

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, NOVEMBER 26, 2012**

#35

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,

Minutes of October 31, and November 5, and 19, 2012 not available at this time

Public Hearing, FY2013 Community Development Block Grant Program

Abbondanzio: The purpose of this meeting will be to discuss and solicit public response to the Housing Rehab and public facilities activities for the FY2013 CDBG Application to Department of Housing and Community Development. Local citizens are requested to attend and discuss the activities which the Town is applying for in the application. Legal notice is read into the record: The Town of Montague will hold a public hearing on November 26, 2012 at 7:01 p.m. in the Selectmen's Meeting Room at the Montague Town Hall, 1 Avenue A, Turners Falls, MA to solicit public response to the Town's submission of an FY 2013 Massachusetts Community Development Block Grant (CDBG) application to the Department of Housing and Community Development. The snow date for the public hearing is December 3, 2012 at 7:01 pm at the same location.

The purpose of this meeting will be to discuss the contents of the application which will be submitted to include 6 activities: a housing rehabilitation program in the Millers Falls target area (TA3), 2 slum and blight studies (Millers Falls commercial area and the Turners Falls Historic-Industrial District), a senior center feasibility study, and 2 social service programs (Meals on Wheels program provide by the Franklin County Home Care Corporation (FCHCC) and child care for the ESOL program offered by Montague Catholic Social Ministries (MCSM). The Town of Montague will contract with Franklin County Regional Housing & Redevelopment Authority (HRA) to administer the CDBG Program. The Town encourages residents to attend the meeting where any person or organization wishing to be heard will be afforded the opportunity. HRA will be available to discuss the application and update the status of the Town's FY 2011 and FY 2012 CDBG programs. Town of Montague Planning Department, HRA, FCHCC and MCSM will be available to discuss the FY 2013 CDBG application's activities. The Town of Montague is an Equal Opportunity Provider.

Bruce Hunter, Gives updates:

FY 2011 CDBG PROGRAM STATUS- GRANT COMPLETE

Unity Park Phase 1 - \$656,257.72, The project is complete

Housing Rehabilitation -Target Area 1 (Turner Falls & Montague City TA) \$162,494, Goal: 5 units; served 6 units, All units have been processed, inspected and prioritized for HR funds, • 2 units are completed and 3 units are in construction, 1 unit is bid ready; \$80,279.00 of Housing Rehabilitation Revolving Loan Fund was used; Anticipated completion date: December 2012

FY 2012 CDBG PROGRAM STATUS

Unity Park Phase II \$451,000; Contract signed with Berkshire Design Group, Landscape Architect for Bidding and Construction Administration; Public Hearing will be required to revise the Notice of Intent; Bidding to take place in February 2013; Anticipated completion date: September 2013

Housing Rehabilitation -Target Area 1 (Turner Falls & Montague City TA) \$179,000; Goal: 5 units; will serve 6 units; 6 units are in the process of being processed, inspected and prioritized for HR funds; Anticipated completion date: September 2013

FY 2013 CDBG APPLICATION PROCESS

FUNDING SOURCE: Federal funds from HUD, approximately \$14 million available statewide; the National Objective for the activity proposed would be the benefit Low to Moderate residents and eliminate Slum and Blighted conditions; CDBG program is administered by Department of Housing and Community Development.

PROPOSED ACTIVITIES:

This year one of the proposed activities is the Housing Rehabilitation Program (\$179,000) there is a waiting list in Millers Falls with 5 families and we propose to serve all 5.

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Planning Activities

Abbondanzio: We also have a number of Planning Activities totaling \$120,000. Millers Falls Commercial area - Slum and Blight Study, Historic Industrial District - Slum and Blight Study, Slum & Blight inventory is a designation 25% of given area once designation done allows you to get future federal funding for these areas. Millers Falls area is about 22 parcels the downtown and bridge street area, Turners Falls historic industrial area this involves the mills as well as the historic and residential properties on both sides of the canal Designation is good for 10 years and you can apply for grants during this time. Feasibility study of senior center, building is going to need extensive renovations looking down the line any renovation is thought to trigger building to get into handicap accessibility work. There is going to be the need for elder services down the road. Hasn't gotten on capital plan yet

