

**MONTAGUE SELECTBOARD MEETING**

**VIA ZOOM**

**Tuesday, November 1, 2022**

**AGENDA**

**Join Zoom Meeting** <https://us02web.zoom.us/j/83377464075>

**Meeting ID:** 833 7746 4075 **Password:** 165801 **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. 6:00 PM Selectboard Chair opens the meeting, including announcing that the meeting is being recorded and roll call taken
2. 6:00 Approve minutes of October 24, 2022 (if available)
3. 6:01 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. 6:03 Walter Ramsey, Assistant Town Administrator and Will Stratford, DPW Foreman  
Emergency sewer line repair at Montague City Road
  - Briefing of situation
  - Consider designation up to \$300,000 of ARPA funds for the purposes of replacing up to 340 feet of failed sewer line along Montague City Road
  - Emergency bidding process
5. 6:20 Review and approve revised language related to the legislative petition for an on premise, section 12, all alcohol license for El Nopalito Restaurant, located at 196 Turners Falls Road, Montague

**OTHER:**

**Next Meeting:** Selectboard, Monday, November 7, 2022 at 6:30 PM via ZOOM



# Office of the Selectboard

## Town of Montague

One Avenue A  
Turners Falls, MA 01376

(413) 863-3200 ext. 110  
FAX: (413) 863-3231

Carol Gladstone, Commissioner  
Division of Capital Asset Management and Maintenance  
One Ashburton Place, 15th Floor  
Boston, MA 02108  
Attn: Office of the General Counsel

October 26, 2022

Emergency Waiver of advertising requirements under M.G.L. c. 149, §44J (6) is hereby granted.  
/s/ Steven Zeller, Esq.  
Deputy General Counsel  
Division of Capital Asset Management & Maintenance

Emergency Waiver No. 4239  
Granted on November 27, 2022  
by Attorney Steven Zeller

Dear Commissioner Gladstone,

On behalf of the Board of Selectmen of the Town of Montague (the Town) I request a waiver of the bid advertising requirements of G.L. c. 149, §44J(6) to allow for the fastest possible resolution of a substantial hazard to people, property, and the environment in the Town of Montague.

### Description of Hazard

On October 25, 2022 the Montague Department of Public Works discovered a collapsed sewer main on Montague City Road near the intersection with Rastallis Street. The inspection was prompted by sewer backup issues in the neighborhood. The town was able to retain the flow of liquids, but solids are continuing to back up, threatening sewer backups into the homes and businesses on the line. Because the failed sewer line is 12 feet deep, the Town does not have the equipment to repair the line and thus must contract for the repair. Because the pipe is clay, it is considered very fragile and must be replaced rather than spot repaired. Additionally, it is impossible for the DPW to inspect the remaining sections of the clay pipe due to the backup and joint connection at the M Street manhole. The Town intends to secure a contractor to replace approximately 340' of clay pipe with 8" SDR 35 pipe between the two affected manholes. The sewer line is located on one of the town's major thoroughfares and serves some of the densest mixed use neighborhoods in the town. The work is located in an environmental justice census tract.

The urgency of the situation can be summarized as follows:

- 1) The need to minimize and prevent additional sewer backups
- 2) Prevent non-compliance with DEP wastewater permits and environmental risks associated with non-compliance
- 3) The need to repave Montague City Road (a main thoroughfare) prior to paving plants closing

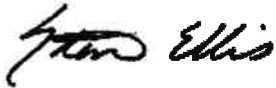
The town is taking every possible action to mitigate the issue through daily (including weekend) inspections and line cleaning. This is a time a resource intensive task for the town.

**Desired Action Step**

The Town of Montague requests that bidding advertisement requirements be waived to allow us to contract as soon as possible with a qualified construction company to undertake emergency repairs.  
The cost of this project is estimated to be \$250,000 - \$300,000.

The Town will solicit bids from at least 3 qualified construction firms and award the contract to the firm able to meet our timetable and offering the lowest price. The awarding authority acknowledges that prevailing wage and bonding requirements will apply to the project.

Please let me know if you need any further information. Thanks for your timely consideration of this request.



Steven Ellis  
Town Administrator

Cc: Rich Kuklewicz, Chairman, Montague Board of Selectmen  
Tom Bergeron, DPW Superintendent



Image of collapse point of clay sewer pipe under Montague City Road 10/25/2022

The Town of Montague is an equal opportunity provider and employer

## **Montague City Road Emergency Sewer Repair**

### **Project Specifications**

The area of work involves replacing the failed clay sewer pipe located between the manhole at Montague City/Rastallis St and Montague City/M Street (approximately 340 feet in length). Line depth is 12 feet.

- Establish emergency sewer bypass
- Sawcut pavement, remove+ store granite curbing, remove and replace catch basin frames (2) as needed, trench to remove failed clay pipe
- Install new 8" SDR 35 to replace the failed line
- Tie in existing services (2)
- Backfill with removed material, re-set granite curb, re-pave (Town will loam and seed tree belt)

### **Contractor Requirements**

- All work is to be coordinated with the Montague Highway Department
- All work is to be done by a Massachusetts licensed construction firm, certified, and skilled in the work proposed.
- The contractor is responsible for obtaining any permits required to complete this project. Permits issued by the Town will be issued at no cost for this project.
- Contractor must provide OSHA 10 training certifications verifying that employees to be employed at the worksite have completed an approved United States Occupational Safety and Health Administration training in a construction safety and health course. This certification must accompany the certified payroll submittal.
- The prevailing wage requirements of Massachusetts General Laws, Chapter 149, are applicable to this contract. Wage rates, as determined by the Massachusetts Division of Occupational Safety, and are attached. The contractor agrees that the rate per hour and wages paid to employees used in the performance of this project shall not be less than the minimum rates of wages as determined

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Original Language <sup>(5)</sup>

Annual Town Meeting  
May 7, 2022

**ARTICLE 29. MOVED:** That the Town vote to authorize the Selectboard to petition the General Court for one (1) additional on premises all alcoholic beverages license to be exercised and located at 196 Turners Falls Road in the Montague Center 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 Selectboard approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition.

The petition for special legislation shall take the following form:

AN ACT AUTHORIZING THE TOWN OF MONTAGUE TO GRANT ONE ADDITIONAL LIQUOR LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES  
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, the licensing authority of the town of Montague may grant one (1) additional license for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to El Nopalito Restaurant, located at 196 Turners Falls Road, in the town of Montague. The license shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority of the town of Montague shall not approve the transfer of the license granted pursuant to this act to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(c) If the license granted pursuant to this act 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 act.

(d) The license granted pursuant to this act shall be issued not later than 2 years after the effective date of this act; provided however, that if the license is originally granted within that time period, it may be granted to a new applicant pursuant to subsection (b) or (c) anytime thereafter.

SECTION 2. This act shall take effect upon its passage.

Revised Language

**HOUSE . . . . . No. 5252**

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**The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, August 29, 2022.

The committee on Consumer Protection and Professional Licensure to whom was referred the joint petition (accompanied by bill, House, No. 4923) of Natalie M. Blais and Joanne M. Comerford (by vote of the town) that the town of Montague be authorized to grant one additional liquor license for the sale of all alcoholic beverages to be drunk on the premises in said town, reports recommending that the accompanying bill (House, No. 5252) ought to pass [Local Approval Received].

For the committee,

TACKEY CHAN.

**HOUSE . . . . . No. 5252**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act authorizing the town of Montague to grant one additional liquor license for the sale of all alcoholic beverages to be drunk on the premises.

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

1           SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the  
2           licensing authority of the town of Montague may grant an additional license for the sale of all  
3           alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to El  
4           Nopalito Restaurant, located at 196 Turners Falls Road, in the town of Montague. The license  
5           shall be subject to all of said chapter 138 except said section 17.

6           (b) A license granted under this section shall only be exercised in the dining room of a  
7           common victualler and such other public rooms or areas as may be deemed reasonable and  
8           appropriate by the licensing authority as certified in writing.

9           (c) The licensing authority shall not approve the transfer of the license granted pursuant  
10          to this act to any other location, but it may grant the license to a new applicant at the same  
11          location if the applicant files with the licensing authority a letter from the department of revenue  
12          and a letter from the department of unemployment assistance indicating that the license is in



13 good standing with those departments and that all applicable taxes, fees and contributions have  
14 been paid.

15 (d) If a licensee terminates or fails to renew a license granted under this section or any  
16 such license is cancelled, revoked or no longer in use, it shall be returned physically, with all of  
17 the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which  
18 may, within 3 years after such return, then grant the license to a new applicant at the same  
19 location and under the same conditions as specified in this section, otherwise such license shall  
20 dissolve.

21 (e) The license granted under this act shall be issued within 1 year after the effective date  
22 of this act; provided, however, that if the license is originally granted within that time period, it  
23 may be granted to a new applicant under subsections (c) and (d) thereafter.

24 SECTION 2. This act shall take effect upon its passage.