

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, April 2, 2018**

Meeting was opened at 6:30 PM in the Upstairs Meeting Room. Present were Selectpersons Chris Boutwell, Michael Nelson, and Rich Kuklewicz, Town Administrator Steven Ellis, and Executive Assistant Wendy Bogusz. Kuklewicz makes introduction and announces meeting is being taped.

Approve minutes of March 26, 2018

Nelson makes the motion to approve the minutes of March 26, 2018. 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

P. Golrick asks if 6:30 is the new meeting start time as the past few meetings have started then. Kuklewicz replies it is not the intent of the Board, this is mainly due to the length of items needed to be placed on the agenda.

Seth Rutherford, 253 Organic, LLC

**Review and execute host agreement with 253 Organic LLC for cannabis cultivation processing and retail facility at 253 Millers Falls Road, Turners Falls
Impact fee is 3% max allowed to be charged by law**

Ramsey: At the last meeting we were instructed to finalize the negotiations for the agreement, we made a few changes worth note; it's mainly the same document you saw. The impact fee on the gross sales that hasn't changed. The state has established the maximum you can have by law, 3%; at projected \$7 million in retail sales that's about \$210,000 in revenue; Most of back and forth has been about the wholesale sales and how that fee is reached. The Town has negotiated for progressive impact fee on the gross wholesale sales. The First \$400,000 taxed at 1%, \$400,000 - \$800,000 is 2% and anything over \$800,000 is 3 percent max allowed by state law. Their business model is based on onsite sales; wholesale sales is a small fraction of their overall business plan. They didn't offer projection for gross sales at this point because they don't even know if they have buyers lined up. They are claiming the profit margin is much higher on retail than wholesale. We don't know what licenses will be obtained so we had to have something in there.

Rich: I met with Walter and Steve last week about this and I think this makes sense.

Ellis: I think it's important for people in the community to understand if they aren't granted a retail license and they still choose to grow their product here and they are selling it through other retail outlets. This provides protection to the Towns interest in relation to that if they suddenly expectantly have to shift their business model.

Ramsey: We also put a protection in there on how we are defining the wholesale value so we can assure they are paying the fee based on the fair market value. In regards to Security, they did agree to have contact with the Fire Department in addition to the Police Department. Another change that came up was in the category "other payments"

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where they agreed to a target goal of \$15,000 in donations per year and this will help as the need arrives. Under "community support" they agree to provide no less than 150 man hours as necessary

Seth Rutherford: We had a community meeting last Tuesday and for the most part it was a really good session.

- We made a verbal agreement to open store at 9:00 AM rather than 8:00 AM for first year to avoid interfering with school traffic.
- Agreed to set up a community outreach group that will meet biannually or 4 times a year. It will be comprised of citizens and business owners of the community. We could talk about our charitable contributions and how to give them out.
- Other topics touched was around security and making sure no one under 21 comes into the store

Ramsey: The Planning Board held a public hearing and issued a Special Permit Site Plan Review and part of the site plan improvements they have committed to make is to put in a cross walk at the bus stop at end of Industrial Blvd, as well as a sidewalk to the front of the facility. They will also be making repairs to the stormwater system

Ellis: There are very few models available for us to work from, but we felt this is in the best interest of the Town.

Nelson makes the motion to execute the Host Community Agreement with 253 Organic, LLC for the cannabis cultivation process and retail facility located at 253 Millers Falls Road effective today, April 2, 2018. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye Note: Financial terms of the agreement become effective on date of operation.

Kuklewicz reads letter of support for 253 Organic LLC License for Adult use to Shawn Collins Mass. Cannabis Control Center into the record.

Nelson makes the motion to authorize the Chair to sign the letter of support for 253 Organic, LLC. Seconded by Boutwell, approved unanimously. Boutwell, - Aye, Nelson – Aye, Kuklewicz - Aye

Walter Ramsey, Town Planner

Issuance of Request for Proposals for Disposition of Municipal Property at East Main Street, Millers Falls, MA "Lot F" Development Opportunity (Assessors Map 29 Lot 180)

Ramsey: This was discussed at the last meeting and a point was raised and I want to bring to this to the Boards attention. In the course of drafting this the Assessors did reassess the building and the value has been updated at \$20,200. I Propose to keep RFP in current state, offering property at \$5,100 which is below the assessed value; more similar to commercial homesteading type process we've gone down in the past. The main argument for the commercial homesteading approach is as part of the RFP

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process we are asking for a development proposal specific for the village of Millers Falls. The successful proponent will have to enter into a land development agreement with the Town, and honor certain commitments and meet certain time frames in order for that cloud to be lifted off of the deed. If demands not met the town could reign back in the property

