

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, October 21, 2013**

Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons, Mark Fairbrother, Chris Boutwell, Mike Nelson; Town Administrator, Frank Abbondanzio; Administrative Secretary, Wendy Bogusz;

Meeting being Taped

Approve minutes of August 26 and September 16, 23, 30 and October 7 and 15, 2013 if available

Boutwell makes the motion to approve the minutes of September 16, 2013, seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Brian McHugh and MJ Adams, FCRHA,

FY2014 CDBG Informational Meeting; To discuss and solicit public input to the Town of Montague's FY2014 CDBG application

Abbondanzio reads notice into the record and opens the hearing to residents and town departments for their comments, priorities and concerns

Ramsey: I work closely with the Housing Redevelopment Authority and the Community Development Block Grant every year and I have ideas for projects for next years CDBG round. They involve streetscape improvements that were recommended in the recently completed downtown livability plan completed for Turners Falls. In April, the Selectmen asked me to look into the downtown lighting along Avenue A at the request of the Business Association. We looked into the project and it is looking like it is a realistic project to redo lights along Avenue A, there are about 30 posts, it is not feasible to keep existing posts because it is almost double the cost to keep them. We could convert to LED which will save the Town money in the long run through energy savings. The existing posts are damaged due to salt and wiring needs to be repaired. Few benefits will be realized though this project which is increased perception of safety and security at night for residents, employees, and visitors to town. It would support more commercial and cultural activity at night, it would reduce energy use and reduce costs to the taxpayer, reduce amount of maintenance and replacement costs for the lights, and new lighting could enhance the aesthetic of downtown both during day and night. Another smaller project is a bump out plaza park vetted by livability committee and it is about a 1,800 sq. foot pocket park at corner of Avenue A and Third Street. It would help promote pedestrianism, cycling as well as support redevelopment of the block in town that has the most vacant storefronts currently. The plaza would extend the brick sidewalk into Avenue A to provide a place for seating, plantings and a curated public art piece, a gathering space to people watch, eat, perform, have push carts, etc. and the existing planters would be elevated to be seat wall height so they could essentially be seats. There would be a large centrally located bike park in the area to send the message of how alternative transit is valued in Montague. Streetlights would cost between \$200,000 and - \$300,000 and bump out would be between \$50,000 to \$100,000 and would be done in the next fiscal year. Four parking spaces will be lost. The Slum and Blight designation that is being done under this years grant, we won't have the designation achieved in time for next years application, but it is good for 10 years so we will have 10 years to apply for infrastructure improvements around the Strathmore mill area as well as the other mills

Discussion about why it is not possible to use grant to pay for sewer project on Millers Falls Road.

John Hanold comments on the positive of doing the street lights downtown.

MJ Adams: Every year we do a couple of projects and next year we have funding to do four housing rehab projects in the Millers Falls neighborhood, we have a waiting list of people waiting for funding around town. I would like you to consider putting in funding for a housing rehabilitation loan because there is an ongoing need. We have situations where people have urgent/critical needs, code violations or critical repairs that need to be made for them to be able to stay in their homes. We have landlords that are facing having to do lead paint abatement projects, and this is a steady form of resources that have helped them do this. I am requesting that you consider including the Housing Rehabilitation Program in your next FY14 grant application.

Holly Givens: Thanks for moving lighting project up on the list. There is concern for snow removal and trash accumulating with the bump out.

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, October 21, 2013**

Ramsey replies the Town will be responsible for snow removal and rubbish pick up. Nelson would like to see trash recepticals put up on light poles

Meeting will be held in Millers Falls. Meeting closed at 7:27 PM

Sign Authorization to Disburse No. 6, Unity Park Phase Two Improvements Project, \$2,695.00

Nelson makes the motion to authorize the signing of Disbursement No. 6, Invoice #1.2012.107-6 in the amount of \$2695.00 to Berkshire Design Group. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Sign FY12 CDBG Extension Request

Nelson makes the motion to approve the grant extension for grant #CDFI-G-2012-Montague-00670 extended to June 30, 2014. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye.

Registration for Assembly, Public Demonstration, or Use of Public Property: Rag Shag Parade, Avenue A, October 31, 2013, 5:30 PM to 7:00 PM, Insurance policy discussion

Put on by War Memorial Committee in conjunction with the VFW.

Nelson makes the motion to approve the Towns insurance for the Rag Shag Parade to the Soldiers Memorial Committee, October 31, 2013 from 5:30 PM to 7:00 PM. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye.

Walter Ramsey, Town Planner,

Authorize FY14 Green Communities Grant Contract

Nelson makes the motion to authorize the Board to sign the FY14 Green Communities Grant Contract as presented. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Authorize Sale of Land at Airport Industrial park to River Bluff Realty, LLC (Map 17, Lot 13A, 7.8 acres for \$132,000)

Nelson makes the motion to authorize the sale of land at the Airport Industrial Park to River Bluff Realty, LLC, Map 17, Lot 13A, 7.8 acres for \$132,000. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

CDBG Public Info Session: Summary of Proposed Avenue A Streetscape Enhancements

Discussed previously

Frank Abbondanzio, Town Administrator's Report, votes may be taken

Sign United Nations Day Proclamation 2013

Abbondanzio reads proclamation into the record

Boutwell proclaims October 24, 2013 as United Nations Day and authorize Chair to sign the document. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Other

Celebration Ceremony for Sue SanSoucie will be held on October 23, 2013 and an opportunity to meet the new Library Director

Topics not anticipated covered in the 48 hour posting requirement

Discussion and possible vote regarding the revocation of "License to Place a Sign or Object in the Right-of-Way" which was granted to Rodney B. Madison, 102 Avenue A, Turners Falls, MA on September 30, 2013

Discussion and vote whether to ratify the Board of Selectmen's Chairman's decision to revoke the above license immediately, effective October 17, 2013, due to the licensee's failure to comply with a provision of the license to obtain insurance coverage by October 10, 2013. The revocation notice was hand delivered by the Chairman, Mr. Fairbrother to Mr. Madison at 4:45 PM on Thursday, October 17, 2013.

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, October 21, 2013**

Letter to Mr. Madison dated October 17, 2013 read into the record. As of today, October 21, 2013, Mr. Madison remains in non compliance with the revocation order.

Boutwell and Nelson do not have a problem with this, feel they have given Mr. Madison as much leeway as possible and time has gone by and there has not been the same exchange.

Fairbrother: We were looking at having a bunch of wares on the sidewalk even if they were within the prescribed area and having no insurance and having upwards of 10,000 people (Pumpkinfest) milling around in close order without insurance under those circumstances I thought it would have been an ideal opportunity for something to happen.

Nelson: Since the letter was delivered, its clear that action has not been taken as far as removing anything, has he come into Town Hall?

Abbondanzio: He came into Town Hall right after and talked with Mark and me, he was trying to get an extension to raise the revenue to pay for the insurance. Subsequent that, he has been asking if he could meet with the Board to talk about the planter and the display he has on the planter. The Streetscape Committee will hopefully be meeting on Wednesday to deal with that and look at the guidelines.

Nelson remains adamant that the Board should not have any particular decision about the planters are or not utilized until the Streetscape Committee makes their decision. However, in this case, I'm more frustrated with the lack of cooperation from him and I think this is a completely different issue.

Nelson makes the motion to ratify the Chairman's decision to revoke Mr. Madison's license immediately. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

Abbondanzio: I talked with Town Counsel and I was advised of the following legal facts and procedures for the enforcement of the revocation order. What we are dealing with is a violation of Article 4 section 2 of the Towns bylaws which gives the Selectmen the authority to provide licensing for any signs or objects on town property. The enforcement of Article 4 is outlined under section 6, same article. It can be enforced by any police officer or by the Supt. of Streets. First is Non-Criminalization. In 1996 Town Meeting adopted the non criminalization law that allows tickets to be issued for violations of this sort. It is a \$20 fine for each day of violation. Mr. Madison should be immediately notified that he is in non compliant of Article 4 and he is subject to the non criminal disposition law. The Town has been advised to give Mr. Madison until the weekend to comply with the order before we start assessing fines. Mr. Madison would have 21 days to pay the fine or request a hearing in district court. There is also a criminal aspect of this and in this case you need to decide if you are going to approach Town Counsel and initiate action in Superior Court to obtain an order to force Mr. Madison to move the unlicensed objects from the sidewalk. If he doesn't do that to get permission from the court to allow the Town to move the objects at Mr. Madison's expense if he fails to do so. Obviously, we hope he will cooperate. This will be put on next week's agenda

Nelson makes the motion to allow Mr. Madison until midnight on Sunday, October 27, 2013 to remove the items from in front of his store front and the flower bed otherwise known as the planters. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Executive Session, under G.L. c.30A §21 (a)(3); Discussion and possible vote regarding potential and pending litigation for the property located at 30, 34, 34R East Main Street and 33 Bridge Street Millers Falls, Votes may be taken

Nelson makes the motion to enter into executive Session at 8:05 PM, under G.L. c.30A §21 (a)(3); Discussion and possible vote regarding potential and pending litigation for the property located at 30, 34, 34R East Main Street and 33 Bridge Street Millers Falls, Votes may be taken, and will leave executive session only to adjourn. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Boutwell makes the motion to adjourn the meeting at 8:33 PM. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye.