

**SELECTMEN'S MEETING MINUTES  
UPSTAIRS MEETING ROOM  
1 AVENUE A, TURNERS FALLS, MA  
WEDNESDAY, NOVEMBER 5, 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 (absent); Town Administrator, Frank Abbondanzio; Administrative Secretary, Wendy Bogusz; Chris Curtis, Recorder, David Detmold, Montague Reporter*

**Approve minutes of September 24, October 1, 15, 22, 2012**

*Fairbrother makes the motion to approve the minutes of September 24, 2012, seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye*

*Fairbrother makes the motion to approve the minutes of October 1, 2012, seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye*

*Fairbrother makes the motion to approve the minutes of October 15, 2012, seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye*

*Fairbrother makes the motion to approve the minutes of October 22, 2012, seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye*

**FY2013Tax Classification Hearing**

*Fairbrother makes the motion to adopt a residential factor of .888460. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell - Aye*

*Fairbrother makes the motion to adopt an open space discount, seconded by Boutwell, NOT approved. Boutwell – Nay, Fairbrother - Nay*

*Fairbrother makes the motion to adopt a residential exemption, seconded by Boutwell, NOT approved. Boutwell – Nay, Fairbrother - Nay*

*Fairbrother makes the motion to adopt a small commercial exemption, seconded by Boutwell. NOT approved. Boutwell – Nay, Fairbrother - Nay*

**Event Application for use of Montague Center Town Common: Annual Sawmill River 10K Run**

*Fairbrother makes the motion to approve the request to issue a permit to use the Montague Center Town Common to John Dobosz, Director of Parks & Recreation for Tuesday, January 1, 2013 from 7:00 AM to 2:00 PM, set up and break down included for the annual Sawmill River 10K Run, police chief has signed off on the event. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye*

Jon Dobosz will be back with a permit to use public property

**Pole Location Public Hearing, Gary Davol, G4S**

**4 new poles will be placed on the north and south side of Millers Falls Rd. from Lake Pleasant Access Rd to Aviation Way to facilitate the MassBroadband 123 Project, bringing internet to Western Massachusetts**

Davol: We are looking for permission to place 4 new poles 1 on the north side, 3 on the south side of Millers Falls Road. We are trying to link the pole lines together there to facilitate the MBI broadband fiber optic cable to come through in town. They would be 40 class 5 poles, 40'.

Mickey Longo: The Airport Commission was notified and personally has no issues. I'm not sure if CFR77 requires anything within a certain distance of the airport runway on a 3200' runway has to have form 7460-1 be filed with the FAA and I don't know if that was done and if it wasn't done, I brought all the stuff for you.

Davol: Not sure if it was sent in or not, but will look into it.

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*Fairbrother makes the motion to approve the placement of 4 new poles along the north and south side of Millers Falls Road from Lake Pleasant access to Aviation Way to MBI with the understanding that potential FAA regulations will be applied to before work is started. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye*

**Peter Vichi, 11 Taylor Hill Road, votes may be taken  
General Concerns**

Vichi shows Board pictures of area he is talking about

There were pictures shown of a storm drain that he had concerns about previously, but it has since been cleaned out

Vichi: Bought house in 2004 and had no issues driving onto the land. At that time the Building Department said we needed to put a culvert in as part of our permit. I didn't argue it at the time, but don't see how it will work. I was looking to see if we could reach another kind of solution that wouldn't involve a culvert but maybe crushed stone or something. The water doesn't go to that part of the land, the culvert seems like an overkill. I wanted to ask if the town would address the tar crumbling on the mailbox side.

Bergeron: We can take care of that sometime next week.

Vichi: Contacted excavator Larry LeClaire, and if you insist on a culvert I'll work towards getting a culvert in. I was hoping I would still be able to maintain off street parking.

Bergeron: The culvert will be under your driveway. The whole reason I required a culvert at that time, 2004 is because that ditch has been there, and that does collect quite a bit of water coming down between the now existing inlet to his driveway. I can talk with Larry LeClaire of L & F and see if he agrees or disagrees with the culvert or even the size, but something needs to be put in there to prevent the washout. The apron needs to be paved to prevent the breaking up of our roads. The ditch is not being filled in, it has been there all this time. Filling it in causes other issues. Historically there has been a ditch there. Maybe a 12" culvert will work. I will set something up with Larry LeClaire tomorrow.

Fairbrother: You have a building permit which requires a culvert and paving. After the last meeting we gave you a deadline of November 15<sup>th</sup>. It seems we can probably arrive at an amicable solution to make everyone reasonably happy. I would suggest you have an onsite with Mr. LeClaire or his representatives and see if something can't be worked out that complies with regulations and addresses some of their concerns, then comeback. Lets put a hold on the deadline, but not permanently. Tom will report back to Frank

**Matt Lego**

**Request Band Shell in Peskeompskut Park be named in memory of his father, Fred Lego**

Lego after our last meeting came up with another idea for my Dad. Instead of renaming the street and deal with all the hassles, I was wondering if we could name the band shell at Peskeompskut after my dad?

Fairbrother would be willing to rename Sandy Lane in memory of his father, but not the band shell.

Boutwell says the votes are not there at this point and asks if Matt wants to withdraw his request.

Lego to put more thought into this

**Personnel Board, votes may be taken**

**111F Status of Richard Suchaneck**

*Fairbrother makes the motion to continue the 111F status of Richard Suchaneck until November 13, 2012. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye*

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**Frank Abbondanzio, Town Administrator**

**Update on 1 Day Liquor Licenses**

Abbondanzio: Last week you asked to check with Town Counsel to see whether there was any exception that would be made under the conflict of interest law and your ability to vote on the one day licenses because they typically don't buy liquor from you for the one day licenses because it is usually beer that is served at those events. I talked with Greg Corbo about it and apparently there is a statement that you can read as long as you are told ahead of time that the establishment won't be buying liquor from you, it will be serving beer and not all alcohol. If you read the statement in the e-mail that I provided a copy of each time and file the statement with the Town Clerk you are able to vote and not be in a conflict of interest under Chapter 268A. The statement is pretty straight forward, because you typically would recuse yourself from all alcohol where your vendor does provide liquor to that establishment, you wouldn't be able to vote and you understand that, but this is an unusual circumstance where you would not be providing it and therefore would not be in conflict of interest. Each time someone comes in with a one day, prior to that one day license being voted upon, we need to find out from that person if they are going to be buying all alcohol and your employer will not be providing alcohol to that one day license. In that case you read the statement and file it with the Town Clerk.

**The Rendezvous, Suzees Third Street Laundry, Fashion Show**

Boutwell makes the declaration that:

I am an elected member of the Board of Selectmen. In that capacity, I have occasion to act on applications for special one-day liquor licenses. I am employed by United Liquors, a wholesale distributor of alcoholic beverages. Although my employer provides alcoholic beverages to annual liquor license holders in Town, it does not provide alcoholic beverages to holders of special one-day liquor licenses and I do not have any direct financial interest in the issuance of such licenses. Currently pending before the Board is an application for a special one-day liquor license to be used in conjunction with an event held at Suzee's Laundry, 84 Third Street, Turners Falls on December 1, 2012. My employer does not intend to provide alcoholic beverages in conjunction with said license, if issued.

This statement is to assure all members of the public that any and all decisions, approvals, or denials, that I might render concerning special one-day liquor licenses, or any other action that I may take in my capacity as a member of the Board of Selectmen with regard thereto, will be in accord with all applicable state and local laws and regulations, and will be based upon the relevant facts, the merits of the application, and the best interests of the Town.

*Fairbrother makes the motion to approve a special one day license to Mark Wisnewski of the Rendezvous on December 1, 2012 for a beer only event at Suzees Laundry for a fashion show. The police chief has signed off on the event and we have received certificate of insurance. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye*

**Pumpkinfest – One day liquor license**

I am an elected member of the Board of Selectmen. In that capacity, I have occasion to act on applications for special one-day liquor licenses. I am employed by United Liquors, a wholesale distributor of alcoholic beverages. Although my employer provides alcoholic beverages to annual liquor license holders in Town, it does not provide alcoholic beverages to holders of special one-day liquor licenses and I do not have any direct financial interest in the issuance of such licenses. Currently pending before the Board is an application for a special one-day liquor license to be used in conjunction with an event held at Peskeompskut Park, Pumpkinfest, Avenue A Turners Falls on October 19, 2013. My employer does not intend to provide alcoholic beverages in conjunction with said license, if issued.

This statement is to assure all members of the public that any and all decisions, approvals, or denials, that I might render concerning special one-day liquor licenses, or any other action that I may take in my capacity as a member of the Board of Selectmen with regard thereto, will be in accord with all applicable state and local laws and regulations, and will be based upon the relevant facts, the merits of the application, and the best interests of the Town.

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*Fairbrother makes the motion to issue a special one day license beer only to Michael Nelson doing business as Franklin County Pumpkinfest for October 19, 2013, has been signed off by the Police Chief and pending receipt of the insurance certificate . Fee is not waived. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye*

**Disclosure of Appearance of Conflict of Interest as Required by G.L. c.268A, §23(b)(3) – John Reynolds**  
Reynolds will be having the installation of solar on his roof installed

*Fairbrother makes the motion that the Board acknowledge and accept the Disclosure of Appearance of Conflict of Interest as Required by G.L. c.268A, §23(b)(3) on behalf of John Reynolds regarding the installation of solar systems on his property. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye.*

**BadgeQuest Police Chief Assessment Center Results and next steps**

Abbondanzio: As you know we had the Assessment Center performed on October 5, 2012. There were 2 candidates being assessed. They did 6 exercises and based on all of the exercises the results were scored by Civil Service and each of the candidates were given a bottom line score and rank ordering; Charles E. Dodge was first and Christopher M. Lapointe second. At this point, you can interview the candidates but you don't have to under civil service and base your decision on the scores.

The Board feels if we are going to be hiring a new police chief then we should conduct interviews. Frank will arrange a meeting and get back to the Board.

*Fairbrother makes the motion to adjourn the meeting at 8:15 PM. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye*