

SELECTMEN'S MEETING AGENDA
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, JANUARY 22, 2018
-Subject to Change-

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

Meeting Being Taped

Votes May Be Taken

1. 6:05 Steve Ellis, Town Administrator
 - Overview of Building Inspector Hiring Process
2. 6:15 Interview Candidate for Inspector of Buildings Position: Chris Rice
3. 7:00 Approve minutes of January 8, 2018
4. 7:00 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
5. 7:01 Bruce Hunter, FCRHRA
 - Execute Authorization to Disburse No. 2, Invoice #0749329; Rutter's Park Design Project, Contractor: GZA GeoEnvironmental, Inc. \$8,610.00
 - Execute Authorization to Disburse No. 2, Invoice #1.2017-122-2; Avenue A Streetscape phase III Project; \$28,000
6. 7:05 Eileen Seymour, Treasurer/Tax Collector
 - Execute Documents for Sewer Rate Relief Fund Application
7. 7:13 Tom Bergeron, DPW Superintendent
 - Execute Task Order No. 8A to Master Services Agreement between Town of Montague and CDM Smith, Inc., \$23,500
8. 7:20 Personnel Board
 - Execute Memorandum of Agreement between the Town of Montague and the United Electrical, Radio and Machine Workers of America, Local 274, Non-Bargaining Unit Inclusion in Call-in List for 2018
 - Personnel Status Change Form: James Deery, Incentive pay increase to 20%, \$219.43/wk (was \$109.72), effective 12/31/17
9. 7:30 Town Meeting Warrant – To review draft warrant, attached hereto, and to make recommendations on all items in the warrant; votes may be taken
10. 7:45 Executive Assistant Business
 - Announce Article submission deadline for May 5, 2018 Annual and Special Town Meeting
 - Discuss adding snow date to agendas

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11. 7:50 Town Administrators Business
- Discuss response to invitation to support a regional municipal electricity aggregation initiative
 - Authorize Town Administrator to send request for MADEP guidance relative to vegetation management at the closed Montague Town Landfill
 - Accept Town of Montague Capital Improvements Plan
 - Execute letter to Sean Cronin, Division of Local Services regarding acceptance of Capital Improvements Plan
 - Execute FY18 Municipal ADA Improvement Grant Program (PLANNING GRANT) \$30,000
 - Execute FY18 Municipal ADA Improvement Grant Program (PROJECT GRANT) \$35,000
 - Topics not anticipated in the 48 hour posting requirements
12. 8:05 Michael Little, Department of Industrial Accidents Claim – discussion and vote to ratify settlement agreement, open session and executive session pursuant to G.L. c. 30A, §21(a)(3) to discuss litigation strategy
13. 8:15 Executive Session under G.L. c 30A, §21 (a)(6) to consider the purchase, Exchange, lease or value of real property: Ja'Duke Center for the Performing Arts, Consideration of Economic Development Incentive Program Agreement

The next regularly scheduled Selectmen's Meeting will be held on Monday, January 29, 2018, 7:00 p.m. at the **Montague Center Fire Station, 28 Old Sunderland Road, Montague, MA**

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SPECIAL TOWN MEETING
TOWN OF MONTAGUE
COMMONWEALTH OF MASSACHUSETTS
February 15, 2018
-DRAFT-

Franklin, ss.

To either of the Constables of the Town of Montague in the County of Franklin:

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Montague qualified to vote in Town affairs to meet in the **Shea Theater**, located at 71 Avenue A, Turners Falls, on Thursday, February 15, 2018, at 6:30 P.M. and to act on the following articles and any motions which may be presented.

ARTICLE 1. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, to allow the Board of Assessors to grant reasonable real estate tax abatements for property located on Swamp Road (as shown on Assessors Map 44, Lot 81) for previous fiscal years; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, or pass any vote or votes in relation thereto.

The petition for special legislation shall take the following form:
(Board of Selectmen Request)

ARTICLE 2. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$13,250 or any other amount for the purpose of increasing the Fiscal Year 2018 Building Inspector budget, or pass any vote or votes in relation thereto.