Potter: Senior center is tiny all activities are done in one room, space is inadequate for our needs. Kitchen is spacious, underground and in a stone foundation, extremely difficult to keep clean. Have 1920 seniors in Montague and we also cover Gill. More and more seniors are becoming eligible for low income; there are client interface issues, confidentiality issues. Fit maximum of 28 people for a meal; can fit 40 people for audience style. Parking is on street only

Social Service Programs

Abbondanzio: We also put out a request for proposals asking for Social Service Agencies to submit programs they would like to get Community Block Grant funds for. We have two programs in the application that we are looking at. FCHCC: Meals on Wheels Program; because the program has grown and the cost of delivering the service has increased to about \$8.49 each the amount of revenues they are actually generating is only about \$6.91 per meal so there is a gap of about \$1.58 per meal that the Community Development Block Grant will be used to fill for a total of \$36,604. We also have a program from the Montague Catholic Social Ministries, Families Learning Together; they have asked for \$20,137. Their program is being done in conjunction with the English as a Second Language Program offered by the Center for New Americans. This is early literacy education daycare. We have a total application going in for \$450,000 and we have a project scheduled with an application due in on February 15, 2013.

Meeting opened up for residents comments and concerns:

B. Hunter: The Town of Montague serves 146 elders, people over 60 years old with 23,167 meals in an 18 month period. The funding we will be asking for is approximately 4,312 meals to be additionally served.

Boutwell closes public hearing at 7:25 PM

Personnel Board, Continuation of Lee Laster's FMLA

Fairbrother makes the motion to extend Detective Lee Lasters status under FMLA through December 18, 2012. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Update on Richard Suchaneck's 111F Leave

Fairbrother makes the motion to extend Richard Suchanecks 111F Leave through December 10, 2012. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Sign Civil Service Authorization of Employment Form – Form 14

Fairbrother makes the motion to sign the Authorization of Employment Form 14 informing Civil Service of our selection of Charles Dodge to be the permanent Montague Police Chief. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Charles Dodge, Chief of Police

Set up interviews for 4 Intermittent Reserve Officers

This is the result of a list from Civil Service and we are ready to set up interviews. Fairbrother wants to wait two weeks before interviews are held. Interviews to be scheduled

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Set up interviews for 1 Full Time Permanent Police Officer

Interview to be set up for Thursday, November 29, 2012 at 5:00 PM

Fairbrother moves that the Board authorize the Chair to sign the roster Certification #341 dated November 20, 2012, for one Full Time Police Officer. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Walter Ramsey, Town Planner and Conservation Agent, Authorize Chair to confirm the Town of Montague's Green Community Annual Report for FY2012 as prepared

Ramsey: As part of the Green Communities grant program we do an Annual Report every year and what I'm asking for tonight is to authorize the submission of the Annual Report and to recap what has happened over the last year. There are 5 criteria's the town had to meet to get the designation. We have to demonstrate we are still meeting those criteria. Criteria 1 and 2 are As of Right Zoning for renewables and expediting permitting for renewables. We met the threshold to meet those criteria and we still meet those. #3 is work towards the base line reduction of 20% from the base line year which we used fiscal year 2008 as our baseline. Looking at this year's current data we are actually getting close to the 20%. The numbers are deeper reductions than what is really there. We have incomplete data this year because the Town transferred from paying WMECO bills directly to the Hampshire Council of Governments in the middle of the Fiscal year. More realistically, our base line reduction is in the neighborhood of 15%. We still have one more year to reach the 20%. What we can attribute to some of these reductions in energy is to town halls conversion to natural gas as well as the Parks and Recreation field house to natural gas. The envelope work here at Town Hall and at the Carnegie Library, those have been the major energy efficiency initiatives we've done as far municipal buildings are concerned. Upcoming projects in the in the next year are doing building envelope work at the WWTP as well as a variable frequency drive at the WWTP. The fourth criteria is the fuel efficient vehicle policy; in the last year we bought 1 new non-exempt vehicle, police chief vehicle. The fifth criteria is the adoption of the stretch code, a report of how many projects use the stretch code every year. This year there are 4 projects that used the stretch code, three of them were new residential buildings and one was a new commercial building. In the last year we only had one project using the stretch code. This is more of an indication that building has picked up over the last year.

