

**SELECTMEN'S MEETING  
UPSTAIRS MEETING ROOM  
1 AVENUE A, TURNERS FALLS, MA  
MONDAY, AUGUST 22, 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 25 and August 8, 2016**

*Boutwell makes the motion to approve the minutes of July 25, 2016. Seconded by Boutwell approved. Boutwell – Aye, Nelson – Aye, Kuklewicz - Abstain*

*Boutwell makes the motion to approve the minutes of August 8, 2016. Seconded by Boutwell, approved. 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

**Edite Cunha, Tree Cutting and Clarification of the tree policy and procedures in Town**

Cunha: Here to discuss removal of tree that was in front of her house at 161 Avenue A. She was not informed of the removal and came home from vacation to the tree being removed. Enjoyment of her property has been hindered, she cannot sit out Feels Tree Warden should not be cutting trees without written notification. Her reading of the law states Mr. Stevens should have notified her and the public. She is here to ask about what is lawful and what is not lawful. Feels the Selectmen need to uphold the law and she is deeply disturbed by this. Does not want to see this continue. If she had been notified, she would have had the tree trimmed to both her and Mr. Rists satisfaction.

Mark Stevens: MGL lets you trim, cut trees 3” diameter and under without hearing. Mr. Rist came to the Highway Dept complaining about the branches blocking his sign and that people were getting bumped in the head. At the same time Powertown sent a letter asking that the trees be trimmed that were touching their building. Trees were trimmed on the Avenue and her tree was trimmed and looked like crap so I cut it down.

Kuklewicz asks what the plans are for that area?

Stevens: If she wants something planted there I will plant a tree. Thought the tree was a scrub tree as there are no trees planted like that in Montague.

Cunha: Feels if you are going to cut something in front of someone's house, common curtesy would be to notify the homeowner. There is also no screen for the street light that is there. Would appreciate stump coming out and they work together to plant something else

Kuklewicz: In the future if you get to a point where the tree trim does not look good, I ask that you speak to the homeowner located by the tree before cutting down.

**Walter Ramsey, Town Planner**

**Execute FY17 MassWorks Contract for Canal Street Parking Lot**

*Nelson makes the motion to execute the FY17 MassWorks Contract for the Canal Street Parking Lot. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

**Execute Change Orders #3 and #4 for Canal Street Parking Lot totaling \$11,743.29**

#3 = replace clay with gravel \$7,213.24 #4 replace unsuitable trench backfill \$3,986.44 change order within contingency  
*Nelson makes the motion to approve change orders #3 and #4 for Canal Street Parking Lot totaling \$11,743.29. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

**Execute Change Order #5 for Canal Street Parking Lot totaling \$12,067.64**

#5 = remove and dispose of two underground storage tanks, change order within contingency  
*Nelson makes the motion to approve Change order #5 for the Canal Street Parking Lot totaling \$12,067.64. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

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**Authorize Payment to Clayton D. Davenport Trucking, Inc. for Canal Street Parking Lot, \$68,217.20**

*Nelson makes the motion to authorize the payment to Clayton D. Davenport Trucking, Inc. for the Canal Street Parking Lot in the amount of \$68,217.20. Seconded by Boutwell – Approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

**Discuss potential to locate new Franklin Regional Transit Authority bus garage on municipal land off Sandy Lane**

Michael Perrault, Tina Cote, Ron Morgan - MBTA

Ramsey: FRTA approached the town with interest to develop a bus garage for their fleet which is about 28 vehicles in the facility, will host about 31 jobs including drivers, dispatchers, maintenance staff and managers. This is mostly a private company that operates for the FRTA; these jobs would be moving from the current facility in Greenfield on Deerfield Street so no new jobs would necessarily be created. FRTA is looking to purchase property specifically land off of Sandy Lane behind the Judd Wire parking lot (behind the leaf dump); they are looking at about 5 1/2 acres and it will be purchased from the town.

Perrault: We approached Walter several weeks ago as we have been looking for quite a while for a permanent home for our maintenance facility that currently resides on Deerfield Street in Greenfield. We are leasing the facility and it is too small for our needs. Walter mentioned the town was possibly looking at Sandy lane for a future Industrial Park so he had showed us the property. We are looking for approximately 5 1/2 acres to meet our needs. We met briefly with Walter and Frank to talk about what we are looking for and one of the things that came up was taxes; because we are public transit authority we are exempt from paying taxes. We would not be able to contribute taxes but we can bring to the table the ability to upgrade infrastructure coming off of Turnpike Road onto Sandy Lane such as upgrading all the water and sewer facilities, power, fiber, the road, sidewalks and telecommunication and anything that would be needed for us to occupy the site which would then benefit the site to be fully developed. Walter had estimated \$300,000 to \$500,000 to upgrade the infrastructure that would be required to meet the towns need to develop Sandy Lane.

