

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
WEDNESDAY, OCTOBER 31, 2012**

31B

Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons, Mark Fairbrother, Chris Boutwell, Patricia Allen (absent); Town Administrator, Frank Abbondanzio; Administrative Secretary, Wendy Bogusz; Chris Curtis, Recorder, David Detmold, Montague Reporter

Meeting rescheduled to today due to inclement weather on Monday, October 29, 2012

Not available at this time: September 24 and October 1, 15, and 22, 2012

Charles Dodge, Acting Police Chief, Gina McNeely, Director of Public Health (not present)

Request for ACO Officer Position, Senate Bill 2192, Possible joint position with Greenfield, votes may be taken

Dodge: Senate Bill 2192 refers to the Animal Control Officer, not a Dog Officer. The law says Towns and Cities are now going to be responsible to have an Animal Control Officer and there are a lot of requirements in the law to having an officer who will respond out and handle the animal complaints as well as dealing with the rabies issues, sending them out to be tested, inspections, also housing and kenneling. We are fortunate to have the Sherriff's Dept. on board and took over our kennel. We met that part of the law but we still need to get an Animal Control Officer. The law basically says that if we don't appoint an Animal Control Officer the State is going to come in and do it for us. I've been talking with Gina because it looks like she has been asking for this for a while now. As a Director of Public Health, she gets a lot of this stuff coming her way and has been asking for help. (History given of Animal Control Officer) With the history in mind, one of the things I looked into was sharing an ACO with Greenfield and the Chief is interested in this. He went to the Mayor about this and the Mayor is interested in this option, however he doesn't feel this is something the Police Chiefs should be discussing so he wanted someone from the Selectboard or Frank to contact him and then they could go over the details. A second option I had was appointing a current police officer to be the Animal Control Officer. There are conflicts with that, I would have to send the officer to an 88 hour training course, and he or she would have to wear a different hat and there could be conflicts when that person is on duty expected to do this job then get called away. It's an option if we had to. If the State stepped in we could appoint someone until we came up with a permanent solution. The third option is trying to find someone who wants a part time job who would go off, do the training and be willing to get called out at all different hours to do this. Think it is a great idea to share with Greenfield and is one of our best options, they have a trained guy with the certifications.

Fairbrother and Boutwell would like Frank to look into this further with Greenfield. May be contingent on getting money from Town Meeting at a later date.

Liquor License Hearing, votes may be taken

Sahirat, LLC d/b/a Carroll's Market, Vidyaben G. Patel, Transfer of shares of the Convenience Store Wine and Malt Liquor License, 33 East Main Street, Millers Falls

This will be continued to December 3, 2012

Personnel Board, votes may be taken

Continue 111F for Richard Suchaneck until 11/5/12

Fairbrother makes the motion to continue the 111F status for Richard Suchaneck until November 5, 2012.

Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Request to Hire 1 FT Police Officer, Sign Civil Service Form 13

Fairbrother makes the motion to begin the proceedings to hire a full time police officer and authorize the Chair to sign Form 13. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye

Approve use of Public Safety Application Form for use with Police Department

Fairbrother makes the motion to accept the updated Public Safety Application for the Town and scrap the old one as presented tonight. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Chris Janke, Suzee's Laundry, votes may be taken

Entertainment Permit for Fashion Show at 84 Third Street on December 1, 2012

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Fairbrother makes the motion to issue a one day entertainment license to Chris Janke doing business as Suzee's laundry at 84 Third Street for a fashion show on December 1, 2012 from 7:00 PM to 12:00 AM. The event is signed of by Chief Dodge. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

The Rendezvous, One Day Beer & Wine License at 84 Third Street on December 1, 2012

This will be voted on after we check with Counsel to see if Chris Boutwell is able to vote in Pat Allen's absence.

Matthew McMullin Lego, Request upper part of 2nd Street be renamed to Lego Drive in honor of late father

Lego: I've been working on this since shortly after my Dad passed away in 2009. The part of Second Street where MCTV resigns I would like to get that renamed in honor of my Dad for the 29 years he worked for the DPW as well as over 30 years that he was a Town Meeting Member. I would be willing to buy one of the street signs

Abbondanzio: The Board is the naming authority. Discussion regarding suggested area. This is a historic area and your vote could be overridden. Biggest issue is you have a historic grid pattern, letters and numbers and that would be a concern and probably raised. Building Dept. does the numbering not the naming.

Fairbrother: Frank and Tom, you've been in town a long time and we've had many outstanding, long serving employees and volunteers, does this have any precedence?

Abbondanzio: Any time you change the name of a street, obviously if it effects people, that ends up becoming the issue. I have a suggestion and I don't know how Matt would feel about it; Freddie worked at the landfill and Sandy Lane would be a road you could change the name of and it wouldn't effect a lot of people and would probably be more appropriate for Freddy as he spent a lot of time at that location. Frank was also going to suggest this.

Matt Lego will think about this and come back at a later date.

Ernest L. Brown and Jason Clark, Montague Elks Lodge No. 2521, Request to start process to abandon the alley behind Elks lodge (alley runs Elks Avenue to Seventh Street)

Brown: Lodge is not handicap accessible and we've talked about this for a number of years. A few years ago we had some rough plans as to what we would need for space for a lift or elevator and of course the restrooms. We don't have any space to spare. Our exalted ruler, Don Traceski thought it would be a good idea to get a committee together to look into this. We had a contractor draw up rough plans to put an addition on the front of the building. The contractor put an idea in our mind by saying it would be less expensive to put addition on the back side of the building rather than the front. The access would be right off the parking lot. Not being forced to make the building handicap accessible, but we feel it would be a good thing for us to have. There may be more occasions in the community for a group to use our building but they can't because we are not handicap accessible. We are strictly in the preliminary stages, didn't want to go much further without finding out if we can get the alley abandoned. Discussion about alley way

Abbondanzio: There is a process. It starts here and has to be referred to the Planning Board for non binding recommendation and then goes to Town meeting. The way it is discontinued is there is a line drawn down the middle of the road and then the ownership goes to either side and there might be an issue with that.

Bergeron: That alley is actually a paper road. The Town plows both sides of Elk Way, that road goes up behind the houses on L Street and goes in between Gumps house and the last house before those paths and on paper it shoots out back onto L Street. As far as the other side, we plow that also so if that is shut off, I'm not sure how we are going to get a truck in there to clean that up, because the homeowners driveway is about 10' from the fence, unless we abandon the whole alley then the homeowner would be responsible for that section for snow and maintenance.

Brown asks what the difference is between a paper street and an alley.

Fairbrother: Paper streets still have legal and practical concerns, issues about them. It's still Town property.

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Fairbrother makes the motion to send the request to start the process to abandon the alley behind Elks lodge (alley runs Elks Avenue to Seventh Street) to the Planning Board with the request they review this and let the Board know what come up with. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Robert Trombley, WPCF Superintendent, Fiscal Year 2012 first ½ sewer abatement requests

Trombley: An abatement is a chance for sewer rate payers in the Town of Montague to request a review of their bill if they think the bill has an error in it or is unfair or for any other reason. It must be submitted within 30 days and after that the Town is not required to review an abatement.

Fairbrother makes the motion to abate the bill for 16 Hatchery Road from \$167.00 to \$36.00, abated amount of \$131.00. Seconded by Boutwell, approved unanimously. Boutwell – aye, Fairbrother - Aye

Fairbrother makes the motion to abate the water bill at 500 Avenue A. Seconded by Boutwell, Not abated. Boutwell – Nay, Fairbrother – Nay

Fairbrother makes the motion to abate the bill from 26 G Street in the amount of \$1356.00 to \$2709.00, abated amount of \$1,077.00. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Fairbrother makes the motion to not abate the bill from 14 High Street. Seconded by Boutwell, approved not to abate. Boutwell – Aye, Fairbrother - Aye

Fairbrother makes the motion to not abate the bill from 30 Union Street. Seconded by Boutwell, approved not to abate. Boutwell – Aye, Fairbrother - Aye

Fairbrother makes the motion to not abate the bill at 27 Hatchery Road. Seconded by Boutwell, approved not to abate. Boutwell – Aye, Fairbrother - Aye

Michael Nelson, Post 2012 Pumpkinfest Updates

Everything went well, weather was good. Montague PD has requested we have spaces blocked off from corner of L Street by Our Lady of Peace down to Avenue A on both sides; and another request was for more coverage in the evening towards the end of the night.

2013 Pumpkinfest: Use of Peskeompskut Park/Public Property, Sign Application, 1 Day Alcohol Permit

Fairbrother makes the motion to issue a permit to place a sign, object or other display on the property of Peskeompskut Park to Michael Nelson, Franklin County Pumpkinfest, sign is 4' x 8' banner approximately 100' feet to left of fountain on Peskeompskut Park, to be put up on September 29, 2013 and taken down on October 19, 2013; Chief Dodge has signed off on the permit. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye.

Fairbrother makes the motion to issue a one day entertainment permit to Michael Nelson, Franklin County Pumpkinfest, on October 19, 2013, at Peskeompskut Park and Avenue A from Second Street to Seventh Street from 2:00 PM to 9:30 PM with set up from 12:00 PM to 2:00 PM and clean up from 9:30 PM to 12:00 AM, approximate number of people to attend 10,000 and will consist of music, theatrical, exhibitions and amusements, police chief has signed off on this with additional coverage, pending insurance coverage which will be provided 21 days prior to the event. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Joint meeting with Montague Economic Development and Industrial Corporation

Welcome New Members, Don Valley, Moon Morgan and Lynn Reynolds (not new member). Not present Richard Ruth and Linda Ackerman, Still recruiting for last 2 positions

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Statues and Progress update

Ramsey: I spoke with the Department of Housing and Community Development (DHCD) that oversees EDIC's and they confirm their objective is to sell and dispose of the Cumberland Farms building is within the scope of the economic development plan that was approved in 1980, so the EDIC has the authority to do something with the property, which is a question that was raised these last couple of weeks. There is still the unsafe building order to repair the Cumberland Farms building issued in March of this year and we haven't been able to pull a project together with MCCI at this point, but it still is a possibility, but there is an order out there from the Building inspector. We have a quote to do remediation and roof repair that has been solicited through the 30B process and the quote is still active so the EDIC could give an order to do the remediation of the building and repair the roof as authorized at Town Meeting. This proposal is good because it solves a lot of the problems that are there with the site. One of the problems with the commission is the proposal wasn't subject to a process of request for proposals. I don't think they are in the position to go along with the MCCI proposal at this point, but it doesn't mean it is not possible to work something out. The other redevelopment option is to remediate the building, satisfy the Building Inspectors orders to update our economic development plan and to release an RFP that wouldn't be able to be done until the spring. I hoped to come out tonight with some sense of direction as to which way the EDIC is going to take.

Fairbrother: I would like someone from the EDIC to expand on what Walter gave us

Valley: From one meeting, I would be happy to give you my perspective. Three documents have been prepared. One was a purchase and sale, a land development agreement should be building and land development agreement – still open questions on it, third document was right to purchase should anything go south with this particular proposal. Those documents were prepared, still need more work before submitting them to MCCI should that be the route the Committee goes. The difficulty I had being brand new, was it didn't appear that there was any specific time line of action. The proposal, both in the land development agreement and the purchase and sales are specifics that are relative to a 512 agreement which is the agreement between DCR and the EDIC, so there are conditions that come along with their authorization to let us dispose of the building or develop the building or do whatever with the building. To fulfill those conditions, requires the building to be used for cultural or for commercial and cultural. It doesn't define how much, the defined spaces within the building, the floor plan looks like the back of a napkin, there are no definitions as to spaces or dedicated spaces or private access to a cultural aspect and separate access, what common areas? In the proposal, there are substantial references to cultural activity, sharing of space, doing certain things, in concert, yet they are extremely undefined, very very loose. It's like it is a very loose proposal without enough definition to it. In this non timeline, there has to be a meeting between MCCI and the EDIC. None has been scheduled to my knowledge. Those are a few of the conflicts. The plan seems very loose from MCCI, needs a lot of tightening up, needs a lot more definition to my way of thinking. This is my thoughts after one meeting. Others may think differently. I cannot speak for MEDIC at this point. If there is a requirement to stabilize that building, the last thing I think anyone wants is for the building to become unsalvageable because we had failed to act to stabilize the building. At this particular point, I don't see a clear path forward; I see a possible path with MCCI and MEDIC, but not a clean path, it is going to take additional involvement between MEDIC and MCCI. I think the building needs to be stabilized, I don't know how fast that can happen. Thinks MCCI is an ideal candidate but proposed plan is very nebulous.

Discussion about new quotation provided from Abide and what \$17,300 covers. This would be an interim solution

Lengthy discussion

Christine Bodine: I was at the meeting with the EDIC where there was a unanimous vote taken to enter into a purchase and sale agreement with MCCI. We were never notified that the vote was rescinded, we have been proceeding along the lines that at some point we'd get a draft purchase and sale agreement from you but nothing has happened.

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Ramsey: I don't know if the vote was rescinded either and there has been a purchase and sale agreement drafted but not forwarded to MCCI

Bodine: Nothing has been forwarded to us or our attorney, and our attorney has made inquiries as to when those documents will be available.

Next steps for 38 Avenue A

Ramsey: We have a valid bid to do the remediation that is under the orders, and it is reasonably thought the costs can be recouped through the sale of the building. It is clearly going to take more time to get MCCI to be the owner of that building.

This work would just be a band aid on the building.

Valley: I think MEDIC needs to sit down and make a couple of appointments for meetings with MCCI and try to move forward. When it comes down to what needs to be done right now, it has to have the band aid if you're going to save the building at all. You have to have the band aid and the remediation of the mold to fulfill the order of the Building Inspector and the Health Department.

Bodine: We had anticipated a lot with negotiations with the EDIC and we couldn't meet with the EDIC because there hasn't been one for a while, but the idea of entering into a purchase and sale agreement presumes that Town Counsel drafts an agreement, our attorney looks it over and says lets change this and lets change that. We develop documents that both sides are happy with and satisfied, and only then does everything get signed on, because there is a process.

Fairbrother: I think we should repair the roof to the extent that can reasonably be expected to last through the winter and well into next year; and then leave everything else, as the negotiations between MEDIC and mediating that building would be a complete and total waste of money, that should be left until we know what we are going to do with it. A decision has been made and let's assume MCCI makes the agreement with MEDIC and they get the building. Then you go in and tear it apart and strip it and do the whole project. The building is closed, its sealed, nobody goes in there unless they absolutely have to then its just a very finite number of people that go in there, there is no reason to mediate it now. The outstanding order waits because it is not a public safety issue, its sealed. Spending the money to remediate the building without a new roof on there is a complete and total waste of everyone's money.

Reynolds: I would support that position. I don't want to throw money down a rat hole.

Boutwell believes if the building is sealed, we can do a no occupancy agreement, which in other words, nobody goes in there. This would remove the timeline.

Quote for roof repair only will be requested

8:45 PM Joint meeting closed

Frank Abbondanzio, Town Administrator, votes may be taken

Appoint Municipal Representative to the G/M Regional School District Collective Bargaining

The Chairman is the person who would normally do this. Boutwell will attend the meeting on November 13 at 7:00 PM to see who will represent towns.

Authority for oversight of Native American Battlefield Grant

Not able to be discussed tonight. Thought we were going to have a meeting but as it turned out Lisa Davol was called away due to the hurricane. We also thought David Brule was going to be able to attend a meeting, but he has

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been out of the country and not able to attend the meeting. We are not in the position to take this item up tonight but will come back before the board at a later date.

Fairbrother asks what it is.

Abbondanzio: The BOS met with Mr. Harris and Paul Robinson back in September and discussed a Native American Battlefield Grant and there was a majority vote given to move ahead and do something with the filing of the grant application. During the interim period the Native American representatives have been working on the preparation of the application itself which they will prepare. The application will have to be filed in the name of the Town of Montague. There will probably be a grant of about \$40,000. The application would pay for a consultant who would do the work studying the battlefield and collecting all the data. An RFP would be issued and they have a boiler plate document they could use to issue the RFP. The only oversight the Town would have other than being the applicant, we would advertise the RFP and hire someone to do the work and submit quarterly reports. I was coming before the Board to get clarification on the vote that was taken to make sure everyone was comfortable with that before the application is actually brought to completion by the people who are writing the application. That was my main reason for coming before the board.

Fairbrother: Can I assume if the Town would be the applicant then we would have a chance to vote on it one way or another before it gets submitted.

Abbondanzio: Yes the application will be presented to the board and then the board would vote to either go ahead or not, and endorse it and sign it. Like any other grant application you have to vote to authorize the board to sign it. It's the same as any other grant the Town would apply for.

Further discussion

Vote to authorize use of Discretionary Money for St. Anne's Building - \$800

This is for survey money to cover development of the survey plan to cover transfer of the rectory and the church property. There were zoning issues that had to be straightened out because we weren't meeting minimum setback requirements. This is the survey costs.

Fairbrother makes the motion to use \$800 from the community development discretionary money for a survey of the St Anne's building property. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Sign letter Authorizing Wendy Bogusz to be designee for MACS System

Fairbrother makes the motion to authorize the Chair to sign the letter to Veronica Gross, Human Resource Division – Civil Service Unit advising her that we have authorized Wendy M. Bogusz to be the designee for processing requisitions and hiring on the Massachusetts Automated Civil Service System. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye.

Topics not anticipated covered in the 48 hour posting requirement

None

Other votes may be taken

Use of Public Property, TFHS Homecoming Parade, November 17, 2012

Fairbrother makes the motion to grant a permit and waive permit fees for a public demonstration, parade and use of public property that being Crocker Avenue left onto Montague Street, Left onto Turnpike Road, up to the high school grounds. Permit issued to Sandy Bailey for the Turners Falls High School Student Council booster day parade on November 17, 2012 with the participants to assemble by 12:30 PM and parade to begin at 1:00 PM and extend to 2:00 PM, approximately 200 participants and 5 vehicles are expected to participate, certificate of insurance has been provided and Chief Dodge has signed off on the event. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye

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Use of Public Property, Veterans Day Parade, November 12, 2012

Fairbrother makes the motion to grant a permit for assembly and use of public property at Veterans Memorial Park to Albert Cummings, Chair of the Trustees of the Soldiers Memorial for a November 12, 2012 9:00 AM through 12:00 PM ceremony at the memorial honoring our fallen veterans. Police Chief Dodge has signed off on the event. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Resignation of Roy Rosenblatt, from the Montague EDIC and Finance Committee

Fairbrother makes the motion to accept the resignation from Roy Rosenblatt from the Montague EDIC with regret, effective October 18, 2012. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Finance Committee is looking for new members

Fairbrother makes the motion to adjourn the meeting at 9:05 PM. Seconded by Fairbrother, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye