

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, July 16, 2012**

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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; Administrative Secretary, Wendy Bogusz; Chris Curtis, Recorder

Boutwell announces meeting is being taped

- Minutes of June 18 and July 2, 2012 not available not available at this time.

Susan Conger, Montague Energy Committee, votes may be taken, Solarize Montague Program Updates

Conger: Tuesday, July 24 at 7:00 PM at the Turners Falls High School will be Solar 201 meeting, people will be able to hear from the installer, get pricing. Over 115 people have signed up to have assessments. September 30, 2012 is the deadline

Lisa Adams, Request to permanently close Greenfield Crossroad in Montague

Adams: Originally I went to the town requesting ownership between the jersey barriers be turned over to us. We recently bought the 16 Hatchery Road property on Hatchery Road and on one property line there is a set of jersey barriers and at the other property line there is a set of jersey barriers that are a portion of a bigger road which is the Greenfield Cross Road. What I basically got for an answer is it wasn't in the best interest of the Town to do so, but I wasn't given an answer. In talking to all the offices, I realized this road was closed down illegally in a couple of different ways. (examples given of what she was told from other agencies) Road is either open or closed. Originally came and asked for ownership of the road because we were having problems with hunters driving around jersey barriers over the property, parking trucks, hunting, we've had bicyclists who drive across the property to get to the road. Had problems with people with walking their dogs, allowing their dogs to run freely and go the bathroom on the farm. According to the minutes where this was closed it was stated proper signage would go up and signage didn't go up according to the minutes, let alone to FRCOG rules and regulations. Ultimately this road should have gone to Town Meeting, there is only one reason to close a road like that and that is if the Selectboard decides that no one is using the road, if they don't want to waste the money in maintaining it, but according to FRCOG rules or guidelines, is the only way a Selectboard can shut down a road, otherwise it has to go to Town Meeting. Before there can be a discussion about whether ownership can be turned over, the road has to be properly closed according to town meeting first.

Fairbrother: If I remember correctly, there was concern about the corner

Allen: Actually the concern was the safety, a little kid went running out into it, and Sam Lovejoy thought a car could have hit the kid.

Adams: I'm not arguing the safety over there, there are definitely safety issues, but my feeling also is the Town can't have it two ways. You can't call it a safety issue and then not put a speed limit sign on Hatchery Road that we've requested since March. We cut down 6 large trees from our property soon after we bought it and stacked it behind the jersey barrier thinking it would be fine to dry there for a while. We were made to move our wood from the road, but the Town is not maintaining it and I don't want to be held liable for anyone getting hurt on that road, then have the Town say it was our debris that was left on it when they are not maintaining it as well.

Abbondanzio: There are a lot of different issues at play here. One deals with the closing of the road. A road can be closed for public safety and we have done that on a number of occasions, this is provided for under section 24, Chapter 84. We also have the ability to lay out a way for special purposes, so if we were going to do anything with it, there are other uses it is being used for now, including pedestrian walk or bike path, that is one thing you would want to consider and that is under Chapter 82 sections 32 – 38. You would want to take into consideration the alternatives if the Town continued to own it, how could we use it other than as a closed road. If you were going to just outright discontinue it and abandon it, you have to go to Town Meeting, it has to go to the Planning Board for a recommendation, if that Happened, the owner of the land on either side would be given ownership right up to the center of the road. There are some issues, I know Tom has raised dealing with the sewer line that runs under that road, and there is a certain amount of space on either sign of that line that you would want to have as an easement to

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be able to move around with equipment and whatever else to get at that line. The first step is the Selectmen recommend discontinuance to the Planning Board for a non binding recommendation and report, then that would go to Town Meeting.

Fairbrother: My guess is that sometime in the next 10 years when Hatchery Road is rebuilt by the State, my guess would be they are going to use that road; that road will become Hatchery Road for a time while construction goes on.

Discussion about plans for road work and specifics about area in question, signage

Fairbrother: Talking about Hatchery Road, I don't see why we shouldn't pursue putting out another speed limit sign on the other end. When it comes to the Crossroad, I think a pretty good case has been made here tonight that the Town's lives would be a lot easier if we just voted to reopen the road. I'm not voting to close it.

Bergeron: One of the things you need to realize is if they close the road and you supposedly own it, then you are going to be responsible to remove any black top. If you have crops growing there and we have a sewer issue, depending on what we come up with in the Planning Board, it usually is a 20' right of way of the sewer line in case something breaks.

Adams: You would do that anyways regardless if we owned the road, we would have to do that, it would still have to be done regardless if we had crops there or not, regardless if we owned the road, so we understand that. We bought the farm knowing there was a sewer line close to the field, regardless of who owns the road it doesn't make what you have to do any less important.

Brief discussion about reopening the road

Fairbrother makes the motion to send the issue of open or closure of Greenfield Road to the Planning Board for review. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Fairbrother makes the motion to forward the Board's recommendation to the Planning Board with the issue of the road that we do not discontinue and abandon the road as it is a bad idea on the Towns part as it will be back in use shortly, concern of the sewer issues under the current road, timing concern of the new construction of Hatchery Road, and would limit your options. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

The Board of Selectmen are asking that the portable radar sign be put on Hatchery Road in the near future.

Kathryn Swanson, Approve Registration for Assembly, Public Demonstration or Use of Public Property: River of Lights Lantern Parade on August 11, 2012 and authorize Chair to sign document

Swanson: Grand finale of Block Party, having workshops leading up to event for people to make lanterns. Will launch a few lanterns in the field at Unity Park. We will have a police escort this year

Fairbrother makes the motion that the Board issue a permit for assembly and use of public property to Kathryn Greenwood-Swanson on behalf of River Culture for the Turners Falls Lantern Parade on August 11, 2012. The time will be from 8:00 PM to 9:00 PM; the location will be Fifth Street to the bike path then Unity Park. Fees are waived and police chief signed off; Authorize Chair to sign the permit. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Lahri Bond, Artist and Lisa Davol, RiverCulture

Approve Registration for Assembly, Public Demonstration or Use of Public Property: Turners Falls RiverCultures's Creative Crosswalk across Avenue A at Third Street and authorize Chair to sign document

Davol: We decided to do an artistic cross walk project, so we had artist submit their designs then people had the opportunity to buy a ticket to feast for the arts which gave them the opportunity to review all the designs, choose a design, then the ticket price goes to fund the work. We received 16 submissions, all really amazing, from people that never even thought they would enter an art contest. I will be putting all of the submissions up on our website. There

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is a lot of leftover paint that can't be used in the DPW sprayer, so we will creatively reuse it instead of it going to waste.

Bond: I've already created a stencil for the film strips. Explanation given on how he will be painting the crosswalk. It will take a day for the background color, a day for the film strip and 2 – 3 days for the fish themselves. Would like to start the first week of August. Will strive for it to be done by August 11th. I'm open to retouching it as needed.

Allen makes the motion to approve the use of public property for Lahri Bond for the Turners Falls RiverCulture event, creative crosswalk so that he can do his painting on the crosswalk at Avenue A and Third Street and the exact time will be determined within the first two weeks of August, this would be covered under the Towns liability; contingent upon the Police Chief Signing off on this, and authorize the Chair to sign off on the document. Seconded by Fairbrother, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Chris Williams, Acting Police Chief, Request to Hire Dispatcher

Fairbrother makes the motion to appoint Kyle Walker as permanent dispatcher for Montague Police Department effective July 22, 2012, 37.69 hours per week through TOMEA union, Grade 2, step 1 \$13.50/per hour and authorize the Chair to sign. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Town Administrators Report, Votes may be taken

To approve 2012 State Primary Warrant as set forth in the attached document

Fairbrother makes the motion to approve the warrant for the 2012 State Primary as follows: SENATOR IN CONGRESS, FOR THIS COMMONWEALTH; REPRESENTATIVE IN CONGRESS, SECOND DISTRICT; COUNCILLOR, EIGHTH DISTRICT; SENATOR IN GENERAL COURT, HAMPSHIRE, FRANKLIN & WORCESTER DISTRICT; REPRESENTATIVE IN GENERAL COURT; FIRST FRANKLIN DISTRICT; REGISTER OF DEEDS, FRANKLIN DISTRICT; CLERK OF COURTS, FRANKLIN COUNTY Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

To approve Associate Member to Zoning Board of Appeals, Richard R. Ruth

Fairbrother makes the motion to approve Richard R. Ruth as Associate Member to the Zoning Board of Appeals until June 30, 2013. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Request for Letter of Support for MassWorks application, construction of Olive Street Parking Garage

Fairbrother makes the motion to authorize the Chair to sign the letter of support for MassWorks application for the construction of the Olive Street Parking Garage. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Montague Police Chief Dept. Examination for Announcement #5605

Abbondanzio: Feel this could be on part of Civil Service and the way tests were graded. We have not received results directly, but three candidates who took the exam from the Montague police Department received notification that they did not receive a high enough score to move on to next step which is the Regional Assessment Center and the process has ended. We do not have a candidate who can participate in the Regional Assessment Center. The test had some idiosyncrasies that may suggest the way they were graded was conducive to error. The candidates in general, at least two of them, had taken it before were familiar with the test and very confident in their performance on the test and were very surprised by the results of the markings. It came at the initiative of the candidates that the Selectboard try to look into this. We have called Civil Service and they are not willing to give us any idea what the scores are of the candidates. They did state they were in the process of switching over computer systems and graded the test manually also to be sure.

Allen feels comfortable with candidates to move forward with the Assessment Center, will need funding and possible funding is a special town meeting

Fairbrother asks Frank to develop an RFP for this.

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Frank to check with Greenfield as to what they are doing

Thank you from “Parrot Heads for a Cure” Relay for Life Team

Allen reads thank you note into the record

Other:

Allen makes the motion to accept the DOER Green Communities Division Competitivegrant of \$72,062 to fund energy efficiency measures at the Water Pollution Control Facility and authorize the Chair to sign in the appropriate places (\$14,062 for the improvement of the building envelope, and \$58,000 for installation of the return activated sludge variable frequency drive and motor at no cost to the Town). Seconded by Fairbrother, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Fairbrother makes the motion to go into Executive Session at 8:12 PM under G.L. c. 30A, §21(a)(1) to discuss charges brought against an employee, votes may be taken. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye Fairbrother – Aye.

Fairbrother makes the motion to adjourn the meeting 8:39 PM. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye Fairbrother – Aye.