Ramsey: There is opportunity cost, but the fact that they are bringing in phase 1 of infrastructure is a huge deal. They would pay the appraised value in the land. This is taking a cost from the DPW. The proposal should be able to work with the solar panels.

**INFO**

The Franklin Regional Transit Authority (FRTA) has approached the town with interest to develop a +/- 62,000 square foot fleet maintenance facility on up to 5.3 acres of land off Sandy Lane (The area of the proposed Turnpike Road Industrial Park). The land in consideration includes the fill area directly behind the Judd Wire lot and the municipal leaf dump. The FRTA fleet consists of 28 vehicles (24 transit vehicles) that are housed and maintained at the facility. The facility would host approximately 31 jobs (drivers, dispatchers, maintenance staff, and managers). These are mostly private contractors that operate the FRTA's fleet. Those jobs would be moving from the current facility in Greenfield on Deerfield Street. No new jobs are proposed to be created. The facility and the FRTA assets would be tax-exempt and a PILOT is non-negotiable under the terms of the FRTA's funding (MassDOT and federal transportation funding). FRTA would purchase the property at the appraised value, which is unknown at this time (estimate between \$80,000 to \$120,000 in value).

**FRTA Garage Space Needs Plan /Concept Layout**

**Impact on the (proposed) Industrial Park Master Plan**

Recognizing that the FRTA's tax-exempt status would impact from the town's ability to generate revenue from the proposed industrial park, the FRTA is willing to implement Industrial Park Phase I Infrastructure Project that would extend water, sewer, underground electric, telecom conduit, sidewalks and new pavement on the length of Sandy Lane from Turnpike Road to the Dog Shelter (approx 800 feet). This is estimated by the Planning Office to cost between \$300,000 and \$500,000. While this "phase 1" would be desirable to the Town, there is an "opportunity cost" associated with the FRTA proposal. Because FRTA is tax-exempt, the town would not be able to recoup tax revenue if these 4 to 5 acres are developed by FRTA. By way of example, the assessor estimates that if this garage were a private project, it would generate about \$60,000 annually.

The proposed Phase I Infrastructure Project will not directly translate to future industrial development in the park, however it is an essential step. A Phase II Sandy Lane extension of another 900 feet that would build off Phase I would open approximately 30 acres of developable land on 3- 4 parcels. Based on the 2012 Industrial Park Master Plan 30 acres of

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industrial land has the potential for \$700,000 in one-time revenue from property sale, \$200,000 in annual tax revenue, and between 75 and 150 new jobs

The neighborhood traffic impact based on preliminary numbers would have the project generating approximately 150 daily trips on Sandy Lane and Turnpike Road, mostly heading to and coming from Greenfield via Montague City Road. This impact could easily be accommodated.

**Impact on the (proposed) Public Works Facility**

The Town's preferred location for the DPW is off Sandy Lane between Judd Wire and the Burn Dump- land that virtually unusable by any other entity but the Town. The Phase I Sandy Lane Infrastructure Project that funded by FRTA would benefit the town because this is an expense that would otherwise be borne by the town in the development of the DPW at the Sandy Lane Site. Both projects are on a similar schedule and would thus complement each other nicely. This will make a significant reduction in the Town's cost for the DPW.

**Impact on the Sandy Lane Solar Project**

The 6.4 MW solar project is in the design/permitting phase. The proposed FRTA parcel should not encroach on the previously awarded solar array areas. The interconnection can be designed to accommodate the FRTA parcel. The solar project is still projected to generate up to \$170,000 in annual revenues. EverSource is expected to conclude its due diligence in August which will allow Kearsarge to file permits with the Town this Fall.

**Conclusion**

Both the Industrial Park and Public Works Facility need Sandy Lane Phase I Infrastructure in order to get off the ground. The FRTA proposal is on a complimentary schedule and crucially offers the up-front capital necessary for Sandy Lane Phase I. The alternative is to have the Town fund Phase I by rolling it into the Public Works Facility Development cost OR hope to land state/federal grant that are incredibly competitive and limited.