Golrick: Feels there's a big difference in comparing residential and industrial park land. The Downtown area is going to generate the income too

Ramsey: This is an unbuildable parcel the way it is; only useable as an assessor to another use. It's a porkchop lot that goes behind the building

Nelson makes the motion to issue request for Proposals for Disposition of Municipal Property at East Main Street, Millers Falls, MA "Lot F" Development Opportunity (Assessors Map 29 Lot 180). Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye

Deborah Frenkel and Dawn Montague, The Brick House Community Recourse Center: Use of Public Property: 3rd Annual Fundraiser 5K, Bike path parking lot and looping through the patch, ending at the bike path parking lot; June 16, 2018, 9:00 AM to 11:30 AM

Nelson makes the motion to approve the request for use of public property to the Brick House Community Recourse Center for their 3rd Annual Fundraiser 5K, from the Bike path parking lot and looping through the patch, ending at the bike path parking lot; on June 16, 2018, 9:00 AM to 11:30 AM, police chief has signed off on it and Insurance has been provided. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye

Bruce Hunter, FCRHRA

Vote to award Strathmore Mill Complex Demolition and Abatement Design Project to Tighe & Bond, Inc., \$115,000

Nelson makes the motion to vote to award Strathmore Mill Complex Demolition and Abatement Design Project to Tighe & Bond, Inc., \$115,000. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye

Suzanne LoManto, RiverCulture Director

Execute License Agreement with Firstlight Hydro Generating Company for the use of property to host the Pocumtuck Homelands Festival on August 3 - 5, 2018

Nelson makes the motion to Execute License Agreement with Firstlight Hydro Generating Company for the use of property to host the Pocumtuck Homelands Festival on August 3 - 5, 2018. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye

Use of Public Property: Sing along program, Montague Center Common, April 28, 1:00 to 2:00 PM

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Nelson makes the motion to approve Use of Public Property: Sing along program, Montague Center Common, April 28, 1:00 to 2:00 PM. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye

Use of Public Property: Display Art, in front of Shea Theater on Avenue A April 29, Noon – 5:00 PM

Nelson makes the motion to approve Use of Public Property: Display Art, in front of Shea Theater and other possible locations on Avenue A on April 29 from Noon – 5:00 PM. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye

Town Meeting Warrant – To review draft warrant, attached hereto; and to Make recommendations on all items in the warrant, votes may be taken

Kuklewicz Reads Articles to be placed on the warrant:

ARTICLE 1: 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 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

ARTICLE 3: to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2018, as set forth in Schedule I, Elected Officials

ARTICLE 4: to fix the salaries of all appointed officials as required by law for the fiscal year beginning July 1, 2018, as set forth in Schedule II, Appointed Officials

ARTICLE 5: to amend the classification plan to add the position of Cultural Coordinator at Grade C as per a Memorandum of Agreement between the Town of Montague and the National Association of Government Employees (NAGE) dated TBD

ARTICLE 6: \$9,400,018 for the maintenance of the several departments of the Town, said sums to be allocated in accordance with Schedule III, Budget, a copy of which is on file in the Office of the Town Clerk, and for any other necessary changes

ARTICLE 7: \$2,017,231 for the purpose of operating the Water Pollution Control

ARTICLE 8: \$97,375, for the purpose of funding the operations, maintenance, and debt service of the Colle Building,

ARTICLE 9: \$51,039 for the purpose of operating the Turners Falls Airport,

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Nelson Reads Articles to be placed on the warrant:

ARTICLE 10: \$974,338 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

ARTICLE 11: \$9,811,160 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

ARTICLE 12: \$12,000 for the purpose of purchasing and installing a double door security entrance with window or camera system at Hillcrest Elementary School

ARTICLE 13: \$72,000 for Montague's share of purchasing and installing upgrades to the Building Management Systems at the Great Falls Middle School and Turners Falls High School

ARTICLE 14: \$30,000 for the purpose of purchasing and installing an intercom system at the Sheffield Elementary School

ARTICLE 15: \$25,000 or any other amount, for the purpose of purchasing and installing an intercom system at the Hillcrest Elementary School,

ARTICLE 16: For the Board of Selectmen to enter into a lease with the Gill Montague Regional School District not to exceed fifteen (15) years and on such terms as the Board of Selectmen deems appropriate

ARTICLE 17: \$20,000 for the purpose of purchasing, equipping and making major repairs to WPCF vehicles and equipment, including any and all incidental and related costs,

ARTICLE 18: \$25,000 for the purchase and installation of a new control panels and alarms at the Denton Street and Montague Center Pump Stations for the WPCF,

ARTICLE 19: \$521,000 for purchasing and installing a solar array at the Water Pollution Control Facility at 34 Greenfield Road

