

MONTAGUE SELECTBOARD MEETING

VIA ZOOM

Monday, October 17, 2022

AGENDA

Join Zoom Meeting <https://us02web.zoom.us/j/86978287423>

Meeting ID: 869 7828 7423 **Password:** 794057 **Dial into meeting:** **+1 646 558 8656**

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

Meeting Being Taped

Votes May Be Taken

1. 6:30 PM Selectboard Chair opens the meeting, including announcing that the meeting is being recorded and roll call taken
2. 6:30 Approve minutes of October 3 and 4, 2022 (if available)
3. 6:31 Public Comment Period: Individuals will be limited to two (2) minutes each and the Selectboard will strictly adhere to time allotted for public comment
4. 6:32 Eversource Petition for Solely Owned Pole and Wire Locations Hearing
 - Install (2) fully owned poles on Billings Rd. and Relocate (2) existing poles on N. Leverett Rd.
5. 6:37 Eversource Petition for Solely Owned Pole and Wire Locations Hearing
 - Install one (1) solely owned pole, #139/5-1/ The new pole is to be located on the western side of the road one hundred five (105) feet southwesterly from existing pole #139/5. (2 M Street, Turners Falls)
6. 6:45 Deb Bourbeau, Town Clerk
 - Execute November 8, 2022 State Election Warrant
 - Discussion regarding the new Vote Act that makes the Selectboard the sole authority to assign police officer to preside over the polling places on election day
7. 6:55 Tom Bergeron, DPW Superintendent
 - Change to Transfer Station Hours
 - Change in mattress and box spring charge from \$20 to \$35
 - Request to declare John Deere slicer/seeder as surplus property
 - Discuss new Sewer Robotic Camera
8. 7:10 Chelsey Little, Clean Water Facility
 - Correct In Town & Town of Gill Septage Charge from \$80/1,000 gallons to \$95/1,000 gallons. (Previously voted 9/19/22)
9. 7:15 Personnel Board
 - Appoint Michael Babineau, Wastewater Technician, U.E. Grade D, Step 2, 40 hours/week, effective 10/24/22
 - Execute \$35,000 agreement with MA EOA&F to support a Wage and Classification Study/Plan in FY24
10. 7:25 Brian McHugh, Director of Community Development, FCRHRA
 - Recommendation to award the FY21 CDBG Avenue A Streetscape Improvements Project to H.M. Nunes Construction, Base Bid \$318,190, Additional Alternate Bid \$4,800

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11. 7:30 Sally Pick, Montague Energy Committee
 - Discuss next steps on the UMass Clean Energy Extension Community Planning for Solar Project
 - Establish 7 member ad hoc Solar Planning Committee
12. 7:45 ARPA Spending Plan
 - Summary of Present Commitments (Steve)
 - Discuss Capital Project Requests and Vetting Process
- 13: 7:55 Walter Ramsey, Assistant Town Administrator
 - Farren Property Updates
 - Comprehensive Plan Status Update
 - Montague City Road Flooding Relief Project Update
 - Execute Professional Services Agreement with FRCOG for Phase II of the 5 Villages One Future Comprehensive Plan (\$80,000 funded by a FY23 MVP Action Grant)
14. 8:00 Misty Jacques, The Pumpkin Patch
 - Use of Public Property: G St. – I St., 10th - 13th Trick or Treat, Live Music & Art, 10/31/22 4:00 PM – 9:00 PM
 - Request to place sign: Bridges onto Patch, Avenue A, Bridge to Turners Falls from 10/17/22 to 11/1/22
15. 8:10 Executive Assistant Report
 - Use of Public Property: Rag Shag Parade, 10/31/22, 5:00 PM to 7:00 PM, Aubuchon Parking Lot- Down Avenue A to the Great Falls Discovery Center Parking Lot
 - Selectboard Meeting on 10/31/22 (Halloween)
 - Schedule Meeting with 6 Town Regionalization Committee
16. 8:20 Town Administrator's Business
 - FY23 MIIA Grant Request
 - Notice of Open Meeting Public Records and Conflict of Interest Law training for Municipal Officials, November 17, 2022
 - Hiring Committee Updates
 - Town Meeting Follow up
 - Topics not anticipated in the 48 hour posting
17. 8:30 Executive Session in accordance with G.L. c. 30A, §21(a)(6), to consider the possible purchase, exchange, taking, lease or value of real property - First Light Power, votes may be taken
18. 8:40 Executive Session: To discuss strategy with respect to potential litigation where an open meeting may have a detrimental effect on the bargaining or litigating position of the Town, pursuant to G.L. c 30A, Section 21(a)(3)

OTHER:

Next Meeting: Selectboard, Monday, October 24, 2022 at 6:30 PM via ZOOM

**COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH**

WARRANT FOR 2022 STATE ELECTION

Franklin SS.

To the Constables of the Town of Montague:

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of Montague who are qualified to vote in Elections to vote at:

Precinct No. 1, the Montague Center Precinct, the Montague Center Fire Station, 28 Old Sunderland Road, Montague Center; Precinct No. 2, the Millers Falls Precinct, the Franklin County Technical School Gymnasium, 82 Industrial Blvd., Turners Falls; Precinct No. 3, the upper hill section of Turners Falls, the Franklin County Technical School Gymnasium, 82 Industrial Blvd., Turners Falls; Precinct No. 4, the second level of Turners Falls, the Franklin County Technical School Gymnasium, 82 Industrial Blvd., Turners Falls; Precinct No. 5, downtown section of Turners Falls, The Senior Center, 62 Fifth Street, Turners Falls; Precinct No. 6, the South End and Montague City Precinct, the Franklin County Technical School Gymnasium, 82 Industrial Blvd., Turners Falls **TUESDAY, THE EIGHTH DAY OF NOVEMBER, 2022**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices:

GOVERNOR and LIEUTENANT GOVERNOR.....	FOR THIS COMMONWEALTH
ATTORNEY GENERAL.....	FOR THIS COMMONWEALTH
SECRETARY OF STATE.....	FOR THIS COMMONWEALTH
TREASURER.....	FOR THIS COMMONWEALTH
AUDITOR.....	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS.....	SECOND DISTRICT
COUNCILLOR.....	EIGHT DISTRICT
SENATOR IN GENERAL COURT.....	HAMPSHIRE, FRANKLIN & WORCESTER DISTRICT
REPRESENTATIVE IN GENERAL COURT.....	FIRST FRANKLIN DISTRICT
DISTRICT ATTORNEY.....	NORTHWESTERN DISTRICT
SHERIFF.....	FRANKLIN COUNTY
COUNCIL OF GOVERNMENTS EXECUTIVE COMMITTEE.....	FRANKLIN COUNTY

QUESTION 1: PROPOSED AMENDMENT TO THE CONSTITUTION

Do you approve of the adoption of an amendment to the constitution summarized below, which was approved by the General Court in joint sessions of the two houses on June 12, 2019 (yeas 147 – nays 48); and again on June 9, 2021 (yeas 159 – nays 41)?

SUMMARY

This proposed constitutional amendment would establish an additional 4% state income tax on that portion of annual taxable income in excess of \$1 million. This income level would be adjusted annually, by the same method used for federal income-tax brackets, to reflect increases in the cost of living. Revenues from this tax would be used, subject to appropriation by the state Legislature, for public education, public colleges and universities; and for the repair and maintenance of roads, bridges, and

public transportation. The proposed amendment would apply to tax years beginning on or after January 1, 2023.

A **YES VOTE** would amend the state Constitution to impose an additional 4% tax on that portion of incomes over one million dollars to be used, subject to appropriation by the state Legislature, on education and transportation.

A **NO VOTE** would make no change in the state Constitution relative to income tax.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

SUMMARY

This proposed law would direct the Commissioner of the Massachusetts Division of Insurance to approve or disapprove the rates of dental benefit plans and would require that a dental insurance carrier meet an annual aggregate medical loss ratio for its covered dental benefit plans of 83 percent. The medical loss ratio would measure the amount of premium dollars a dental insurance carrier spends on its members' dental expenses and quality improvements, as opposed to administrative expenses. If a carrier's annual aggregate medical loss ratio is less than 83 percent, the carrier would be required to refund the excess premiums to its covered individuals and groups. The proposed law would allow the Commissioner to waive or adjust the refunds only if it is determined that issuing refunds would result in financial impairment for the carrier.

The proposed law would apply to dental benefit plans regardless of whether they are issued directly by a carrier, through the connector, or through an intermediary. The proposed law would not apply to dental benefit plans issued, delivered, or renewed to a self-insured group or where the carrier is acting as a third-party administrator.

The proposed law would require the carriers offering dental benefit plans to submit information about their current and projected medical loss ratio, administrative expenses, and other financial information to the Commissioner. Each carrier would be required to submit an annual comprehensive financial statement to the Division of Insurance, itemized by market group size and line of business. A carrier that also provides administrative services to one or more self-insured groups would also be required to file an appendix to their annual financial statement with information about its self-insured business. The proposed law would impose a late penalty on a carrier that does not file its annual report on or before April 1.

The Division would be required to make the submitted data public, to issue an annual summary to certain legislative committees, and to exchange the data with the Health Policy Commission. The Commissioner would be required to adopt standards requiring the registration of persons or entities not otherwise licensed or registered by the Commissioner and criteria for the standardized reporting and uniform allocation methodologies among carriers.

The proposed law would allow the Commissioner to approve dental benefit policies for the purpose of being offered to individuals or groups. The Commissioner would be required to adopt regulations to determine eligibility criteria.

The proposed law would require carriers to file group product base rates and any changes to group rating factors that are to be effective on January 1 of each year on or before July 1 of the preceding year. The Commissioner would be required to disapprove any proposed changes to base rates that are excessive, inadequate, or unreasonable in relation to the benefits charged. The Commissioner would also be required to disapprove any change to group rating factors that is discriminatory or not actuarially sound.

The proposed law sets forth criteria that, if met, would require the Commissioner to presumptively disapprove a carrier's rate, including if the aggregate medical loss ratio for all dental benefit plans offered by a carrier is less than 83 percent.

The proposed law would establish procedures to be followed if a proposed rate is presumptively disapproved or if the Commissioner disapproves a rate.

The proposed law would require the Division to hold a hearing if a carrier reports a risk-based capital ratio on a combined entity basis that exceeds 700 percent in its annual report.

The proposed law would require the Commissioner to promulgate regulations consistent with its provisions by October 1, 2023. The proposed law would apply to all dental benefit plans issued, made effective, delivered, or renewed on or after January 1, 2024.

A YES VOTE would regulate dental insurance rates, including by requiring companies to spend at least 83% of premiums on member dental expenses and quality improvements instead of administrative expenses, and by making other changes to dental insurance regulations.

A NO VOTE would make no change in the law relative to the regulations that apply to dental insurance companies.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

SUMMARY

This proposed law would increase the statewide limits on the combined number of licenses for the sale of alcoholic beverages for off-premises consumption (including licenses for “all alcoholic beverages” and for “wines and malt beverages”) that any one retailer could own or control: from 9 to 12 licenses in 2023; to 15 licenses in 2027; and to 18 licenses in 2031.

Beginning in 2023, the proposed law would set a maximum number of “all alcoholic beverages” licenses that any one retailer could own or control at 7 licenses unless a retailer currently holds more than 7 such licenses.

The proposed law would require retailers to conduct the sale of alcoholic beverages for off-premises consumption through face-to-face transactions and would prohibit automated or self-checkout sales of alcoholic beverages by such retailers.

The proposed law would alter the calculation of the fine that the Alcoholic Beverages Control Commission may accept in lieu of suspending any license issued under the State Liquor Control Act. The proposed law would modify the formula for calculating such fee from being based on the gross profits on the sale of alcoholic beverages to being based on the gross profits on all retail sales.

The proposed law would also add out-of-state motor vehicle licenses to the list of the forms of identification that any holder of a license issued under the State Liquor Control Act, or their agent or employee, may choose to reasonably rely on for proof of a person's identity and age.

A YES VOTE would increase the number of licenses a retailer could have for the sale of alcoholic beverages to be consumed off premises, limit the number of “all-alcoholic beverages” licenses that a retailer could acquire, restrict use of self-checkout, and require retailers to accept customers’ out-of-state identification.

A NO VOTE would make no change in the laws governing the retail sale of alcoholic beverages.

QUESTION 4: REFERENDUM ON AN EXISTING LAW

Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on May 26, 2022?

SUMMARY

This law allows Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a standard driver's license or learner's permit if they meet all the other qualifications for a standard license or learner's permit, including a road test and insurance, and provide proof of their identity, date of birth, and residency. The law provides that, when processing an application for such a license or learner's permit or motor vehicle registration, the registrar of motor vehicles may not ask about or create a record of the citizenship or immigration status of the applicant, except as otherwise required by law. This law does not allow people who cannot provide proof of lawful presence in the United States to obtain a REAL ID.

To prove identity and date of birth, the law requires an applicant to present at least two documents, one from each of the following categories: (1) a valid unexpired foreign passport or a valid unexpired Consular Identification document; and (2) a valid unexpired driver's license from any United States state or territory, an original or certified copy of a birth certificate, a valid unexpired foreign national identification card, a valid unexpired foreign driver's license, or a marriage certificate or divorce decree issued by any state or territory of the United States. One of the documents presented by an applicant must include a photograph and one must include a date of birth. Any documents not in English must be accompanied by a certified translation. The registrar may review any documents issued by another country to determine whether they may be used as proof of identity or date of birth.

The law requires that applicants for a driver's license or learner's permit shall attest, under the pains and penalties of perjury, that their license has not been suspended or revoked in any other state, country, or jurisdiction.

The law specifies that information provided by or relating to any applicant or license-holder will not be a public record and shall not be disclosed, except as required by federal law or as authorized by Attorney General regulations, and except for purposes of motor vehicle insurance.

The law directs the registrar of motor vehicles to make regulations regarding the documents required of United States citizens and others who provide proof of lawful presence with their license application.

The law also requires the registrar and the Secretary of the Commonwealth to establish procedures and regulations to ensure that an applicant for a standard driver's license or learner's permit who does not provide proof of lawful presence will not be automatically registered to vote.

The law takes effect on July 1, 2023.

A **YES VOTE** would keep in place the law, which would allow Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a driver's license or permit if they meet the other requirements for doing so.

A **NO VOTE** would repeal this law.

QUESTION 5: THIS QUESTION IS NON-BINDING

Shall the representative from this district be instructed to introduce and vote for legislation that puts a fee on the carbon content of fossil fuels to compensate for their environmental damage and returns most of the proceeds in equitable ways to individuals as a cash-back dividend?

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this _____ day of _____, 2022.
(month)

Richard J. Kuklewicz

Christopher M. Boutwell

Matthew Lord

Selectboard of: Montague

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 seven days before said meeting as within directed.

_____, 2022.
Constable (month and day)