The project will locate 31 jobs in Montague and help establish a critical mass of employment within the proposed industrial park area that will help attract future tenants.

*Nelson makes the motion to authorize Frank Abbondanzio and Walter Ramsey to continue good faith negotiations with FRTA for phase one of the industrial park. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

**Personnel Board**

**Resignation of Fulltime Dispatcher Debra-Lynn Shedd effective 8/26/16**

*Nelson makes the motion to accept the resignation of fulltime dispatcher Debra-Lynn Shedd effective August 26, 2016 at 11:00 PM. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

**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**

*Nelson makes the motion to appoint Katherine Chapdelaine as Fulltime Dispatcher, 37.69/hrs wk, TOMEA Grade B, Step 3, \$17.20/hr, Per diem 8/23/16, Fulltime 8/27/16. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye*

**Appoint John A. Rathbun, WPCF Operator, UE Grade D, Step 1, \$19.20/hr, 40 hrs/week, effective 8/23/16**

*Nelson makes the motion to appoint John A. Rathbun as WPCF Operator, UE Grade D, Step 1, \$19.20/hr, 40 hrs/week, effective 8/23/16. . Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

**Appoint Katherine M. Jones, WPCF Operator, UE Grade D, Step 1, \$19.20/hr, 40 hrs/week, effective 8/23/16**

*Nelson makes the motion to appoint Katherine M. Jones, WPCF Operator, UE Grade D, Step 1, \$19.20/hr, 40 hrs/week, effective 8/23/16. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

**Ariel Elan**

**Updates on Berkshire Gas Intervention and the Supreme Judicial Court ruling against the so-called "Pipeline Tax"**

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Elan: Montague voted to intervene, Deerfield also and are being considered part of the Montague case and are sharing attorney fees, reached out to other 3 communities and Hadley wants to join, Amherst decided to file separately and I'll be reaching out to Hatfield on Thursday. Prepared thank you letter to legislators she would like the Board to sign.

*Nelson makes the motion to sign the letter presented to Senator Rosenberg, Representatives Kulik, Kocot, Mark, Scibak, and Story. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

SJC ruling over ruled the Dept. of Public Utilities regarding the pipeline tax. Connection really made sense to burden ratepayers, but want to report idea is not tied to one administration, this started when Gov. Patrick was in office. Comments by Governor Baker they have not given up. Only way to get passed is approach legislature. House had 97 members sign onto Kuliks letter but house leader got it pushed out. The possibility of pipeline tax is not over. DPU hearing we are interveners so our testimony and evidence gets consideration by the DPU, but people are encouraged to attend the public hearing on 8/30 to testify.

**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**

During the Board's July 11, 2016 meeting, Mr. Nelson participated remotely. According to the regulations of the Attorney General, when a member participates remotely, all votes must be taken by roll-call vote. Although all of the votes taken during the meeting were unanimous, they were not taken by roll-call. Therefore, we intend to clarify, ratify and confirm those votes, which are set forth in the minutes of that meeting, which minutes will also become part of the record of this meeting.

**Motion**

*Nelson makes the motion that the Board vote to clarify, ratify and confirm all of the votes taken during the Board's July 11, 2016 meeting, as set forth in the minutes of said meeting by roll call vote. Seconded by Boutwell, approved. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

**Town Administrators Report**

**Execute Purchase and Sale Agreement between Power Town Limited Partnership and Town of Montague, 62 Fifth Street, Turners Falls, \$1.00**

*Nelson makes the motion to execute Purchase and Sale Agreement between Power Town Limited Partnership and Town of Montague, 62 Fifth Street, Turners Falls, \$1.00. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

**Execute Exhibit B, Rider to Purchase and Sale Agreement between Power Town Limited Partnership and Town of Montague, 62 Fifth Street, Turners Falls**

*Nelson makes the motion to Execute Exhibit B, Rider to Purchase and Sale Agreement between Power Town Limited Partnership and Town of Montague, 62 Fifth Street, Turners Falls. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye*

**Execute Quit Claim Deed between Power Town Limited Partnership and Town of Montague, 62 Fifth Street, Turners Falls**

*Boutwell makes the motion to Execute the Quit Claim Deed between Power Town Limited Partnership and Town of Montague, 62 Fifth Street, Turners Falls. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye*