ARTICLE 20: \$30,000 for the purpose of exterior renovations to the Senior Center building at 62 Fifth Street including replacing the steps and landing, constructing side rails for same, and constructing a roof over the new landing

ARTICLE 21: \$100,000 for the purpose of purchasing, equipping, and making major repairs to DPW vehicles and equipment

ARTICLE 22: \$15,000 for the purpose of funding information technology equipment, parts, accessories, software and installations

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ARTICLE 23: \$7,000 for the purpose of funding the master plan phase for Montague Center Park improvements

ARTICLE 24: \$30,000 for the purpose of funding and supporting the retention and storage of Town maps through a storage management system

ARTICLE 25: \$150,000 for the purpose of repairs to and maintenance of the Colle building

ARTICLE 26: \$37,811 for the purpose of increasing the GMRSD Stabilization Fund

ARTICLE 27: \$121,726 for the purpose of increasing the Town General Stabilization Fund,

Kuklewicz reads articles to be placed on the warrant

ARTICLE 28: \$76,294 for the purpose of increasing the Town Capital Stabilization Fund

ARTICLE 29: \$50,000 for the purpose of increasing the Town OPEB Trust Fund

ARTICLE 30: to accept the provisions of MGL c. 64L, §2 to establish a local option meals excise tax

ARTICLE 31: To enter into a permanent Preservation Restriction and maintenance agreement on the Colle Opera House Building located at 85 Avenue A in Turners Falls MA, should the Town of Montague be awarded a grant from the Massachusetts Preservation Project Fund. The Preservation Restriction shall be recorded under the provisions of MGL c. 184, § 31-33

ARTICLE 32: to amend the By-Laws of the Town of Montague to change the title of the "Board of Selectmen" to the "Select Board" as follows,

1. Amend Article III, Section 4, by changing the title from "Selectmen" to "Select Board" and by adding the following clause to the beginning of the section: "There shall be a Select Board of three members elected for three-year overlapping terms. Such Select Board shall have all the powers and duties of a Board of Selectmen for purposes of any and all federal, state and local laws referring to Board of Selectmen or Selectmen, including but not limited to the Massachusetts General Laws, Code of Massachusetts Regulations and any bylaws and special acts applicable to the Town of Montague"; and
2. Delete the words "Board of Selectmen" and "Selectmen" in each place in which they appear and insert in their place the words "Select Board".

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ARTICLE 33: to vote in accordance with MGL c. 40, § 15 to authorize the Board of Selectmen to convey on terms and conditions as determined by the Board of Selectmen, an interest in the parcel of land containing 2.91 acres located on Federal Street and identified on the Town Assessor's Maps as Map 48, Lot 0148, which is further described in Franklin County Registry of Deeds Book 3733 Page 177 and referenced as "Lot 2" shown on a Plan of Land dated 9/26/2000 and recorded in Plan Book 105 page 57, including all land and structures thereon

ARTICLE 34: to adopt a Resolution relative to energy policy: A resolution calling on the Massachusetts Legislature to Establish Greenhouse Gas Emissions Pricing to Curb Climate Change

Seconded by Boutwell, approved. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye

Town Administrators Business

Execute Memorandum of Agreement pursuant to 801 CMR 52.04(4) by and between the Town of Montague and the Montague Public Employee Committee
Nelson makes the motion to execute the Memorandum of Agreement pursuant to 801 CMR 52.04(4) by and between the Town of Montague and the Montague Public Employee Committee as presented. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye

Shea Theater Roof Update

We were going to release the bid for the resealing of the Shea Roof, we had historical quotes from last fall that ranged from \$38,000 to \$44,000. We were contacted by member of the Shea Board and asked us to look into an alternative called Spray Foam Roof Sealant, inches thick close polyurethane barrier that has a rubber membrane over it. It may be similar in cost and within the boundaries of our original appropriation so we've engaged both the Energy Committee and the Capital Improvements Committee. What I don't like is it has backed us up a month but may allow us to have a product that has some additional benefit from an insulatory standpoint without opening the roof and quadrupling the cost.

Award Bid for Avenue A ADA Sidewalk Improvements Project

2 bidders, low bidder was sandstone construction of Marion MA, adding and restoring ADA curb ramps along Avenue A and Second Street. Project has to be done by first week of June.

Nelson makes the motion to award the bid for Avenue A ADA Sidewalk Improvements Project to Sandstone Construction of Marion, MA at the cost of \$55,446.20. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye

Next Step in Police Chief Hiring Process Update

Kuklewicz: what is goal so our acting chief knows where we are going as well as the public to move forward. We need to do information gathering over next 30 days, to have an understanding of where we want to go. Not sure it makes sense to have a

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discussion yet. My thought would be for you to take time and formulate a document to look at, pros and cons, rather than what you heard from different individuals. Wants discussion points so the Board can formulate a plan. Maybe a discussion around civil service pros and cons, around how we find the right candidate, having a closed process internally or cast a broader net

Ellis would like specific questions from the board, will share implications, Badgequest does police hiring in and out of Civil Service. We should have a substantial amount of time on our agenda for the Union to come in and others. Civil Service no longer offers the Chief exam

Kuklewicz feels we need to have a large chunk of time for this discussion on April 30th

Topics not anticipated in the 48 hour posting requirements

None

Anticipated executive session pursuant to G.L. c. 30A, §21(a)(7), to comply with, or act under the authority of any general law; specifically to review draft minutes from executive sessions conducted on dates set forth in the attached listing

Executive Session under G.L. c.30A, §21(a)(1) to discuss complaints and potential disciplinary action against a public officer, employee, staff member or individual; votes may be taken.

Executive Session under G.L. c 30A, Section 21 (a)(3) to discuss potential litigation concerning Baltazar, Votes may be taken

Executive Session under G.L. c 30A, Section 21 (a)(3) to discuss collective bargaining strategy with respect to NEPBA. Votes may be taken

Chair declares holding the following executive sessions in public may be detrimental to the public good

Nelson makes the motion at 8:00 PM to enter into executive session Anticipated executive session pursuant to G.L. c. 30A, §21(a)(7), to comply with, or act under the authority of any general law; specifically to review draft minutes from executive sessions conducted on dates set forth in the attached listing; Executive Session under G.L. c.30A, §21(a)(1) to discuss complaints and potential disciplinary action against a public officer, employee, staff member or individual; votes may be taken; Executive Session under G.L. c 30A, Section 21 (a)(3) to discuss potential litigation concerning Baltazar, Votes may be taken; Executive Session under G.L. c 30A, Section 21 (a)(3) to discuss collective bargaining strategy with respect to NEPBA. Votes may be taken. Seconded by Boutwell, approved unanimously. Boutwell –Aye, Nelson – Aye, Kuklewicz – Aye

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Votes made regarding executive session minutes on April 2, 2018

Nelson makes the motion to approve the minutes of May 30, 2017, June 19, 2017 and July 17, 2017, but not to release them. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye

Nelson makes the motion to approve the minutes of September 11, 2017, but not to release them as the issue is still on going. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye

Nelson makes the motion to approve the minutes of May 1, 2017, May 16, 2017 and January 22, 2018 Session #2 and to release them. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye

Nelson makes the motion to approve the minutes of June 5, 2017, but not to release them as the issue is still ongoing. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye

Nelson makes the motion to approve the minutes of January 22, 2108 Session #1, and release them. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye

Nelson makes the motion to approve the minutes of March 6, 2017 and May 22, 2017 but not to release them as the issue is still ongoing. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye

Nelson makes the motion to approve the minutes of January 9, 2017 Session #1, January 23, 2017 Session #1, January 30, 2017 and March 13, 2017 and release them. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye

Nelson makes the motion to approve the minutes of January 9, 2017 Session #2, but not to release them. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye

Nelson makes the motion to approve the minutes of January 23, 2017 Session #2 and January 23, 2017 Session #3, but not to release them as the issue is still ongoing. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye

Nelson makes the motion to approve the minutes of September 11, 2017 Session #2, but not to release them. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye

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Documents and Exhibits:

- Host agreement with 253 Organic LLC for cannabis cultivation processing and retail facility at 253 Millers Falls Road, Turners Falls
- Request for Proposals for Disposition of Municipal Property at East Main Street, Millers Falls, MA "Lot F" Development Opportunity (Assessors Map 29 Lot 180)
- Use of Public Property: 3rd Annual Fundraiser 5K, Bike path parking lot and looping through the patch, ending at the bike path parking lot; June 16, 2018, 9:00 AM to 11:30 AM
- Strathmore Mill Complex Demolition and Abatement Design Project to Tighe & Bond, Inc., \$115,000
- License Agreement with Firstlight Hydro Generating Company for the use of property to host the Pocumtuck Homelands Festival on August 3 - 5, 2018
- Use of Public Property: Sing along program, Montague Center Common, April 28, 1:00 to 2:00 PM
- Use of Public Property: Display Art, in front of Shea Theater on Avenue A, April 29, Noon – 5:00 PM
- Town Meeting Warrant – May, 5, 2018
- Memorandum of Agreement pursuant to 801 CMR 52.04(4) by and between the Town of Montague and the Montague Public Employee Committee
- Award Bid for Avenue A ADA Sidewalk Improvements Project