

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, October 20, 2014**

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, Executive Assistant, Wendy Bogusz; Police Chief Chip Dodge; John Reynolds; Catherine Bates; Jeane Golrick; Lisa Adams; Chris Collins; Jody Rattigan; Patricia Pruitt; Town Planner Walter Ramsey; Robert Adams;

Approve minutes of August 11, 25, September 8, 15, 22, 29, October 6, and 14, 2014 if available

One change was made half-way down page 4, changing Mr. Boutwell's vote to an abstention on the item he recused himself from.

Fairbrother makes the motion to approve the minutes of August 11, 2014 with corrections. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Public Comment Period: Any public discussion regarding any agenda item or other matter will be reserved for this time slot. Individuals will be limited to two (2) minutes each and the Board of Selectmen will strictly adhere to time allotted for public comment.

J. Reynolds: Wants this statement reconsidered, thinks there will be a loss of valuable discussion and feels this is not good to have in a small town.

C. Bates: Sent an e-mail to Mr. Abbondanzio on October 8th requesting to be on this week's agenda regarding interactions with local police. She did not receive a response, and is not on the agenda. Mr. Abbondanzio stated that the matter, skateboarding down the 1st Street hill, was referred to the Police Chief. Mr. Abbondanzio did not feel there was room on this week's agenda. Ms. Bates expressed concern that she received no response to her e-mail.

J. Gorlick: Has two items to bring up. Reads quote from Kennedy that is on the Town Clerk's wall. She agrees with Mr. Reynolds that she does not like the new procedure for public comment. Ms. Reynolds feels that limiting the comment period to before and after the discussion and votes erodes public confidence. She has also requested to be put on the agenda, and now has 5 items and would like to be added. Ms. Golrick is requesting to be on an upcoming agenda.

L. Adams: Thinks it is ridiculous to have Baltazar here today since they already screwed up one project and it is against MGL and the bidding that past performance counts. She doesn't know why our Town isn't fighting to stop this. Thinks it is ridiculous and a conflict of interest to have Mr. Obear on two boards of the Town and have him involved in real estate dealings. She has sent 3 formal complaints and a back up letter that still have not been heard.

C. Collins: Asks how Civic Center Commission people were appointed. The town advertised for letters of interest.

Patricia Pruitt

Dry Hill Cemetery

Pruitt: Mr. Fairbrother has done a quite a bit of clean up and beautification up there but he can't do it forever. There are historical figures from the Revolutionary War buried there. The cemetery is still part of our service to our citizens to have this cemetery open and maintained. In 2006 we found out it would be too expensive to put a full fledged road up there. Ms. Pruitt would like to back up to "what can we do to make access possible there?" Ms. Pruitt understands we have land across street from Mr. Senn's property that could be used for a small parking space. We could create a walking path with possible railings to get to the cemetery. It seems the problem is solvable if we have the will to solve it.

Fairbrother: Feeling was DPW would put together estimate for 3 season road or going straight through Senn's property and present the options to the Town.

Ramsey: The town is working on refining both the walking path from Wendell Road up to the cemetery as well as upgrading Cross Road going up and around. The 2008 study had some costs that Mr. Ramsey thinks we can bring down a lot. He is meeting with a firm that does design build for recreational trails next week that will give us an estimate on a walking trail.

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Abbondanzio: A thought was opening up Cross Road to 4 wheel drive vehicles and arranging rides for people.

J. Reynolds feels we should at least keep the cows out of the right of way we paid for.

Dog Complaint Hearing

Jody Rattigan, 41 Coolidge Avenue, Turners Falls

Boutwell calls meeting to order and makes introductions at 7:18 PM

Boutwell reads the hearing notice into the record.

This is a public hearing on a complaint of a dangerous dog pursuant to MGL Chapter 140 Section 157. The hearing is being held because a dog residing in town is a nuisance by reason of vicious disposition. The Selectmen are obligated under the law to investigate the complaint and take any legal action they deem necessary.

This is a follow-up of the October 6, 2014 dog hearing at which Ms. Rattigan committed to effectively take any and all steps necessary to make sure her dog Diamond is kept under control and on her property at all times. On October 7, 2014, Ms. Rattigan was advised in writing that the Selectmen must receive her written course of action by 4:00 PM on October 14, 2014, and that if she failed to comply, or if the dog Diamond was found loose off her property further action would be taken up to and including euthanasia. Ms. Rattigan responded a day late that she had misunderstood the contents of the letter she received, but that she was not allowing Diamond to be outside without a leash.

Boutwell swears Chief Dodge (complainant) and Jody Rattigan (dog owner) into the record.

Ms. Rattigan is aware of the complaint, and received a copy of the complaint and notice of tonight's hearing. The dog currently resides at 41 Coolidge Avenue, and is currently licensed in Montague.

Chief Dodge stated that Ms. Rattigan did not meet her obligation and is asking once again that the dog be euthanized. He served Ms. Rattigan the letter in hand and she could not come out or come to the door, she had to go to the window and asked me to leave it in the door because the dog was going crazy on the inside of the door.

Mr. Boutwell asked Ms. Rattigan what steps she has taken to control her dog. Ms. Rattigan stated that the dog has not had any more vicious incidents, that any time the dog goes out she goes out with her in the back yard, the dog will not be left alone unattended until she secures the larger fence that she told the Board she was going to get. Ms. Rattigan has arranged this with Home Depot and the fence will be put in by the end of next week. Ms. Rattigan explained her confusion over the requirement for a letter by October 14th, that a police officer notified her of the requirement and how she made arrangements for a letter to be brought to the Town Hall within an hour of her realizing the requirement. Ms. Rattigan does not feel that her failure to write a paper within the deadline should be held against her dog, and said that her dog is going to obedience school. Ms. Rattigan said she could bring in 100 people to testify to the good nature of her dog. Mr. Fairbrother responded that he could bring in one with scars. Ms. Rattigan stated that she has, and will continue to, do everything she can to secure the dog. Ms. Rattigan stated that when she received the original letter from Chief Dodge, she did not read it because she thought it was just the minutes of the October 6th meeting.

Chief Dodge stated that at the last meeting, Ms. Rattigan made a comment that her boyfriend was no longer living there, and that the police would not have to come back to her home. Chief Dodge noted that the boyfriend had come back, and Chief Dodge is concerned for his officers if they are called to the home.

Ms. Rattigan feels very strongly that the issues that resulted in the police being called to her home have been resolved. Ms. Rattigan also stated that the issue was not with all uniforms, that it was one particular mailman.

Ms. Adams stated that her understanding was that the dog had to actually get out before it would be put down. Mr. Nelson checked the minutes, and said that the motion read "the Ms. Rattigan will take any and all steps necessary to make sure the dog is under control and on the property at all times. Steps to be taken must be received within eight days in the Selectmen's office, October 14th by 4:00 PM. If the dog gets out at any time it will be held for ten days and then euthanized."

Mr. Nelson stated that if he had received a hand delivered letter after going through a dog hearing, he would have taken the time to read the letter. Ms. Rattigan asked if not reading a letter was worth a dog's life.

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Fairbrother makes the motion that the dog Diamond be taken into custody, held for 10 days for an appeal period, and pending the outcome of any appeal, the dog be euthanized.

Seconded by Nelson, approved by majority. Fairbrother – Aye, Nelson – Aye, Boutwell - Nay

An appeal period allows the respondent 10 days to appeal the decision through the courts. Mr. Boutwell noted that it was the owner that did not follow through with the requirements, that the dog has not gotten out. Ms. Rattigan stated she doesn't feel her dog should be put down because she did not provide a written response within a deadline because the dog hasn't done anything wrong.

Hearing closed at 7:35 PM

**Intent to re-open Greenfield Cross Road to through traffic
Public Comment**

Fairbrother: Greenfield Cross Road was closed illegally by previous selectmen and there is no reason not to reopen it. It shouldn't have been closed in the first place, it needs to be opened. Road was there for decades, then one day the Board of Selectmen decided to close the road. They did not have the authority to do that. All he's saying tonight is let's take down the barricades and open the road.

At the last meeting the board voted to reopen the road by October 31 after having a public hearing tonight.

L Adams: The road was closed for obvious safety reasons. Ms. Adams asked what the down is going to do to resolve the safety issue. It is a safety hazard.

Reynolds: There is a safety hazard at the T where Greenfield Cross Road meets Hatchery Road. Mr. Reynolds asked what's going to be done to make that a safe intersection, and feels the safety issues should be resolved before opening the road

B. Adams: Noted that the previous Selectboard may not have gone through proper techniques to close the road, but asked what negative effects there were on the town from having road closed for 12 years, and what positive effect there would be for reopening the road. Mr. Adams assumes there were valid reasons for closing down the road,

L. Adams: At first the road was closed, but open to residents of the road. Then there was an accident because a driver did not adhere to the new rule and the jersey barriers went up. Clearly if you know it is a safety issue and you open it, you're responsible.

Singleton asked what made the closure illegal. It was illegal because it is not a town road.

Abbondanzio: All I remember is that it was a safety issue.

Nelson: Asked what signage would be added after opening the road. Mr. Bergeron would put up "Stop" signs and "Stop Ahead" signs and stop bars, which are white lines on road, on both ends.

L Adams: According to the FRCOG, the illegality of the closure was that it did not go to town meeting.

Jensen: The road was a heavily traveled commuter road for many years, and he is not aware that there was an unusually high number of accidents.

Nelson: Feels if it was closed illegally, it should be reopened. If the people of the Town want it closed then they should petition the Town to put an article on a town meeting warrant to legally close the road.

One Day Beer & Wine License

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The Berkshire Brewing Company is requesting a Special One-Day License for beer and wine to be served at the Shea Theater on November 8, 2014, 7:00 to 11:00 PM. The Police Chief has signed off on the request. Boutwell recuses himself from this portion of the meeting

Nelson makes the motion to appoint Fairbrother as Chair of the Selectboard for this portion of the meeting. Seconded by Boutwell, approved unanimously. Nelson – Aye, Boutwell – Aye, Fairbrother - Aye

Nelson makes the motion to approve a one day license for the sale of beer and wine to Berkshire Brewing Company on November 8, 2014 for the purpose of a music concert at the Shea Theater with approximately 200 attendees from 7:00 PM to 11:00 PM. The server has TIPS training and will be presenting insurance documentation to the Selectmen's office by the end of this week, and the police chief has signed off on it. Seconded by Fairbrother, approved by majority. Fairbrother – Aye, Nelson – Aye

Kyle Murphy, Baltazar Construction, Inc.

Execute Land Use Agreement for property located on Greenfield Road for staging area for Field Office Trailers, equipment, storage containers, material such as pipe, fittings, etc. until September 16, 2016.

Nelson abstains from this portion of the meeting as he is an abutter on Greenfield Road.

Murphy: This will be our field office for the construction process of the Greenfield Road project.

Ramsey: Noted that if anything is placed on the property within 200 feet of the river, it will need the approval of the Conservation Commission.

Fairbrother moves that the town execute this land use agreement dated October 15, 2014 between the Town and Baltazar Construction for the parcel under discussion located on Greenfield Road Montague for the terms and conditions listed. Seconded by Boutwell, approved by majority. Boutwell – Aye, Fairbrother – Aye, Nelson - abstain

Walter Ramsey, Town Planner

Execute letter to Peggy Sloan, FRCOG Planning Dept. requesting assistance of the FRCOG Brownfields Assistance Program for: 20 Canal Road, Strathmore Mill Complex; 15 Rastallis Street (Potential Highway Garage Expansion Lot) and Turnpike Road Industrial Park (Proposed)

Ramsey: This is a letter requesting that these properties be included in the FRCOG Brownfields Assistance Program.

- The driver behind this request for the mill complex was the discussion of the Strathmore mill complex and the request for staff to get estimates for hazardous materials removal.
- The request for 15 Rastallis Street is just for one parking lot, not the whole parcel. This is a pre-feasibility study for highway garage areas. This is a phase one assessment because the town does not own or control the lot.
- The third site is the site for the proposed industrial park. This will provide assurance to potential lot buyers that the land is safe.

Fairbrother moves that we accept this letter to Peggy Sloan, Director of the FRCOG Planning Department, listing the items that Mr. Ramsey just stated, and authorize our Chair to sign. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Discussion and possible vote to acknowledge and authorize Town Counsel to respond to an open meeting law complaint received on September 17, 2014, executive session (pursuant to G.L. c. 30A, s. 21(a)(1)) and public session expected.

Abbondanzio: This is a new requirement that the Board discuss and vote to acknowledge and authorize Town Counsel to respond to an open meeting law complaint received on September 17, 2014 regarding an Executive Session that was called pursuant to MGL Chapter 30A, Section 21A, subsection 1. This involves a complaint that a vote was made in closed session to have Mr. Abbondanzio write a letter to the Council on Governments to withdraw the petition for the layout of Hatchery Road. As it turns out, a week later Mr. Nelson acknowledged that a vote was

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not taken so there was no violation. This is why the letter was coming from Mr. Abbondanzio rather than a Selectman. What the board will be doing tonight is authorizing Town Counsel to work with Mr. Abbondanzio to work on drafting a response to the Attorney General.

Fairbrother makes the motion to authorize Town Counsel to work with Mr. Abbondanzio to work on drafting a response to the Attorney General. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Town Administrators Report

Registration for Assembly, Public Demonstration, or use of Public Property: Annual Rag Shag Parade, Avenue A, October 31, 2014, 5:30 – 6:30 PM

Nelson makes the motion to approve the Annual Rag Shag Parade, facilitated by the Soldiers Memorial Committee, under the name Albert Cummings, location of assembly is the Aubuchon parking lot, heading down Avenue A to the Discovery Center parking lot, approximately 100 people and 2 vehicles taking place in the event, starting at 5:30 PM, ending approximately 6:30 PM, on Friday, October 31, 2014. Because this is a town event it will be covered under town insurance. Police Chief Dodge has signed off on it with a reminder to call the police station that evening to remind an officer where to go. Seconded by Fairbrother, approved by majority. Boutwell – Abstained, Fairbrother – Aye, Nelson - Aye

Registration for Assembly, Public Demonstration, or use of Public Property: Veteran's Day, Veteran's Park, Avenue A, November 11, 2014, 8:00 AM to 12:30 PM

Boutwell recused himself from this portion of the meeting.

Nelson made the motion to approve the annual Veterans Day events at Veterans Park on Avenue A by the Soldiers Memorial Committee under the name Albert Cummings on Tuesday, November 11, 2014 from 8:00AM to 12:30PM for approximately 150 people to celebrate the Veterans Day holiday. It's under town insurance and the Chief Dodge has signed off on it and noted that the Police Department will be happy to help if it is needed. Seconded by Fairbrother, passed by majority. Boutwell – Abstained, Fairbrother – Aye, Nelson - Aye

Topics not anticipated in the 48 hour posting requirement

There is a change in the schedule for the Shea Theater vision process. The initial visioning forum was to be at the Shea Theater on November 4, 2014 at 7:00PM. Debra J'Anthony suggested that it be held on neutral ground, so it will be held here instead. Ms. D'Anthony also suggested a meeting with the Civic Center Commission be held after the first visioning forum, but before the second. The first meeting with the CCC is scheduled for November 10, 2014, to be held in the downstairs meeting room at 7:00PM. There will be a follow up public forum to include recommendations from the consultant on December 2, 2014 in this room at 7:00PM.

The next regularly scheduled Selectmen's Meeting will be held on **Monday, October 27, 2014** at 7:00 p.m. at the Montague Town Hall, 1 Avenue A, Turners Falls, MA

Robert Obear, Presentation of proposed project, East Main Street, Millers Falls

Obear gives Powerpoint presentation reviewing the timeline of the proposed project.

- The first set will be cleaning up the property, including sidewalk repair.
- Next they will address the EPA citing for oil spillage in the basement of 34 E Main St.
- Demo, roof repair, debris removal
- Drainage issues will be addressed.
- Renovate and occupy 30 and 34 E Main St.
- Next they will address the Powers Block property
- All building renovations will include commercial space on the 1st floor, with office space and/or apartments on the higher levels.
- 30 E Main Street will have a Laundromat that will be owned and operated by Mr. Obear or one of his companies.
- 34 E Main Street will have Obear Construction and Pioneer Valley Redeveloper, LLC offices.

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- The Powers Block property is expected to have a restaurant.
- The plan for the barn building includes gallery space and artists' studios.
- All facades will be improved in accordance with historic compatibility.
- All buildings will be ADA accessible.
- Proposed economic impacts include short term construction jobs totaling 43.5 FTEs and permanent positions equaling 41.5 full-time jobs.
- Financing has been obtained.

Abbondanzio: We're working on a Developers' Agreement and a Real Estate Agreement. Our goal is to expedite the transfer of ownership of this property. It's important to get the preliminary work done in the next few months to cut down on further damage that is happening with the building. There will be a meeting in executive session in the near future to discuss the contents of the Developers' and Real Estate Agreements, and then the actual conveyance of the property will be approved in open session.

*Nelson makes the motion to adjourn the meeting at 8:44 PM. Seconded by Fairbrother, approved unanimously.
Boutwell – Aye, Nelson – Aye, Fairbrother - Aye*