth in the minutes attached hereto
8. **7:45** Town Administrators Report
  - Execute Purchase and Sale Agreement between Power Town Limited Partnership and Town of Montague, 62 Fifth Street, Turners Falls, \$1.00
  - Execute Exhibit B, Rider to Purchase and Sale Agreement between Power Town Limited Partnership and Town of Montague, 62 Fifth Street, Turners Falls
  - Execute QuitClaim Deed between Power Town Limited Partnership and Town of Montague, 62 Fifth Street, Turners Falls
  - Execute Memorandum of Agreement between the Town of Montague and The Town of Montague Employee's Association (TOMEA)
  - Execute FY2016 CDBG Contract, \$816,263
  - Announce Turners Falls Power Canal service outage, Monday, September 19 0700 hours through Saturday, September 24, 2016
  - Town Administrator Community Input Session on 9/7/16 at 6:00 PM
  - Appoint Peg Bridges to the Montague Historical commission until June 30, 2019
  - Topics not anticipated in the 48 hour posting requirements

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- 9. 8:00** 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
- 10. 8:05** Executive Session under G.L. c.30A §21 (a)(3) to discuss strategy with respect to collective bargaining, IBPO, TOMEA and UE, votes may be taken

The next regularly scheduled Selectmen's Meeting will be held on Monday, September 12, 2016, 7:00 p.m. at the Montague Town Hall, 1 Avenue A, Turners Falls, MA

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

**Approve Selectmen minutes of June 13 and June 27, 2016**

*Boutwell makes the motion to approve the minutes of June 13, 2016 as presented. Seconded by Nelson. Motion Carries, unanimously.*

*Boutwell makes a motion to approve the minutes of June 27, 2016 as presented. Seconded by Nelson. Motion Carries, unanimously.*

Nelson declares he is participating remotely due to geological distance

**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

**Paul Gilbert, CDM Smith, Inc.**

**Task Order No, 7 to Master Services Agreement between Town of Montague and CDM Smith, Inc. \$63,500**

Tom Bergeron: CDM is going to take care of the engineering portion of the project for the drain under the canal, they are going to work with the contractor subcontractors and do all the paperwork that we need.

*Boutwell makes the motion to approve Task Order No, 7 to Master Services Agreement between Town of Montague and CDM Smith, Inc. in the amount of \$63,500. . Seconded by Nelson. Motion Carries, unanimously.*

**Execute Agreement with National Water Main Cleaning, Inc. for the Turners Falls Main Drain Rehabilitation and Siphon Cleaning, \$793,950**

*Boutwell makes the motion to Execute the Agreement with National Water Main Cleaning, Inc. for the Turners Falls Main Drain Rehabilitation and Siphon Cleaning, in the amount of \$793,950. . Seconded by Nelson. Motion Carries, unanimously.*

**Cable Advisory Committee, Assessment to Selectmen regarding MCCI's Annual Report**

Jason Burbank: This is just to take care of some procedural matters; we awarded the contract to MCCI for cable public access television and that was going to be contingent upon their performance. In March we receive their annual report for 2015, copies were passed out and we reviewed these back in May. We also received a supplement on local programming; we discussed this with them at some length and at our meetings after we received it we feel that it is quite an adequate showing. Everything is showing some real effort some serious improvements have been made since their former years. The printout doesn't do very well with the equipment list but the files they provided did show it is a clearly extensive equipment list. Simile the list of local programs was pretty extensive; the first run shows for 2015 that was a significant concern to a lot of people in the process up to the contract negotiations so we voted to except this a recommend approval and continuation of the contract to the selectmen; so I'm here just present that to you. Request for committee members, send letter of interest to Town Hall.

*Boutwell makes the motion that the board except the 2015 Annual Report from MCC I and recommendation of continuing the contract . Seconded by Nelson. Motion Carries, unanimously.*

**Town Administrator's Report**

**Request to change date of Montague Cycling Crit from July 27 to August 3rd, 2016 at Industrial Park**

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*Boutwell makes the motion to authorize the requested date change for the Montague Cycling Crit from July 27 to August 3rd, 2016 at Industrial Park and the Chief review this and appropriate changes are made. Seconded by Nelson. Motion Carries, unanimously.*

**Execute MOU with FCSWMD regarding Hauling Services 7/1/16 to 6/30/17**

Boutwell recuses himself

*Nelson makes the motion to sign the MOU with the FCSWMD regarding Hauling of Recycled and Hauling and Disposal of Solid Waste; Hauling and Disposal of Bulky Wastes; and hauling and disposal of scrap metal and appliances from July 1, 2016 through June 30, 2017. Seconded by Kuklewicz. . Motion Carries, (Boutwell Abstain)*

**Execute MOU with FCSWMD regarding Wood Pellet Bag Recycling Center 7/1/16 to 6/30/17**

*Nelson makes the motion to sign the MOU with the FCSWMD regarding Wood Pellet Bag Recycling Center from July 1, 2016 through June 30, 2017 Seconded by Kuklewicz. . Seconded by Nelson. Motion Carries, (Boutwell Abstains).*

**Execute Agreement with Town of Deerfield for use of Town's Sewer Vac Truck**

*Boutwell makes the motion to execute the agreement with the Town of Deerfield for use of the Town's Sewer Vac Truck as needed with rental fee of \$125 per hour during regular work hours from 6:00 am to 4:00 PM Monday through Thursday; weekends and after hours rate will be \$175 per hour. Seconded by Nelson. Motion Carries, unanimously.*

**Retroactive approval: Use of Public Property for Helmet Drive for Turners Falls Softball Team Fundraiser, Avenue A & 3rd and Avenue A & 7th on 7/9/16, 9:00 AM to Noon**

*Boutwell makes the motion to retroactively approve the Use of Public Property for Helmet Drive for Turners Falls Softball Team Fundraiser, Avenue A & 3rd and Avenue A & 7th on 7/9/16, 9:00 AM to Noon (this was approved by the Chair before the event) Seconded by Nelson. Motion Carries, unanimously.*

**Resignation of Patricia Dion, Treasurer/Tax Collector effective November 30, 2016**

*Boutwell makes the motion to accept the letter of retirement from Patricia Dion after 25 years of service effective November 30, 2016 with regret. Seconded by Nelson. Motion Carries, unanimously.*

Someone will have to be appointed to this position but Frank will get back to the Board at the next meeting with more information.

**Topics not anticipated in the 48 hour posting requirements**

None

**Misc. Appointments**

**Appoint Matan Rubinstein to Montague Cultural Council, 3 year term until 6/30/19**

*Boutwell makes the motion to appoint Matan Rubinstein to the Montague Cultural Council, for a 3 year term until June 30, 2019. Seconded by Nelson. Motion Carries, unanimously.*

**Appoint Rachel Teumim to Montague Cultural Council, 3 year term until 6/30/19**

*Boutwell makes the motion to appoint Rachel Teumim to the Montague Cultural Council, for a 3 year term until June 30, 2019. Seconded by Nelson. Motion Carries, unanimously.*

**Appoint Richard Ruth, Zoning Board of Appeals, 5 Year term until 6/30/2021**

*Boutwell makes the motion to appoint Richard Ruth to the Zoning Board of Appeals, for a 5 year term until June 30, 2021. Seconded by Nelson. Motion Carries, unanimously.*

**Appoint Ariel Elan, Pipeline Liaison, 1 Year Term until 6/30/17**

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*Boutwell makes the motion to appoint Ariel Elan as Pipeline Liaison, for a 1 year term until June 30, 2017. Seconded by Nelson. Motion Carries, unanimously.*

**Appoint John Zellmann, Emergency Management Director, 1 Year Term until 6/30/17**

Boutwell makes the motion to appoint John Zellmann as Emergency Management Director from September 2, 2016 until June 30, 2017. Seconded by Nelson, Motion Carries unanimously.

**Alecia Matthews, Dan Glanville, Comcast Cable, Broadband Grant**

Glanville: I'm here with my colleague Alicia Matthews and we wanted to come in and speak to you briefly first with regard to the MBI grant proposal that is happening. We did respond to an RFQ early on which we did submit some data for the pursuant to what was available to us based on MBI data. We have a proposal that includes certain areas of town if the grant goes forward. We would have a reconciliation meeting which would take place nearby; we would then review the data available on certain areas and our commitment would be to get to a minimum of 96% in Montague. That is the basic position of what is being proposed. We do understand there have been some issues in regards to certain areas not being included in our initial response to the RFQ that stated we believe the reconciliation meeting will allow for discussion pertaining to those particular areas.

Kuklewicz: My concern is we get as much coverage as we can into town. MBI has made the decision; we had some other thoughts as you know. Our goal is to get as many residents served as we can with Internet service and broadband and get them connected. We have some pretty populated areas where there is a fair amount of population that is unserved;

Glanville: There will be a minimum of 96% and most of the areas of town that are included will go above the 96%; close to 100%. As we said, we will be happy to go over additional details at the reconciliation meeting with our construction engineers present; I cannot sit here tonight and talk about particular areas. I will say there have been particular areas that have been raised at meetings that we have analyzed and reviewed and will be part of the reconciliation process 36:55

Burbank: Do we get a map of areas to be served or expected to be served.

Matthews: We've been negotiating with MBI we use the MBI data to formulate our response. We informed MBI that our data was not consistent with MBI so we need to reconcile that. After we sign an agreement within 180 days we would work on this reconciliation with the Towns.

R. Steinberg: If I understand this correctly, MBI will be signing a contract but there is no contractual commitment to any map to who will be served?

Matthews: In the agreement there will be a commitment to serve to the MBI specification of 96% minimum across the Town

Glanville: We have mutual goals to serve as many people as possible, we believe it will be close to 98% served.. We don't place poles, we are pole attachers and pay rent.

Further discussion held regarding future technology launches, future plans, what reconciliation meeting will entail

**Rick Widmer**

**Veteran's Day Event at Highland Park on Sunday November 11, 2016**

This is still in the planning stages and will be discussed at a later date.

**Mural Project in Millers Falls on Railroad Property, August 20 – 21, 2016**

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Widmer: I noticed there is a footing of the bridge near Newton Street and would like to put up a mural on the wall. Chief Dodge was able to reach out to the railroad and was able to get permission for us to do this. I have been working with local groups to come up with an idea on what to paint there. I think it should be something that inspires people.

*Boutwell makes the motion to authorize Rick Widmer, Church St, MF and the Millers Falls Improvement Association to have a mural on the Millers Falls train bridge and this has been signed off by Chief Dodge. Seconded by Nelson, Motion Carries, unanimously.*

**Personnel Board**

**Appoint Rebecca Walsh, DPW Custodian, UE Grade A, Step 1, \$13.89/hr. effective 7/12/16**

*Boutwell makes the motion to appoint Rebecca Walsh, DPW Custodian, UE Grade A, Step 1, \$13.89/hr. effective 7/12/16. Seconded by Nelson, Motion Carries unanimously.*

*Boutwell makes the motion to appoint Jacob Sisson as DPW summer help at \$10/hour, 40 hours week, effective 7/12/16. Seconded by Nelson, Motion Carries unanimously.*

- Miscellaneous announcements made

**Topics not anticipated in the 48 hour requirements**

**Memorandum of understanding with Town of Leverett and Wendell regarding funds allocated for legal defense that Montague participated in for the DPU rate hearing.**

*Boutwell makes the motion to authorize the Memorandum of Understanding with the Town of Wendell regarding funds allocated for legal defense that Montague participated in for the DPU rate hearing. Seconded by Nelson. Motion Carries unanimously.*

*Boutwell makes the motion to authorize the Memorandum of Understanding with the Town of Leverett regarding funds allocated for legal defense that Montague participated in for the DPU rate hearing. Seconded by Nelson. Motion Carries unanimously.*

**Pole Location hearing**

**Install one (1) solely owned Eversource Pole on Gunn Road approximately 185' easterly from existing pole #130/11-5. New pole and anchor to provide service for one new house on Gunn Road**

*Boutwell makes the motion to authorize one (1) solely owned Eversource Pole on Gunn Road approximately 185' easterly from existing pole #130/11-5. New pole and anchor to provide service for one new house on Gunn Road. Seconded by Nelson, Motion carries unanimously.*

**Accept Recommendation of Badgequest Assessment Center and Appoint Police Lieutenant, Grade G+8/5%, Step 6, \$34.78/hr + 10% Educ. 10% Educ. Incentive**

*Boutwell makes the motion to appoint Chris Bonnett as Police Lieutenant, effective July 12, 2016, Grade G+8/5%, Step 6, \$34.78/hr + 10% Educ. 10% Educ. Incentive. Seconded by Nelson, motion carries unanimously.*

**Other**

Dodge: We received a request from the Municipal Police Training Counsel asking if we had any officers worthy of any lifesaving awards. I reviewed our logs for the past year and I found incidents where our officers used their training to bring someone back to life. The Counsel reviewed these and agreed and have awarded CPR and First responder Awards to Staff Sergeant Williams, Lieutenant Bonnett, Patrolman Deery, Patrolman Lapachinski, and former patrolman Kyle Whalley. I want to congratulate those 5.

Blacktopping will be held in front of the Farren tomorrow

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Executive Session under G.L. c.30A, §21(a)(1) to discuss the 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, votes may be taken

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

Nelson declares he is hanging up as he is not able to be in a remote location.

Boutwell makes the motion to go into Executive Session under G.L. c.30A, §21(a)(1) to discuss the 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, votes may be taken. Seconded by Kuklewicz, approved. Boutwell – Aye, Kuklewicz - Aye

List of Documents and Exhibits:

- Minutes of June 13 and June 27, 2016
- Task Order #7 to Master Services Agreement between Town of Montague and CDM Smith, Inc. \$63,500
- Agreement with National Water Main Cleaning, Inc. \$793,950
- Execute MOU with FCSWMD regarding Hauling Services 7/1/16 to 6/30/17
- Execute MOU with FCSWMD regarding Wood Pellet Bag Recycling Center 7/1/16 to 6/30/17
- Execute Agreement with Town of Deerfield for use of Town's Sewer Vac Truck
- Use of Public Property for Helmet Drive for Turners Falls Softball Team Fundraiser, Avenue A & 3rd and Avenue A & 7th on 7/9/16, 9:00 AM to Noon
- Pole Location hearing; Install one (1) solely owned Eversource Pole on Gunn Road approximately 185' easterly from existing pole #130/11-5. New pole and anchor to provide service for one new house on Gunn Road
- Appoint Rebecca Walsh, DPW Custodian, UE Grade A, Step 1, \$13.89/hr. effective 7/12/16
- Accept Recommendation of Badgequest Assessment Center and Appoint Police Lieutenant, Grade G+8/5%, Step 6, \$34.78/hr + 10% Educ. 10% Educ. Incentive
- Appoint Matan Rubinstein to Montague Cultural Council, 3 year term until 6/30/19
- Appoint Rachel Teumim to Montague Cultural Council, 3 year term until 6/30/19
- Appoint Richard Ruth, Zoning Board of Appeals, 5 Year term until 6/30/2021
- Appoint Ariel Elan, Pipeline Liaison, 1 Year Term until 6/30/17
- Appoint John Zellmann, Emergency Management Director, 1 Year Term until 6/30/17