

**SELECTMEN'S MEETING
Tuesday, September 7, 2010
UPSTAIRS MEETING ROOM**

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

Get well message for David Jensen to recover from his injuries

Approve minutes of August 30, 2010

Minutes of August 30, 2010 not available at this time

Boutwell recuses himself from the meeting

Jessica Gershman, Rt. 63 Roadhouse, Sign Corrected Form 43, Pledge of License

Fairbrother makes the motion to transfer the Annual Restaurant All Alcohol Liquor License of C&JDCH, Inc. d/b/a Rt. 63 Roadhouse to J. R. Saloon, LLC d/b/a Rt. 63 Roadhouse, 32 Federal Street, Jessica L Gershman, Manager; this transaction is a transfer of license and pledge of license. Seconded by Allen, approved unanimously. Fairbrother – Aye, Allen - Aye

Melissa Winters, Jay K's Liquors, Sign Corrected Form 43, Pledge of License

Fairbrother makes the motion to approve the transfer of the All Alcohol Package Store Liquor License of Jay K's Liquors, Inc. to Purple Meadow Ventures, Inc. d/b/a Jay K's at 59 Avenue A, Melissa Winters as Manager; this transaction is a transfer of license, pledge of license and a pledge of stock. Seconded by Allen, approved unanimously. Fairbrother – Aye, Allen - Aye

Sign MOU for Household Hazardous Waste Collection with FCSWMD

Fairbrother makes the motion to approve the MOU between the Town of Montague and the FCSWMD dated September 7, 2010 for a joint regional household hazardous waste collection event on Saturday, September 25, 2010 with terms and conditions as spelled out in the memorandum. Seconded by Allen, approved unanimously. Fairbrother – Aye, Allen - Aye

Soap Box Derby, 1 Day Liquor License (permit to be taken out by the Rendezvous)

The Rendezvous will co-sponsor the event with Narragansett Beers from Rhode Island and will be selling burgers. The beer will be sold in a roped off area.

Fairbrother makes the motion to grant a one day liquor license to Rocket Science, LLC dba as the Rendezvous at 78 Third Street, Turners Falls, MA for the operation of a beer tent at Unity Park on September 19, 2010 as part of the Montague Soap Box Derby Event, the application has been signed by the Montague by the Montague Police Chief and a Certificate of Insurance has been provided. The fee will be waived. Seconded by Allen, approved unanimously. Fairbrother – Aye, Allen – Aye (Chris Janke came in and paid for this permit as the money from beer sales were not being donated to MCTV)

Boutwell joins the meeting 7:12 PM

Airport Commission, Sign Memorandum of Understanding: Turners Falls Airport Ceremonial Sites

MOU Turners Falls Municipal Airport Ceremonial Sites: Preservation, Protection, Tribal Access and Maintenance

Golrick: This is between the Town, the Airport, FAA and the Tribes that is directed to preserve and protect tribal access and tribal sites at the airport. Explanation given on the MOU. Sites wanted to be protected are mostly in flight path, Had Town attorney review document, protects town. This document commits the Airport to bring forward a warrant article to the BOS to put on the Annual Town Meeting. We recognize there are 5 sites that are important to tribes and with this document we believe our current project will get underway and be completed before the end of the calendar year.

Fairbrother: Doesn't feel we should do it, certainly not required to do it, thinks FAA should step up and finish this project forthwith, they have always had the authority to do so and that is what they should do, this document notwithstanding.

Golrick worried that at the end of the day, we will be looking at an airport that will be closed, but we can't because you have commitments to keep it open, but we can't fund it because the FAA is funding this project, if the project doesn't get completed it makes a real quagmire of a lot of things. This document is a goal of the Airport Commission to move forward with this in order to keep the airport open, get the project done and keep moving forward.

Allen felt this did make us more subordinate to FAA and tribes and the Federal Government. She can understand Marks view point as to why FAA isn't just stepping forward, or why does it feel as though people are coming in at the last minute,

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when they don't need to that. Agrees with Airport Commission and feels we need to move along. We've had our issues, not our fault that there have been problems and delays. Suspect's tribes will have changes since they have not seen this yet. Frank talked with counsel today and feels we should move forward with this and be prepared to discuss this.

Discussion about signing the document

Golrick: We can't give up anything without town meeting approval. The grammatical changes I've seen don't significantly influence the document. Will have a procedure in place not to give up any rights. The access procedure is the same procedure we have had verbally for the 4 – 5 years, it is just put on paper.

Boutwell asks if the MOU doesn't pass could the Town be required to pay back money that FAA has given them in years gone by? Answer is Yes and it is roughly \$14 million dollars

Fairbrother asks how we get from not signing MOU tonight to airport getting closed.

Golrick. First thing that needs to happen is FAA would have to tell us we're in breach of our grant assurances by probably filing paperwork. If the project stops because we didn't have this, then I expect that we would be served a series of paperwork from several parties, our tenants as well as the contractor as well as the FAA. The FAA's claim and Mass Aeronautics Division would be we failed to keep up our end of the grant assurances, because we guaranteed to keep the airport operational for the 20 years from the term of receiving the money.

Fairbrother: I think there is some scare being put on the Town here. How do we get from not accepting this document to the FAA closing the Airport or declaring us in breach and the project not going forward.

Allen: We have to be careful because if we start talking about legal issues, we have to go into executive session.

Fairbrother: We've already been advised by our own counsel that we are not legally required to do anything like this.

Golrick: That is correct, there is no Federal or State mandate that requires these documents to be signed. It is my understanding and expectation that this will expedite the process of getting the project closed and completed properly because the tribes are looking for some assurances that we are desirous of preservation and protection of the sites, and this is the document that does that to the extent that we can. It is still tenuous at best because this document is asking them to proceed on the expectation that we will carry out what we said we would and bring forward an article to town meeting.

Allen: Apropos this document, our counsel also said that it is okay to sign it even though they are saying we don't have to legally do it. He feels this protects us, the Airport Commission and the Town.

Further discussion

Fairbrother encourages everyone to read the letter from the Secretary of the Interior to the Keeper regarding Cape Wind, it is interesting reading.

Fairbrother makes the motion to approve the Memorandum of Understanding approved by the Turners Falls Municipal Airport Commission on August 25, 2010 entitled "Turners Falls Municipal Airport Ceremonial Sites: Preservation, Protection, Tribal Access and Maintenance and authorize the chair to sign. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Allen – Aye, Fairbrother – Aye

Do not need an executive session tonight.

Fairbrother makes the motion to adjourn the meeting at 7:48 pm. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Allen - Aye