(Board of Selectmen Request)

ARTICLE 3. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$49,000 or any other amount for the purpose of repairing or replacing all or part of the Shea Theater building roof and related appointments, including any and all incidental costs related thereto, or pass any vote or votes in relation thereto.

(Board of Selectmen Request)

ARTICLE 4. To see if the Town will vote pursuant to the provisions of G.L. c. 40. §59 and G.L. c. 23A, §§3E and 3F to: (a) approve the Tax Increment Financing ("TIF") Agreement between the Town and Ja'Duke, substantially in the form as on file with the Town Clerk (the "TIF Agreement"), for property located at 110 Industrial Blvd, Turners Falls, as shown on Assessors Map 17, Lot 054, and as described more fully in the TIF Agreement, which TIF Agreement provides for real estate tax exemptions in accordance with the exemption rate schedule set forth therein; (b) authorize the Board of Selectmen to execute the TIF Agreement, and any documents relating thereto; and (c) authorize the Board of Selectmen to approve submission of the TIF Agreement and Certified Project Application, and any associated documents, to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement; and take such other action and authorize the Board of Selectmen to execute such other documents as may be necessary or appropriate to obtain EACC approval, implement these documents and carry out the purposes of this article; or pass any vote or votes in relation thereto.

(Board of Selectmen Request)

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ARTICLE 5. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for one (1) additional all alcohol on premises liquor license to be exercised and located at 42 Canal Road in the Turners Falls village of the Town, said license not to be transferred to any other location; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, or pass any vote or votes in relation thereto.

The petition for special legislation shall take the following form:

AN ACT AUTHORIZING THE TOWN OF MONTAGUE TO ISSUE ONE ADDITIONAL LIQUOR LICENSE.

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

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special, rule or regulation to the contrary, the licensing authority of the town of Montague may grant one (1) additional license for the sale of all alcoholic beverages to be consumed on premises under section 12 of said chapter 138 to be exercised at and located at 42 Canal Road, in the Turners Falls Village in said town. A license granted under this section shall be subject to all of said chapter 138 except said section 17.

(b) Once issued, the licensing authority shall not approve the transfer of the license issued under this section to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the 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.

(c) If the license granted under this section 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 at the same location under the same conditions as specified in this section.

SECTION 2. This act shall take effect upon passage.

(Board of Selectmen Request)

ARTICLE 6. To see if the Town will vote to adopt the provisions of MGL Chapter 64N, Section 3, as amended by section 13 of Chapter 55 of the Acts of 2017, to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at the rate of three percent (3%) of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products; this act shall take effect on the first day of the calendar quarter following thirty days after its acceptance by Town Meeting, or pass any vote or votes in relation thereto.

(Board of Selectmen Request)

ARTICLE 7. To see if the Town will vote to amend the Montague Zoning Bylaws pertaining to licensed marijuana establishments in sections 7.1, 5.2 and 8.2 in the following manner, or pass any vote or votes in relation thereto:

Remove Section 7.10 (Registered Marijuana Dispensaries) in its entirety

Add the following section:

7.10 Licensed Marijuana Establishments

7.10.1 Purpose

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The purpose of this Section is to provide for the orderly placement of medical and recreational marijuana establishments in areas where such a use is not inconsistent with the neighborhood character and in accordance with State law.

7.10.2 General

Licensed Marijuana Establishments may be allowed by special permit and site plan review from the Board of Appeals pursuant to Section 5.2, Section 7.10, and Section 8. The Planning Board shall be the Site Plan Review and Special Permit Granting Authority in the Industrial District. The Board shall consider the design of buildings, setbacks, visual impacts, outdoor lighting, security, hours of operation, odor control, traffic circulation, and consistency with current and abutting land uses.

7.10.3 Standards and Conditions

- a) No establishment may locate any buildings, structures, or signs within 100 feet of a pre-existing public or private school, as measured from the nearest point of the school property.
- b) Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which establishment is located. No outside storage is permitted.
- c) No odor may be noxious or cause a nuisance, or impair public comfort and convenience. Marijuana establishments shall incorporate odor control technology and provisions.
- d) The special permit may be limited to the current applicant and provide that the permit shall lapse if the applicant ceases operating the licensed marijuana establishment or if the applicant's license with the Commonwealth of Massachusetts expires or is terminated.
- e) The Board may require additional conditions and set standards for performance and maintenance upon finding that such action is reasonably necessary to meet the purpose and intent of the Zoning Bylaws.

Section 5.2- Permitted Uses

Under Section 5.2.1 (b) Uses allowed by Special Permit from Board of Appeals in Agricultural-Forestry Districts

Add: "Marijuana cultivation, in accordance with Section 7.10" 3

Under Section 5.2.13 (b) Uses allowed by Special Permit from Board of Appeals in Rural Business District

Add: "Marijuana cultivation or production, in accordance with Section 7.10"

Under Section 5.2.5 (b) Uses allowed by Special Permit from Board of Appeals in General Business District

Remove: "Registered Marijuana Dispensary, in accordance with Section 7.10"

Add: "Marijuana retailer, cultivation, production, research or testing, in accordance with Section 7.10"

Under Section 5.2.6 (b) Uses allowed by Special Permit from Zoning Board of Appeals in Industrial District

Remove: "Registered Marijuana Dispensary, in accordance with Section 7.10"

Under Section 5.2.6 (c) Uses allowed by Special Permit from Planning Board in Industrial District

Add: "Marijuana cultivation, production, research or testing, in accordance with Section 7.10"

Under Section 5.2.6 (b) Uses allowed by Special Permit from Board of Appeals in Central Business District

Remove: "Registered Marijuana Dispensary, in accordance with Section 7.10"

Add: "Marijuana retailer, in accordance with Section 7.10"

Under Section 5.2.6 (b) Uses allowed by Special Permit from Board of Appeals in Historic Industrial District

Remove: "Registered Marijuana Dispensary, in accordance with Section 7.10"

Add: "Marijuana retailer, cultivation, production, research or testing, in accordance with Section 7.10"

Section 8.2 Site Plan Review: Applicability

Under Section 8.2(g) (applicability):

Remove: "Registered Marijuana Dispensary, in accordance with Section 7.10"

Add: "Marijuana retailer, cultivation, production, research or testing, in accordance with Section 7.10" 4

SECTION 2 Definitions

Remove definition: "MEDICAL MARIJUANA DISPENSARY – A Medical Marijuana Treatment Center as defined in 105 CMR 725.004 and regulated in 105 CMR 725.100."

Add four Definitions:

- MARIJUANA RETAILER- an entity licensed by the Commonwealth of Massachusetts to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell, or otherwise transfer

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marijuana and marijuana products to marijuana establishments and to consumers for recreational or medicinal purposes.

MARIJUANA CULTIVATOR- an entity licensed by the Commonwealth of Massachusetts to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers.

MARIJUANA PRODUCT MANUFACTURER- an entity licensed by the Commonwealth of Massachusetts to obtain, manufacture, process, and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments, and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

MARIJUANA RESEARCH FACILITY OR TESTING LABORATORY- an entity licensed by the Commonwealth of Massachusetts to cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research or testing regarding marijuana and marijuana products.

(Planning Board Request)

Given under our hands this 29th day of January in the Year of Our Lord Two Thousand and Eighteen.

Michael Nelson

Christopher M. Boutwell, Sr.

Richard Kuklewicz, Chairman
Selectmen, Town of Montague

Franklin, ss Montague, MA February , 2017

Pursuant to the within warrant, I have warned the Inhabitants of the Town of Montague by posting attested copies of the same in a conspicuous place in each of the Post Offices, Libraries, and the Town Hall of the Town of Montague at least fourteen days before said meeting as within directed.

Constable of Montague