

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, March 20, 2017**

Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons Chris Boutwell, Michael Nelson, Rich Kuklewicz, Town Administrator Steven Ellis, and Executive Assistant Wendy Bogusz. Kuklewicz makes introduction and announces meeting is being taped.

Approve Selectmen minutes of March 20, 2017

Nelson makes a motion to approve the Selectmen minutes of March 20, 2017 as presented. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - 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.

Personnel Board - Appointments

Joshua Hoffman, Police Sergeant, Grade S, Step 1, \$27.98/hr, effective March 26, 2017

Boutwell makes a motion to approve Joshua Hoffman to the position of Sergeant, effective date March 26, 2017. The new pay grade for the Sergeant will be Grade S, Step 1, at a wage rate of \$27.98/hour. Nelson seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye.

Peter Lapachinski, Police Detective, Grade Detective, Step 3, \$25.22/hr and incentive pay, effective March 26, 2017

Boutwell makes a motion to approve Peter Lapachinski for a change, effective date of change March 26, 2017. The union is the IBPO Patrolman. He will be going to Detective, Step 3, wage rate at \$25.22/hour plus incentive. Nelson seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye.

Jamal Holland, Police Officer, Grade Patrol, Step 1, \$21.51/hr and incentive pay, effective April 2, 2017

Boutwell makes a motion to approve a personnel status change for Jamal Holland, effective date April 2, 2017, to a position of Police Officer, 37.69 hours per week, it's the IBPO Patrolman's union, Grade is Patrol Step 1, wage rate is \$21.51/hour plus incentive pay. Nelson seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye.

Dodge reported that the department is able to save some money with the new position changes, and he was acknowledged for having good succession planning in place.

Walter Ramsey, Town Planner

Burn Dump Capping Project - Update

Ramsey: In October, the Town contracted with Tighe and Bond for engineering services to provide design-ready plans to cap the burn dump. Thirteen years ago, estimates from the same engineering firm came in as low as \$160,000 for a biosolid cap, up to \$490,000 for a soil cap. That work at the time could've been done under the existing appropriation from Town Meeting; but now in 2017 the estimated price tag is \$2.4 million. I started investigating and there are a number of reasons why the costs are so high. In 2004 the low estimates were due to the assumption that all or at least most of the work was going to be done in-house, by the Town. In addition, the known area of the landfill has changed since 1998. At the time it was assumed to be 6.5 acres, but after a delineation survey, we found out it's actually ten acres. Then the construction pricing escalated from 2004, almost doubling the cost per acre. The Town has let the burn-up grow in over 20 years, so the clearing grubbing costs have gone up. Also, the cap that was proposed in 1998 and 2004 wouldn't be acceptable by DEP in today's standards. Regulations have changed in the time period, so now you have to do leachate treatment which is more expensive. In the past, there was talk about putting a biosolid cap on. They don't do that anymore. You might be able to get special permission to do that, which is an avenue we'll have to pursue. If we were to get permission to do a biosolid cap, then DEP will not issue a post-closure use permit for solar or whatever municipal use until that cap is stabilized. The industry standard for capping a burn dump is between \$75,000 and \$250,000 per acre, going from the low range being your soil caps, to the high range being the ones with leachate treatment and more complicated caps. Tighe and Bond's numbers have us at the higher end of capping rates. They expect a low bid to come in much lower than that, and there are a lot of contingencies built in at the early stage. Tighe and Bond are still under contract with the Town to complete permitting and bid-ready project specifications. I put their work on hold until the Board has had a chance to digest this information. Regardless of what happens, we're not looking at capping the burn dump this year. This is going to have a ripple effect on several other projects that are closely related. For the solar project, Kearsarge Energy has designed and submitted a special permit application to the Town that's going before the Planning Board next Tuesday. They've applied for a six megawatt facility that's on three smaller subarrays, one of them being on the landfill, one on the burn dump, and one just west of the gravel pit. The burn dump itself that they were planning to build on is about one megawatt out of the six. But given their timeframe for

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construction, which is in August, they are adapting their project and planning to proceed with constructing the two other arrays and not building the burn dump array at this time. The impact on this project is that we're looking at getting maybe a little bit less revenue benefits to the Town if they don't do the burn dump right now, but they're reserving the right to do it in the future. They're permitting the whole thing so they can come back and build it out and we can get all of the revenue benefits that we were hoping for. The good news is that it's only one megawatt. At worst, you're losing a fifth of the revenue. One avenue that they're pursuing is to put in different inverters on those two arrays that would maximize their generation capacity, so they might be able to do the six megawatts still on the two arrays and the Town would get full revenue. Then we can negotiate with them under another contract for the burn dump, which they're still very interested in. Another possibility that they're exploring is under a separate contract where they could actually build capping the burn dump into their solar development proposal, the cost of it.

Nelson: If we didn't cap it, what happens?

Ramsey: My understanding is that the Town is obligated to do it. The landfill is closed, we have to cap it. The Public Works Facility Planning Committee is investigating the implications on that site and project. But because of this issue being a big unknown, they're not going to bring the bonding authority question to this Town Meeting. However, the committee is still committed to this site for a number of reasons. We're looking at reconfiguring the layout so that its boundaries are just outside the burn dump, so we might still be able to work with that. At the Public Information Session that's coming up on April 4th, the committee is going to present in detail the results of the study and what the plan looks like, we're going to break down the budget, and people will get to ask questions and get a back-and-forth with the committee. At 5:30 there's going to be a guided tour of the existing public works facility and we can take a look at the working conditions that are there right now. Then at 6:30, we will reconvene here at Town Hall and do the Public Information Session. The engineers will be present, but the committee will be running the presentation.

Re-execute agreement for professional services with Mashantucket Pequot Museum and Research Center authorized 2/13/2017 to incorporate minor changes to terms

Nelson makes a motion to approve the re-execution of the agreement as presented for the professional services with Mashantucket Pequot Research Center that was previously authorized by this Board on February 13, 2017, incorporating the minor changes and terms into the agreement. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye.

Town Administrator's Report

Town Meeting Warrant - to consider articles for inclusion on the Annual Town Meeting warrant, draft warrant attached hereto

Kuklewicz gave a quick run-through of the Articles for Annual Town Meeting:

ARTICLE 1: To see if the Town will vote to receive and act upon the reports of the Officers of the Town and to receive the report of any committees and act thereon.

ARTICLE 2: To see if the Town will vote to authorize the Board of Selectmen, or other Town departments with the approval of the Board of Selectmen, to apply for and accept grants from the Federal Government, Commonwealth of Massachusetts, or any other source, and to expend the same for purposes received without further appropriation, or pass any vote or votes in relation thereto.

(Board of Selectmen Request)

ARTICLE 3: To see if the Town will vote in accordance with Massachusetts General Law Chapter 44, Section 53E ½, as amended, to reauthorize a revolving fund for the Hazardous Materials Response Planning Committee (a.k.a. the SARA Title III Committee) into which fund will be placed the fees collected from individuals responsible for oil and hazardous material spills, and to further authorize the SARA Title III Committee to expend up to a maximum of \$7,500 for the fiscal year beginning July 1, 2017 from the Revolving Fund for the purpose of cleaning up oil and hazardous material spills, or pass any vote or votes in relation thereto.

(Emergency Management Director Request)

ARTICLE 4: To see if the Town will vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2017, as set forth in Schedule I, Elected Officials, a copy of which is on file in the Office of the Town Clerk, or pass any vote or votes in relation thereto.

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ARTICLE 5: To see if the Town will vote to fix the salaries of all appointed officials as required by law for the fiscal year beginning July 1, 2017, Appointed Officials, a copy of which is on file in the Office of the Town Clerk or pass any vote or votes in relation thereto.

ARTICLE 6: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$9,007,396, or any other amount, for the maintenance of the several departments of the Town, said sums to be allocated in accordance Schedule III, Budget, a copy of which is on file in the Office of the Town Clerk, and for any other necessary changes, or pass any vote or votes in relation thereto.

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$2,379,014 or any other amount, for the purpose of operating the Water Pollution Control Facility and associated pumping stations, said sums to be allocated in accordance Schedule IV, WPCF Budget, a copy of which is on file in the Office of the Town Clerk, or pass any vote or votes in relation thereto.

ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$97,525, or any other amount, for the purpose of funding the operations, maintenance, and debt service of the Colle Building, or pass any vote or votes in relation thereto.

(Board of Selectmen Request)

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$49,925, or any other amount, for the purpose of operating the Turners Falls Airport, or pass any vote or votes in relation thereto.

(Airport Commission Request)

ARTICLE 10: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$747,340, or any other amount, for the purpose of paying the Franklin County Technical School District for Montague's share of the assessment for the yearly operation of the Franklin County Technical School, or pass any vote or votes in relation thereto.

(Franklin County Technical School Request)

ARTICLE 11: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$9,356,560, or any other amount, for the purpose of paying the Gill-Montague Regional School District for Montague's share of the assessment for the yearly operation of the Gill-Montague Regional Schools, or pass any vote or votes in relation thereto.

(Gill-Montague Regional School District Request)

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$80,000, or any other amount, for the purpose of upgrading the electrical service and panels at Hillcrest Elementary School, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Gill-Montague Regional School District Request)

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$15,000, or any other amount, for the purpose of replacing two water heaters at Sheffield Elementary School, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Gill-Montague Regional School District Request)

ARTICLE 14: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$35,000, or any other amount, for valve automation, relocation of VFD's, and complete SCADA Alarm system, including any and all incidental and related costs, or to pass any vote or votes in relation to.

(WPCF Request)

ARTICLE 15: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$85,000, or any other amount, for the purpose of conducting a Feasibility Study: Final Clarifier Upgrade/Raw Influent Bypass, or to pass any vote or votes in relation thereto.

(WPCF Request)

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ARTICLE 16: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$200,000, or any other amount, for the purpose of increasing the WPCF Capital Stabilization Fund, or to pass any vote or votes in relation thereto.

(WPCF Request)

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$20,000, or any other amount, for the purpose of purchasing and equipping and making major repairs to WPCF vehicles and equipment, including any and all incidental and related costs, or pass any vote or votes in relation thereto.

(WPCF Request)

ARTICLE 18 To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$120,000, or any other amount, for the purpose of funding pilot testing of the Montague Sludge Reduction Project, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(WPCF Request)

Ellis: We are hoping that before Town Meeting, we'll hear positive news on that article that we have a source of grant funding for that. We did receive some positive indications today that it is beginning to move forward out of its review process.

ARTICLE 19 To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$48,500, or any other amount, for the purpose of purchasing a utility truck for the WPCF, including any and all incidental and related costs , or to pass any vote or votes in relation thereto.

(WPCF Request)

ARTICLE 20: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$10,000, or any other amount, for the purpose of replacing a boiler in the WPCF Operations Building, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(WPCF Request)

ARTICLE 21: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$100,000, or any other amount, for the purpose of increasing the WPCF Stabilization Fund, or to pass any vote or votes in relation thereto.

(WPCF Request **placeholder**)

ARTICLE 22: To see if the Town will vote to authorize the Board of Selectmen, the Board of Assessors and/or the Town Administrator to negotiate the terms of an agreement for the payment in lieu of taxes known as a "Tax Agreement" with FirstLight Hydro Generating Co. pursuant to M.G.L. Chapter 59 Section 38H(b) and to approve said Tax Agreement between FirstLight Hydro Generating Co. and the Town of Montague, or to pass any vote or votes in relation thereto.

(Board of Assessors Request)

ARTICLE 23: To see if the Town will vote to authorize the Selectboard to enter into a ground lease agreement with Kearsarge Solar LLC for period of up to 25 years for the purpose of allowing construction and operation of a solar generation system of approximately 5.997 megawatts (DC) on property owned by the Town of Montague identified as Assessors Parcels 13-0-68, 20-0-27, 21-0-006, 21-0-007, and 21-0-024, or to pass any vote or votes in relation thereto.

(Planning and Conservation Request)

ARTICLE 24: To see if the Town will vote to authorize the Board of Selectmen, the Board of Assessors and/or the Town Administrator to negotiate the terms of an agreement for the payment in lieu of taxes known as a "Tax Agreement" with Kearsarge Solar LLC pursuant to M.G.L. Chapter 59 Section 38H(b) and to approve said Tax Agreement between Kearsarge Solar LLC and the Town of Montague, or to pass any vote or votes in relation thereto.

(Board of Assessors Request)

ARTICLE 25: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$5,000, or any other amount, for the purpose of purchasing and installing an air exchange ventilation

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system in the Carnegie Library, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Libraries Request)

ARTICLE 26: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$30,000, or any other amount, for the purpose of replacing or repairing roofing and trim repair at the Carnegie Library, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Libraries Request)

ARTICLE 27: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$50,000 for a Building Assessment Study of the Carnegie, Millers Falls, and Montague Center Libraries, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Libraries Request)

ARTICLE 28: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$3,500, or any other amount, for the purpose of installing chain link fence in the outfield of Highland Park, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Parks & Recreation Commission Request)

ARTICLE 29: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$15,000, or any other amount, for the purpose of re-sealing and re-painting the walkways within the Unity Park Playground, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Parks & Recreation Commission Request)

ARTICLE 30: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$385,000, or any other amount, for the purpose of lining, cleaning and inspection of sewers and GIS sewer layer development, including any and all incidental and related costs, or to ass any vote in relation thereto.

(Department of Public Works Request)

ARTICLE 31: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$100,000, or any other amount, for the purpose of purchasing, equipping, and making major repairs to DPW vehicles and equipment, including any and all incidental and related costs, or pass any vote or votes in relation thereto.

(Department of Public Works Request)

ARTICLE 32: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$110,000, or any other amount, for the purpose of buying a new flail mower, also known as an over the rail mower, and any equipment related thereto, including any and all incidental and related costs, or to pass any vote or votes in relation to.

(Department of Public Works Request)

ARTICLE 33: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$76,000, or any other amount, for the purpose of purchasing a new one ton dump truck with plow, including any and all incidental and related costs, or to pass any vote or votes in relation to.

(Department of Public Works Request)

ARTICLE 34: To see if the Town will vote to amend the classification plan by adding the position of Transfer Station Attendant at Grade A, or to pass any vote or votes in relation thereto.

(Selectmen Request)

ARTICLE 35: To see if the Town will vote to amend the classification plan by adding the position of Group Leader of Grounds Maintenance at **Grade D**, or to pass any vote or votes in relation thereto.

(Selectmen Request)

ARTICLE 36: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$65,000, or any other amount, to improve a section of Dry Hill Cross Road from its intersection with East Chestnut Hill Road to the power lines for the purpose of establishing vehicular access to the Dry Hill Cemetery. This request

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includes any further improvements to Dry Hill Road from the intersection of Dry Hill Cross Road to the Cemetery, such as a parking turnaround that may be required for future annual maintenance of the cemetery or Dry Hill Road, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.
(Cemetery Commission Request)

ARTICLE 37: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$15,000, or any other amount, for the purpose of purchasing police equipment such as firearms and accessories, computers and accessories, police cruiser equipment, department furniture, bullet-proof vests, tasers, radios or any similar items as well as extraordinary repairs to same, or to pass any vote or votes in relation thereto.
(Police Chief Request)

ARTICLE 38: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$15,000, or any other amount, for the purpose of funding information technology equipment, parts, accessories, software and installations, or pass any vote or votes in relation thereto.
(IT Administrator Request)

ARTICLE 39: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$5,000, or any other amount, for the purpose of funding the purchase of a new Town Website, including the purchase, installation training, and any and all incidental and related costs, or pass any vote or votes in relation thereto.
(IT Administrator Request)

ARTICLE 40: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$52,395, or any other amount, for the purpose of increasing the Town General Stabilization Fund, or to pass any vote or votes in relation thereto
(Finance Committee Request)

ARTICLE 41: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$34,930, or any other amount, for the purpose of increasing the Town Capital Stabilization Fund, or to pass any vote or votes in relation thereto.
(Finance Committee Request)

ARTICLE 42: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$23,792, or any other amount, for the purpose of increasing the FCTS Stabilization Fund, or to pass any vote or votes in relation thereto.
(Finance Committee Request)

Ellis: Articles 40 through 42 are really about insuring that there are continued reasonable balances to deal with emergencies that occur over the course of the year.

ARTICLE 43: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$50,000, or any other amount, for the purpose of increasing the Town OPEB Trust Fund, or to pass any vote or votes in relation thereto.
(Finance Committee Request)

ARTICLE 44: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$10,000, or any other amount, for the purpose of increasing the Henry Waidlich Conservation Fund, or to pass any vote or votes in relation thereto.
(Conservation Commission Request)

ARTICLE 45: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$4,500, or any other amount, for the purpose of purchasing and installing a Public Records software and database package for the Town Clerk's office, including the payment of all costs incidental or related thereto, or to pass any vote or votes in relation thereto.
(Town Clerk Request)

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ARTICLE 46: To see if the Town will vote to amend Article II Section 6 of the By-Laws of the Town of Montague, relating to the Capital Improvements Committee, by changing "five additional members" to "four additional members" or to pass any vote or votes in relation thereto.

(CIC Request 3-8-17)

ARTICLE 47: Central Business District Alcohol Licenses

To see if the Town will vote to authorize the Board of Selectmen to file a Home Rule petition with the General Court for special legislation to expand the Town's quota for liquor licenses as set forth in the proposed petition below; provided, however, that the General Court may make clerical and editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the public purposes of the petition.

The text of the petition shall be substantially as follows:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by authority of the same, as follows:

Section 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the Town of Montague may grant three (3) additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of General Laws chapter 138, which licenses shall be located only within the Town's Central Business District, as that district is defined under the Town's Zoning Map, as it existed as of May 6, 2017 (the "Central Business District"), upon approval of and under conditions set by the licensing authority of the Town. The licenses shall be subject to all of said chapter 138 except said section 17.

The licensing authority shall not approve the transfer of any license issued pursuant to this special act to any location other than a location within the Central Business District; but it may grant the license to a new applicant for a location within the Central Business District; provided, however, that the applicant files with the licensing authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If any license granted pursuant to this special act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant but only for a location within the Central Business District and under the same conditions as specified in this act.

Discussion

Kuklewicz: This is about whether we would like to request up to three additional licenses for the Central Business District in Town, which would include Turners Falls, Millers Falls, and Montague City.

Ellis: This is presented for the Board's consideration. We do not have a desire to be a strongly alcohol-focused community. Presently we're making full use of all liquor licenses that were at the disposal of the community, and one of the questions is if something like a restaurant which would be very complementary to one of the downtown areas expressed interest in one, two, or three years from now, would we actually have the ability to provide them with a liquor license? At what point does that become an economic development concern that you don't have that ability? At the same time, we have the public health and public safety concerns that are weighed whenever we consider these things. Wendy has done a little bit of research in terms of the nature of these licenses which would stay with the Town in the event that the businesses closed as opposed to the establishments. It in and of itself would be a process that would take some time through a formal petition process.

Bogusz: I checked with other towns. The whole process takes one and a half to two years. It is site-specific; they'd like you to list what area you would like the license to be given to. One of the bigger towns actually listed streets and blocks. Walter came up with a map to be referenced so the area could be listed.

Kuklewicz: There's a balancing act. Too many is as detrimental as too few. We've already filed for a special license for a potential restaurant in Millers Falls. I want us to be aware of what could the negative effect be on some of the businesses. I would encourage people to let us know if they feel that this is a good thing for Town, or a bad thing. If we're going to have it on Town Meeting, we certainly need to get folks thinking about it. I've lived in this Town my entire life, and we had quite a few more licenses in the past, and there were challenges with that.

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It was advised that the best way for the public to send comments and opinions about this topic was to email them to Wendy.

Elan requested to be put on the record that there is a list of Town Meeting members by precinct published on the Town website, along with many of their phone numbers. Kuklewicz added that that information can also be gotten from the Town Clerk.

ARTICLE 48: To see if the Town will vote to adopt Designer Review Standards, or to pass any vote or votes in relation thereto.

(Selectmen Request)

Ellis: That's something that we actually looked at and I'll send a draft of those at some point, but it actually does not need to go to Town Meeting.

ARTICLE 49: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$1,500, or any other amount, for the purpose of community building activities in Millers Falls, or to pass any vote or votes in relation thereto.

(Petitioned article)

ARTICLE 50: To see if the Town will vote to adopt the following, or to pass any vote or votes in relation thereto.

Resolution Supporting State and Federal Legislation to Provide Greater Transparency in Political Donations and Limit the Influence of Money in Politics

WHEREAS, recent changes in funding and disclosure rules for national, state and local political elections have degraded the goals of the democratic process; and

WHEREAS, a recent decision by the Massachusetts Office of Campaign and Political Finance (OCPF) now allows an infusion of previously prohibited out-of-state money to influence local and state elections, new legislation is now required to prohibit such funding from circumventing Massachusetts state law; and

WHEREAS, in an effort to restore voter confidence in our democracy, a grassroots movement known as "Represent.Us" is working for legislative reforms to reduce the opportunity for corruption within the political system in our country by supporting a legislative reform bill known as the "American Anti-Corruption Act" (the Act); and

WHEREAS, the Act targets bribery by preventing lobbyists from donating to politicians and influencing policymaking; ends secret money by mandating full transparency; enables citizens to fund elections; closes the revolving door between Congress and lobbying firms; and enhances the power of the Federal Election Commission; and

WHEREAS, this national organization's local chapter, Represent.US Western Mass, sought and promoted an advisory referendum; specifically in the Hampshire/Franklin State Senate District (currently held by Stan Rosenberg) to build support for this initiative; and

WHEREAS, on November 4, 2014, the citizens of the above mentioned district were given the opportunity to be heard on this topic through the above advisory referendum where the question received 84 percent aggregate support across the entire district, and

NOW, THEREFORE, BE IT RESOLVED by the citizens of the Town of MONTAGUE, Massachusetts that we support tough new anti-corruption laws to close loopholes in Massachusetts' campaign finance regulations that currently allows unregulated out-of-state money to infiltrate state and local elections; and we support the goals outlined in the American Anti-Corruption Act to remove the corrupting influence of money on our political system. The Act prohibits politicians from taking campaign money from special interest groups including private industries and unions; increases transparency for campaign funding; empowers all voters through a tax rebate voucher to contribute to the candidates they support; prohibits representatives and senior staff from all lobbying activity for five years once they leave office; and places limits on superPACs.

BE IT FURTHER RESOLVED that the citizens of the Town of Montague implore our elected representatives in Boston, State Senator Rosenberg and Representative Kulik and in Washington, Senator Edward Markey and Senator Elizabeth Warren and Representative McGovern (or their successors) to lead this effort to enact these initiatives in Massachusetts and in the U.S. Congress.

BE IT FURTHER RESOLVED that the Clerk of the Town of MONTAGUE is hereby directed to give notice to the above representatives by sending a certified copy of this resolution to each of them.

(Petitioned Article)

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1 AVENUE A, TURNERS FALLS, MA
MONDAY, March 20, 2017**

ARTICLE 51: To see if the Town will vote to instruct the Town of Montague counsel to file the necessary documentation with the Commonwealth of Massachusetts to complete the Municipal Light Plant process using the Greenfield Community Energy & Technology as its model for Montague's Municipal Light Plant, or to pass any vote or votes in relation thereto.

(Petitioned article)

ARTICLE 52: To see if the Town will vote to adopt the following, or pass any vote or votes in relation thereto.

WHEREAS, The Town of Montague seeks to ensure that all immigrants are able to fully participate in the civic and economic life of their neighborhoods and nurture and grow the spirit of unity in our Town ; and

WHEREAS, The Town of Montague desires to provide opportunity, access, and equality for immigrants, and highlight the essential role immigrants have played and continue to play in moving the Town of Montague forward; and

WHEREAS, The federal government's Immigration and Customs Enforcement ("ICE") Secure Communities program uses local law enforcement data to identify suspected "criminal aliens" in local custody; and

WHEREAS, ICE issues civil immigration detainer requests which allow for prolonged detention during which ICE investigates the immigration status of suspected "criminal aliens" in local custody; and

WHEREAS, In other jurisdictions, honoring civil immigration detainer requests based on less than probable cause has been ruled a violation of the Fourth Amendment, exposing local law enforcement agencies to liability under 42 U.S.C. § 1983; and

WHEREAS, When local law enforcement officials indiscriminately honor all ICE civil immigration detainer requests, including those that target non-criminal aliens, immigrant residents are less likely to cooperate and public trust erodes, hindering the ability and effectiveness of Montague's police force; and

WHEREAS, A local Trust Act is necessary to establish the Town of Montague's policy for responding to ICE's civil immigration detainer requests;

NOW THEREFORE,

Be it ordained by the Town of Montague , as follows:

Section 1.

Definitions.

(a) "Civil immigration detainer request" means a non-mandatory request issued by an authorized federal immigration officer under Section

287.7 of Title 8 of the Code of Federal Regulations to a local law enforcement official to maintain custody of an individual for a period not to exceed forty-eight (48) hours, excluding Saturdays, Sundays, and holidays, and advise the authorized federal immigration officer prior to the release of that individual.