**Execute Memorandum of Agreement between the Town of Montague and The Town of Montague Employee's Association (TOMEA)**

*Nelson makes the motion to Execute Memorandum of Agreement between the Town of Montague and The Town of Montague Employee's Association (TOMEA) as presented. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

**Execute FY2016 CDBG Contract, \$816,263**

*Nelson makes the motion to execute the FY2016 CDBG Contract in the amount of \$816,263 Seconded by Boutwell, approved. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye*

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**Announce Turners Falls Power Canal service outage, Monday, September 19 0700 hours through Saturday, September 24, 2016**

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**

Town Administrator Community Input Session on 9/7/16 at 6:00 PM in the upstairs meeting room. TA search committee wants to give the community the chance to give input

**Appoint Peg Bridges to the Montague Historical commission until June 30, 2019**

*Nelson makes the motion to appoint Peg Bridges to the Montague Historical commission until June 30, 2019. Seconded by Boutwell, approved. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye*

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

- Tentatively scheduling a special Town meeting for September 29, 2016
- DEP is going to be setting up a meeting in Springfield regarding the consent order and Board members will look at their schedule and get back to Frank
- Received open meeting law complaints and a request from the Greenfield Recorder and have forwarded them to our attorney

*Nelson makes the motion to authorize the Towns attorney to respond to the Public Records Law and Open Meeting Law responses. Seconded by Boutwell – Approved unanimously. Boutwell – Aye, Kuklewicz- Aye, Nelson - Aye*

**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**

These minutes will be reviewed in executive session

**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**

Kuklewicz states holding in open session will be detrimental to the public good.

*Nelson makes the motion to review, release and approve the executive session minutes from 1/5/15, 12/7/15; 5/4/15, 8/10/15, 11/16/15; 10/26/15. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye*

*Nelson makes the motion to enter into Executive at 8:22 PM 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*

January 5, 2015

*Nelson declares that the minutes were to his recollection and the minutes can be released because publication would no longer need to remain confidential.*

December 7, 2015

*Nelson makes the motion to release the minutes of December 7, 2015. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye*

May 4, 2015

*Nelson make the motion to release the minutes of May 4, 2015. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye*

August 10, 2015

*Nelson make the motion to release the minutes of August 10, 2015 and release to the public. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye*

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November 16, 2015

*Nelson makes the motion to release the minutes of November 16, 2015. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye*

October 26, 2015

*Nelson makes the motion to approve the minutes of October 26, 2015 but NEVER release to the public due to them being of personnel matter. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Boutwell – Aye, Kuklewicz – Aye*

*Nelson makes the motion to adjourn at 9:25 PM. Seconded by Boutwell – Approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye*

**List of Documents and Exhibits:**

- Selectmen Minutes July 25 and August 8, 2016
- Request from Edite Cunha re: Tree Cutting and Clarification of the tree policy and procedures in Town
- FY17 MassWorks Contract for Canal Street Parking Lot
- Change Orders #3 and #4 for Canal Street Parking Lot totaling \$11,743.29
- Change Order #5 for Canal Street Parking Lot totaling \$12,067.64
- Payment request to Clayton D. Davenport Trucking, Inc. for Canal Street Parking Lot, \$68,217.20
- Resignation of Fulltime Dispatcher Debra-Lynn Shedd effective 8/26/16
- Appoint Form: 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
- Appoint Form: Katherine M. Jones, WPCF Operator, UE Grade D, Step 1, \$19.20/hr, 40 hrs/week, effective 8/23/16
- Appoint Form: John A. Rathbun, WPCF Operator, UE Grade D, Step 1, \$19.20/hr, 40 hrs/week, effective 8/23/16
- OML Complaint, Minutes of July 11, 2016
- Purchase and Sale Agreement between Power Town Limited Partnership and Town of Montague, 62 Fifth Street, Turners Falls, \$1.00
- Exhibit B, Rider to Purchase and Sale Agreement between Power Town Limited Partnership and Town of Montague, 62 Fifth Street, Turners Falls
- QuitClaim Deed between Power Town Limited Partnership and Town of Montague, 62 Fifth Street, Turners Falls
- Memorandum of Agreement between the Town of Montague and The Town of Montague Employee's Association (TOMEA)
- FY2016 CDBG Contract, \$816,263
- Letter regarding Turners Falls Power Canal service outage, Monday, September 19 0700 hours through Saturday, September 24, 2016
- Appointment Peg Bridges to the Montague Historical commission until June 30, 2019
- 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;