

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

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

Approve Selectmen minutes of April 24, 2017

Boutwell made a correction on the motion regarding Use of Public Property, "Fill the Luminary" Charitable Donation Collection to include: *Kuklewicz seconded, approved.*

Nelson makes a motion to approve the Selectmen minutes of April 24, 2017 with correction as noted. 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.

**Walter Ramsey, Town Planner
Sandy Lane Solar Project Update**

- The Town awarded Kearsarge Solar the rights to develop large-scale solar array on Town-owned land on the Sandy Lane area through a competitive bidding process.
- The Planning Board last week issued a special permit and site plan review for the solar project. The Board intervened to make sure that there was adequate screening from residential neighbors and that the trail system was not interrupted.
- The Town and Kearsarge together have submitted a post-closure use to the Department of Environmental Protection.
- Kearsarge is arranging their solar interconnection permits with Eversource.
- Constructing the facility will be in July and will be done by December 31st of this year.
- The burn dump portion of the array will be done sometime next year under a separate contract in a separate solar program.
- On Saturday, Town Meeting will consider giving this Board the authority of entering a 25-year lease for the facility.
- For the west array and landfill that is going to be constructed this year, we're looking at a total of 5.97 megawatts, the rate being \$26,000 per megawatt annually, which equates to \$155,200 in Year 1. There's a 1.8% escalation rate every year, so by Year 25, the Town would be getting \$238,000 in a year. Overall the revenue from the lease would be about \$4.8 million over 25 years, not inclusive of the tax agreement that is being worked out between the Board of Assessors and Kearsarge, and also the power purchase agreement where the Town will be purchasing electricity through the array.
- As part of the lease, we are ensuring that there's proper decommissioning of the facility once its lifespan is over. The Town will hold security on it with a decommissioning bond, which will be funded gradually over time.
- Upon the expiration of 25 years, the Town will have the option to purchase the array.
- The solar company is responsible for maintaining their own facility (mowing, landscaping, and maintaining the access roads).
- The interconnect is at the end of Sandy Lane, and Kearsarge will upgrade the power lines from Turnpike Road to the dog shelter.
- The lease is currently being reviewed by Town Counsel, and Ramsey hopes to bring the final lease to the Board in early June pending a successful Town Meeting vote.

Franklin Regional Transit Authority

Review Draft Purchase and Sale of 5.051 acres to FRTA for the purpose of developing a bus maintenance facility

MacNicol: We've been talking with Walter about the potential for the FRTA to buy a parcel in between the Judd Wire parking lot and the solar array. The new estimate on the cost of the roadway going from Turnpike to the dog shelter is almost \$700,000.

We're hoping to have the minimum price for the parcel and the road improvements to be \$625,000. FRTA is willing to put \$825,000 in an escrow that whoever is building the road would be able to draw down to get the road completed. Your subdivision regulations and forms say that the owner of the land will apply for the subdivision, so we propose that the Town of Montague should be filing for the subdivision. We would pay for the engineers to create the plan and do the forms. The FRTA would do the public way engineering subject to Montague's Highway Superintendent and whoever else you would want to view it. We would want Sandy Lane accepted as a public way. FRTA would need a special permit for putting up a \$61,000-plus bus terminal and maintenance facility. We will be going back to the engineers to get a hard figure on the cost of the roadway. The other issue is who is going to supervise building of the road, the Town or FRTA? So we would enter into a purchase and sale agreement that would essentially have these provisions in it, and we would have an escrow agreement with Montague. An escrow agent would hold the \$825,000 and we'd have rules about when it can be started to be drawn down, who would have the authority to draw it

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down, what the process would be, and what would happen if there was any money left in the escrow account at the end of the process. The purchase agreement and the escrow would need to be signed by June 30th.

Authorize FRTA to submit Subdivision Plan to Planning Board for improvements to Sandy Lane

Nelson makes a motion to authorize the FRTA to submit a preliminary subdivision plan to the Planning Board for improvements to Sandy Lane on behalf of the Board of Selectmen. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye

Chip Dodge, Police Chief

Request Conditional Offer of Employment to Cody Wells as Reserve Police Officer

Nelson makes a motion to allow Chief Dodge to send a Conditional Offer of Employment as Reserve Police Officer Candidate to Cody Wells, and to authorize the Chair of the Selectboard to sign the letter. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye

Ralley and Ride, June 3, 2017 8:00 AM - 8:00 PM

Dodge reported that he has been in communication with Nova Motorcycles regarding the Ralley and Ride event and will be following up with that.

Approve Dates of Board of Selectmen Summer Meeting Schedule

Nelson makes a motion to adopt the following summer schedule for the Selectmen Meetings: May 22, June 5, June 19, July 10, July 24, August 7, August 21, and August 28 (if necessary); and regular weekly meetings would resume on September 11. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye

Ellis requested that June 26 be noted as a potential meeting date due to time-sensitive deadlines of two major projects.

Chris Boutwell

Updates from 4/20/17 FRCOG Council Meeting

The FRCOG council meeting had updates from the different committees. They are working on a communication plan in which every community in the State will have the same radios, on the same wavelength. According to Chief Dodge, if they are able to get the State to pay for it, it shouldn't cost the communities any money.

Town Administrator's Report

Information regarding Community Action Youth Programs Summer Jobs and Beyond Program

Ellis: Community Action is in partnership with the Regional Employment Board, implementing a summer employment program again this year. They're seeking employers in Orange, Turners Falls, and Ware to offer work-based learning opportunities to youth who are ready to support the operations of businesses and organizations while learning valuable job skills and building their resumes. If anyone is interested in hosting one or more interns or want information about it, contact me or Wendy Bogusz, or you can contact Rebecca Jacobson at 413-774-7028 ext. 794 or Holly Kosisky at 413-774-7028 ext. 792.

Request from Jon Dobosz, P & R Director for a No vote on Article 28 "Highland Park Fence" at the Annual Town Meeting on May 6th

Ellis: There has been some concern that's been expressed related to Article 28, the Highland Park Fence, among local abutters to the park. Rather than rushing forward to request the money and build the fence, Jon Dobosz wants to take a step back and review and make certain that the community has an adequate opportunity for input.

Update on outcome of litigation with Penta Corporation

- We have reached an agreement with Penta Corporation and its subcontractor, Van Dyke, regarding the electrical duct bank that was installed at the Water Pollution Control Facility a little over five years ago that experienced some substantial settling.
- We will be receiving a settlement in range of \$120,000.
- Ellis thanked everyone involved from the Town's side, particularly the past and present directors at the WPCF.
- We have the latitude to design the solution to the problem in the way that is most economical and which the Town feels is most advantageous.
- Work on the project will likely occur in the fall as opposed to the summer.

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Update regarding Prescription Med Box Investigation

Kuklewicz read aloud both a statement and a letter from the Attorney General's Office informing the Town that that the investigation through the Attorney General's Office last year that resulted in a short administrative leave for the Chief of Police, has been closed. Kuklewicz and Ellis hope to meet with District Attorney Sullivan in the near future to discuss getting the prescription drop box service moving again. A stricter, more robust protocol may be necessary to handle the emptying of the box.

Notification that Pan Am Railways, Inc. will commence with a post emergent herbicide application program on or after 5/1/17 and conclude on or about 8/1/17

Ellis read aloud the notice.

Notification that New England Central Railroad will commence with a post emergent herbicide application program on or after 6/1/17 and conclude on or about 8/1/17

Ellis read aloud the notice.

OTHER

- Absentee ballots are now available at the Town Clerk's Office for the May 15th Annual Town Election. The deadline to apply for an absentee ballot is Thursday, May 11. All absentee ballots must be returned to the Town Clerk's Office by the close of the polls on May 15th. You can call the Clerk's office with questions at 863-3200, ext. 203.
- Per the DPW, Meadow Road will be paved Thursday and Friday this week, starting from the Greenfield Road side through the Red Fire Farm area.
- *Nelson makes a motion to approve the request for a puppet show to the Montague Public Libraries with the details as the Chair just read. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye*
- The next regularly scheduled Selectmen's Meeting will be held on Monday, May 8, 2017 at 7:00 p.m. at the Montague Town Hall, 1 Avenue A, Turners Falls, MA

Executive Session under G.L. c. 30A, §21 (a)(6) to consider the purchase, exchange, lease or value of real property: JaDuke Center for the Performing Arts Economic Development Incentive Program Consideration

Kuklewicz declares holding in open session will jeopardize the Town's position.

Nelson makes a motion to go into Executive Session under G.L. c. 30A, §21 (a)(6) to consider the purchase, exchange, lease or value of real property: JaDuke Center for the Performing Arts Economic Development Incentive Program Consideration. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye

List of Documents and Exhibits:

- Draft purchase and Sale Agreement with FRTA
- Summer Meeting Schedule
- Minutes from 4/20/17 FRCOG Meeting
- Community Action Youth Programs information
- Release and Settlement of Claim against Penta Corporation
- Town of Montague Press Release regarding Prescription Drop Box Program
- Letter form David Andrews, Assistant Attorney General
- Letter from Keith L. Morris re: 2017 Post-Emergent Vegetation Management, New England Central Railroad
- Letter from Keith L. Morris re: 2017 Yearly Operational Plan Pan Am Railways, Inc.

KEITH L. MORRIS
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Leeds, Massachusetts 01053
Email: keithlmorris@comcast.net
Tel: 413 695-2767

April 15, 2017

Montague Board of Selectman
One Avenue A
Turners Falls, MA, 01376

RE: 2017 Post-Emergent
Vegetation Management
New England Central Railroad

Dear Board/Commission member:

This correspondence serves as formal notification, in accordance with the Pesticide Board Regulations 333 CMR 11.07 and Massachusetts General Law Section 6b of Chapter 132B, that the New England Central Railroad will commence with a post emergent herbicide application program on or after June 1, 2017 and conclude on or about August 1, 2017. The specific date of application in your community shall depend upon scheduling and weather conditions.

The herbicides Rodeo, Spyder Extra, and Escort XP shall be applied with low-pressure spray application by a track mounted hy-rail truck. The purpose of the application is to control nuisance vegetation in the ballast portion of the railroad right-of-way and around switches and signals.

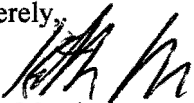
A copy of the Yearly Operational Plan (YOP), environmental monitor notice, Material Safety Data Sheets, a Department of Agricultural Resources approved fact sheet and a sample label for each herbicide is available on the website <http://railroadvmpyop.wordpress.com/about/> or a hard copy may be requested by contacting this office. Notification has been sent by registered or certified mail to the chief elected official, Board of Health and Conservation Commission of each affected community.

Application of the herbicides will be performed by the following certified applicator.

Asplundh Railroad Division
720 County Road 400
Ironton, Ohio 45638
(740) 532-7035

If you should have any questions concerning the above matter, please contact our office at your convenience.

Sincerely,



Keith Morris
Environmental Consultant

cc: Massachusetts Department of Agricultural Resources
New England Central Railroad

KEITH L. MORRIS

622 Spring Street
Leeds, Massachusetts 01053
keithlmorris@comcast.net
Tel/Fax 413 584-0633

April 15, 2017

Montague Board of Selectman
1 Avenue A
Turners Falls, MA 01376

RE: 2017 Yearly Operational Plan
Pan Am Railways, Inc.

Dear Sir/Madam

This correspondence serves as formal notification, in accordance with the Pesticide Board Regulations 333 CMR 11.07 and Massachusetts General Law Section 6b of Chapter 132B, that Pan Am Railways, Inc. will commence with a post emergent herbicide application program on or after May 1, 2017 and conclude on or about August 1, 2017. The specific date of application in your community shall depend upon scheduling and weather conditions. A mixture of the herbicides Aquaneat, Oust Extra, and Opensight shall be applied with low-pressure spray application by a track mounted hy-rail truck. The purpose of the application is to control nuisance vegetation in the ballast portion of the railroad right-of-way and around switches and signals.


A copy of the 2017 Yearly Operational Plan, which includes Material Safety Data Sheets, a Department of Agricultural Resources approved fact sheet and a sample label for each herbicide is available for download on the web site <http://railroadvmpyop.wordpress.com/about/> or a hard copy may be requested by contacting this office. Notification has been sent by registered or certified mail to the chief elected official, Board of Health and Conservation Commission of each affected community.

Application of the herbicides will be performed by the following certified applicator.

RWC, INC.
Lockhouse Road, Turnpike Industrial Park
P.O. Box 876
Westfield, MA 01085
(413) 562-5681

If you should have any questions concerning the above matter, please contact our office at your convenience.

Sincerely,


Keith Morris
Environmental Consultant

cc: Pan Am Railways, Inc.