(b) "Convicted" means a state of having been proved guilty in a judicial proceeding, unless the conviction has been expunged or vacated pursuant to applicable law.

(c) "Eligible for release from custody" means that the individual may be released from custody because any of the following conditions has occurred:

(1) All criminal charges against the individual have been dropped or dismissed;

(2) The individual has been acquitted of all criminal charges filed against him or her;

(3) The individual has served all the time required for his or her sentence;

(4) The individual has posted a bond, or has been released on his or her own recognizance;

(5) The individual has been referred to pre-trial diversion services;

(6) The individual is otherwise eligible for release under state or local law.

(d) "Law enforcement official" means any Town of Montague department, or officer or employee of a Town of Montague department, authorized to enforce criminal statutes, regulations, or local ordinances; operate jails or maintain custody of individuals in jails; and operate juvenile detention facilities or maintain custody of individuals in juvenile detention facilities.

Section 2.

(a) Except as provided in subsection (b), a law enforcement official shall not detain an individual on the basis of a civil immigration detainer request after that individual becomes eligible for release from custody.

(b) Law enforcement officials may continue to detain an individual in response to a civil immigration detainer request for up to forty-eight (48) hours after that individual becomes eligible for release from custody, excluding Saturdays, Sundays, and holidays, if the individual meets any of the following criteria:

(1) ICE has a criminal warrant for the individual;

(2) The individual has ever been convicted of a violent crime as defined in Massachusetts General Laws Chapter 140, Section 121;

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(3) In the past ten (10) years, the individual has been convicted of a felony as defined in Massachusetts General Laws Chapter 274, Section 1;

(4) The individual is a current registrant on the Massachusetts Sex Offender Registry;

(5) The individual is identified in the federal government's consolidated Terrorist Watchlist.

(c) Law enforcement officials shall make good faith efforts to seek federal reimbursement for all costs incurred in continuing to detain an individual pursuant to this Section.

Section 3.

Reporting.

Beginning no later than December 31, 2017, and no later than December 31 of each subsequent year, the Town of Montague's Police Chief shall submit a report to the Clerk of the Town of Montague, and the Clerk shall forward the report to the Town of Montague Board of Selectmen and shall docket the report and include the docket on the agenda of the next-occurring meeting of the Town of Montague Board of Selectmen.

The report shall include the following information for the preceding twelve (12) month period:

(a) A statistical breakdown of the total number of civil immigration detainer requests lodged with the Town's law enforcement officials, organized by the reason(s) given for the request;

(b) A statistical breakdown of the total number of individuals that Town of Montague's law enforcement officials detained pursuant to Section 2(b), organized by the reason(s) supporting the detention;

(c) The total number of individuals transferred to ICE custody; and

(d) A statistical breakdown of the total cost reimbursements received from the federal government pursuant to Section 2(c), organized by individual case.

Section 4.

The provisions of this ordinance shall be effective immediately upon passage.

(Petitioned Article)

Ellis: It's important to mention that petition articles as stated are not at the Board's discretion. They are going to appear as they were brought by petition and their wording cannot be amended in any fashion on the warrant. They can be amended on Town Meeting floor. So feedback at this juncture would be less helpful because it's not within the Board's discretion to do anything with those.

Topics not anticipated in the 48 hour posting requirements

Reminders from the Tax Collector/Treasurer:

- Sewer bills are due by March 28, 2017.
- Tax Bills are due for the second half of Fiscal Year 2017. Real estate and fire district taxes are due by Monday, April 30th.
- Payments received after the due dates are subject to a 14% interest. To obtain a receipt, make sure you enclose a self-addressed, stamped envelope with both copies of your payment if you pay through the mail. You can also pay on-line. The office is open on Monday, Tuesday, and Thursday 8:30-5:30, and Wednesdays until 6:30. Town Hall is closed on Fridays.

List of Documents and Exhibits:

- Appointment Sheets: Josh Hoffman, Police Sergeant; Peter Lapachinski, Detective; Jamal Holland, Police Officer
- Professional service agreement with Mashantucket Pequot Museum and Research Center to incorporate changes
- Draft Town Meeting Warrant