Fairbrother makes the motion to approve the Green Communities Annual Report as presented and authorize the Chair to sign. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Authorize Chair to execute an application for an endorsement that Planning Board approval under subdivision control law is not required for the division of property owned by Town of Montague identified as 26-34 East Main Street and identified as Assessors Map 29 Lot 116 into six proposed lots subject to the conditions approved under Special Permit recently recorded in Franklin Registry of Deeds, Book 6289, Page 275

J. Golrick: Objection

Joseph Francis: I'm the owner of that property, its 30 East Main Street your talking about, I have here a couple of notices to serve Town Counsel with (he means Selectboard). I want to let you guys know I have a deed, you can look up deed at Franklin County Registry of Deeds, Book 6236 pg. 83 and 84, Joseph Francis, IV and I am the lawful owner of that property and in these documents I have put together some information you guys need to be made aware of that rights are being violated, there has been an unlawful conversion from Private Property to real estate. There has also been an unlawful conversion of a deed to some kind of tax title. I plan on going forward with a title 42 1983 style Federal suit, but I'm giving the Town the opportunity to rebut this information I have. If this isn't rebutted or settled then the people involved are going to have to explain to a federal judge and federal jury of land owners how they are able to convert private property which people have a right to own, possess and protect, not able to violate peoples constitutional rights by converting this private property into real estate and also how they are able to do a conversion of a deed into a tax deed. I am the deed holder and it was filed on August 16th and I also want to state for the record that while the controversy is going on I claim the bond for the Town of Montague until this controversy is settled. Please note my objection for the record for the subdivision of this property

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J. Golrick: I'm going to object also, I'm a town meeting member, the former owner of this property and the present predator. What has happened at the Zoning Board and I believe what has happened at the Planning Board is totally illegal. The Zoning Board voted this knowing full well, they were put on notice too, that the Town does not own this property.

Further comments made

Ramsey: Acting on the advisement of Town Counsel and the process we have been going under; the Zoning Board has heard about the split of land and they have issued a decision that was filed, went through its appeal period, an appeal was not filed and the decision was filed at the Registry of Deeds, the Book and Page is referenced on this final plan. Basically what the ZBA has done is they have looked at the set backs and the zoning issues being created through a division of this one parcel of land into different lots and they resolved those before coming to the Planning Board to actually split the lots. Under subdivision control law you can take a preexisting lot with buildings on it that were created before subdivision control law and divide them in ways that the buildings can each have their own parcel of land and that is what we have here. We have already resolved the zoning issues. The next step in the process is to petition to the Planning Board for an approval not required endorsement. It just means that the full subdivision approval is not required because it meets the zoning requirements. It is a standard A1 Form. The Town of Montague is the owner and submitting an application to the Planning Board to subdivide the property. There are 3 main buildings on the parcel, each one would be getting their own lot. There is a garage parcel that is to be conveyed with one of the 3 buildings through the Towns disposition process which is a request for proposal process. There are two additional building lots to be developed in the future.

Fairbrother makes the motion that the Board authorize the Chair to sign Form A, Application for Determination of Planning Board Jurisdiction and for endorsement the Planning Board approval under subdivision control law is not required for the property recorded in the Franklin County Registry of Deeds, Book 5577, Page 106 or land court certificate of title number 139170 Registered in Franklin District Book, 6057, Page 350 and Town of Montague Assessors Map 29 Lot 116. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Kimberly Morin, Shea Theater, One Day, Beer & Wine License for 12/31/12

Boutwell reads disclosure into the record stating he has no financial interest in this matter

Fairbrother moves to approve the request for a One Day, Beer and Wine License to Kimberly Morin on behalf of the Shea Theater for a New Years Eve event at the Theater on December 31, 2012 from 8:00 PM to 1:00 AM, January 1, 2013, the theater has a TIPPS authorized server and certificate of liability insurance has been provided and the Police Chief has signed off on it. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Morin gives list of upcoming shows

Frank Abbondanzio, Town Administrator, votes may be taken

Request for uniform allowance by Tom Bergeron, DPW Superintendent

Fairbrother makes the motion to grant a \$300 reimbursement per fiscal year payment to Tom Bergeron for uniform purchase. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother - Aye

Update on Battlefield Preservation Program

Nothing to report, still trying to set up next meeting, will probably be meeting in the next week or two

Executive session to be cancelled and rescheduled to next week

Fairbrother makes the motion to adjourn the meeting at 8:05 PM. Seconded by Boutwell, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye