

**SELECTMEN'S MEETING AGENDA
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, April 13, 2015
- Subject to Change –**

Topics may start earlier than specified, unless there is a hearing scheduled

Meeting Being Taped:

Votes May Be Taken:

1. **7:00** Approve minutes of April 6, 2015
2. **7:01** Public Comment Period: Individuals will be limited to two (2) minutes each and the Board of Selectmen will strictly adhere to time allotted for public comment.
3. **7:05** Suzanne LoManto, Turners Falls RiverCulture
 - Execute Contract with FirstLight Power for land usage (Unity Park waterfront and the iron bridge behind the Great Falls Discovery Center)
 - May 16, 2015 River's Song Celebration, 11:00 AM to 10 PM
 - August 1, 2015, Pocumtuck Homelands Festival, 10:00 AM to 8:00 PM
4. **7:15** Kathleen Lynch
 - Request to be appointed to Cable Advisory Committee
 - Disclosure Of Appearance Of Conflict Of Interest As Required By G. L. C. 268a, § 23(B)(3)
 - Disclosure By Non-Elected Municipal Employee Of Financial Interest And Determination By Appointing Authority As Required By G. L. C. 268a, § 19
5. **7:25** Personnel Board
 - Set Salary of temporary Director of Assessing, Douglas McIntosh, Grade 2, Step 1, \$30.18/hour, effective 4/13/15
 - Accept resignation of Carolyn Olsen as IT Administrator effective 4/6/15
6. **7:35** Approve Avenue A Adopt-A-Planter Regulations
7. **8:00** Rodney Madison
 - Application for use of Public Space (Right of Way)
 - Review of Policies and Procedures, Privacy Rules regarding record keeping and cc'ing correspondences between a private citizen and Town Officials
 - Discussion of the status of the Planter Committee as the Committees recommendations presented for the Selectboard and Request to form such a Committee in the absence of one
 - Clarification of any by law stating residents must be responsible for insurance costs, If they choose to maintain a planter
8. **8:30** Open Meeting Law: Discussion and possible vote to acknowledge receipt of open Meeting law complaint on April 1, 2015 and to authorize a response
9. **8:45** Town Administrators Report
 - May 2, 2015 Town Meeting Warrant – Approve and execute draft warrant, attached hereto
 - Topics not anticipated in the 48 hour posting requirements

The next regularly scheduled Selectmen's Meeting will be held on **MONDAY, April 27, 2015** at **7:00** p.m. at the Montague Town Hall, 1 Avenue A, Turners Falls, MA

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**ANNUAL TOWN MEETING
TOWN OF MONTAGUE
COMMONWEALTH OF MASSACHUSETTS
May 2, 2015**

Franklin, ss.

To either of the Constables of the Town of Montague in the County of Franklin:

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Montague qualified to vote in Town affairs to meet in the Turners Falls High School Theater on Saturday, May 2, 2015, at 8:30 A.M and to act on the following articles and any motions which may be presented.

ARTICLE 1. To see if the Town will vote to receive and act upon the reports of the Officers of the Town and to receive the report of any committees and act thereon.

ARTICLE 2. To see if the Town will vote to authorize the Board of Selectmen, or other Town departments with the approval of the Board of Selectmen, to apply for and accept grants from the Federal Government, Commonwealth of Massachusetts, or any other source, and to expend the same for purposes received without further appropriation, or pass any vote or votes in relation thereto. (Board of Selectmen Request)

ARTICLE 3. To see if the Town will vote in accordance with Massachusetts General Law Chapter 44, Section 53E ½, as amended, to reauthorize a revolving fund for the Hazardous Materials Response Planning Committee (a.k.a. the SARA Title III Committee) into which fund will be placed the fees collected from individuals responsible for oil and hazardous material spills, and to further authorize the SARA Title III Committee to expend up to a maximum of \$7,500 for the fiscal year beginning July 1, 2015 from the Revolving Fund for the purpose of cleaning up oil and hazardous material spills, or pass any vote or votes in relation thereto. (Emergency Manager Request)

ARTICLE 4. To see if the Town will vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2015, or pass any vote or votes in relation thereto.

ARTICLE 5. To see if the Town will vote to fix the salaries of all appointed officials as required by law for the fiscal year beginning July 1, 2015, or pass any vote or votes in relation thereto.

ARTICLE 6. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$8,428,454, or any other amount, for the maintenance of the several departments of the Town and for any other necessary changes, or pass any vote or votes in relation thereto.

ARTICLE 7. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$2,244,913, or any other amount, for the purpose of operating the Water Pollution Control Facility and associated pumping stations, or pass any vote or votes in relation thereto. (Water Pollution Control Facility Request)

ARTICLE 8. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$80,350, or any other amount, for the purpose of funding the operations, maintenance, and debt service of the Colle Building, or pass any vote or votes in relation thereto. (Board of Selectmen Request)

ARTICLE 9. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$46,278, or any other amount, for the purpose of operating the Turners Falls Airport, or pass any vote or votes in relation thereto. (Airport Commission Request)

ARTICLE 10. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$760,615, or any other amount, for the purpose of paying the Franklin County Technical School District for Montague's share of the assessment for the yearly operation of the Franklin County Technical School, or pass any vote or votes in relation thereto. (Franklin County Technical School Request)

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ARTICLE 11. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$8,498,343, or any other amount, for the purpose of paying the Gill-Montague Regional School District for Montague's share of the assessment for the yearly operation of the Gill-Montague Regional Schools, or pass any vote or votes in relation thereto. (Gill-Montague Regional School District Request)

ARTICLE 12. To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$385,000, or any other amount, for the purpose of documenting and improving various sewer and storm water lines and drains, including any related costs, or to pass any vote or votes in relation thereto.
(WPCF Request)

ARTICLE 13. To see if the Town will approve the **\$1,116,764.00** borrowing authorized by the **Gill-Montague Regional School District**, for the purpose of paying costs of **GMRSD Window Project at Sheffield Elementary School, 35 Crocker Avenue, Turners Falls, MA 01376 replacing the windows in the auditorium/gymnasium wing**, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of **GMRSD School Building Committee**. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) **seventy six percent (76%)** of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, or pass any vote or votes in relation thereto.
(GMRSD Request)

ARTICLE 14. To see if the Town will approve the \$145,000.00 borrowing authorized by the Gill-Montague Regional School District, for the purpose of paying costs of GMRSD Boiler Burner Project at Sheffield Elementary School, 35 Crocker Avenue, Turners Falls, MA 01376 replacing the boiler and two burners, including the payment of all costs incidental or related thereto, or pass any vote or votes in relation thereto. (GMRSD Request)

ARTICLE 15. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$100,000, or any other amount, for the purpose of purchasing and equipping and making major repairs to DPW vehicles and equipment, including any and all incidental and related costs, or pass any vote or votes in relation thereto.
(Department of Public Works Request)

ARTICLE 16. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$43,325, or any other amount, for the purpose of funding FY 2016 principal and interest payments due on the Six Wheel Dump Truck authorized for lease at the May 5, 2012 Town Meeting, or pass any vote or votes in relation thereto.
(Department of Public Works Request)

ARTICLE 17. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$20,000, or any other amount, for the purpose of repairing the Shea Theater roof, including all costs incidental or related thereto, or pass any vote or votes in relation thereto.
(Board of Selectmen Request)

ARTICLE 18. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$15,000, or any other amount, for the purpose of funding purchases of Police equipment such as firearms and accessories, computers and accessories, police cruiser equipment, department furniture, bullet-proof vests, tasers, radios or any similar items as well as extraordinary repairs to same, or to pass any vote or votes in relation thereto.
(Police Department Request)

ARTICLE 19. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$46,000, or any other amount, for the purpose of funding and supporting the retention and storage of Town records through a storage management system, or to pass any vote or votes in relation thereto.
(Town Clerk Request)

ARTICLE 20. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$32,632, or any other amount, for the purpose of increasing the Town Capital Stabilization Fund, or to pass any vote or votes in relation thereto. (Finance Committee Request)

ARTICLE 21. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$15,000, or any other amount, for the purpose of maintaining the Montague Center School building, or to pass any vote or votes in relation thereto. (Board of Selectmen Request)

ARTICLE 22. To see if the Town will vote to amend Article 1, Section 1 of the by-laws of the Town of Montague (amended 3/12/92) by replacing the words “in some conspicuous place in each of the post offices of the Town and in each of the public libraries of the Town, and the Town office building,” with “on the Town’s website and on the official Town Hall Bulletin Board”, or to pass any vote or votes in relation thereto. (Town Clerk Request)

ARTICLE 23. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$8,200, or any other amount, for the purpose of funding the purchase of information technology equipment, parts, accessories, and software and for the installation thereof, or pass any vote or votes in relation thereto. (Computer Administrator Request)

ARTICLE 24. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money for costs associated with the design, construction, and installation, including any costs associated with or incidental thereto, of a broadband fiber-to-the-home network to provide cable service to sections of the Town that do not have access to such service, to also include installation of a fiber backbone to enable future expansion of cable service throughout the Town, the expenditure therefore to be reduced by the amount of any gift, grant, or other funding source obtained for this purpose; and further to authorize the Board of Selectmen to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from any federal, state or other funds to defray the cost of said project, and to enter into such agreements and execute any and all instruments as may be necessary to accomplish the foregoing; and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen is hereby authorized to borrow said amount pursuant to Massachusetts General Laws, Chapter 44, section 7, or any other enabling authority, or pass any vote or votes in relation thereto. (Board of Selectmen Request)

ARTICLE 25. To see if the Town will vote to amend Article IV of the By-laws of the Town of Montague, by adding the following new section to be consecutively numbered at the end thereof, or pass any vote or votes in relation thereto.

GRAFFITI AND SPRAY PAINT BY-LAW

A. Graffiti Abatement

1. Definition of "Graffiti". Any word, figure or painted design that is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or on any surface, regardless of the nature of the material of that structural component, unless the same was authorized in advance by the owner thereof.
2. The existence of Graffiti on any surface within the town is expressly declared to be a public nuisance affecting public health, safety and welfare.
3. No person shall apply or allow Graffiti to remain on any surface within the Town.
4. No owner of any surface within the town shall allow any Graffiti to remain thereon when the Graffiti is visible from the street or from other public or private property.
5. Whenever the Building Inspector, the Board of Health or its designee or a member of the Police Department determines that Graffiti on any surface within the town is visible from the street or from other public or private property, the owner thereof shall abate the Graffiti within 10 days of service of an order to abate or in such other time as the enforcement official shall order.
6. A property owner shall be deemed to have complied with an order to abate the Graffiti if it is obliterated by a matching building paint or by such other means as shall obliterate the Graffiti and remove the nuisance.

7. This by-law may be enforced by the Building Inspector, Board of Health or its designee or any police officer of the Town of Montague.
8. A property owner who violates any provision of this by-law may be penalized by non-criminal disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal Disposition By-Law, and may be punished by a non-criminal fine of twenty-dollars (\$20) for each offense. Each day that Graffiti remains on the owner's property after expiration of an order to abate shall constitute a separate offense.
9. Any person who applies Graffiti to any surface in the Town may be penalized by non-criminal disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal Disposition By-Law, and may be punished by a non-criminal fine of three hundred dollars (\$300) for each offense. Each day that Graffiti remains shall constitute a separate offense.
10. Whoever violates any provision of this by-law may be penalized by indictment or on complaint brought in the District Court. The maximum penalty for violation of this by-law shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense.
11. Nothing in this by-law shall be construed to limit in any way the Town's authority to order the abatement of a nuisance as set forth in any applicable law, including but not limited to the authority of the Board of Health as set forth in Massachusetts General Laws, Chapter 111, Sections 122-125. The Town may enforce this By-law or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

B. Sale or Delivery of Spray Paint to Minors

1. Definition of "Spray Paint". Any aerosol container that is adapted or made for the purpose of applying paint or any other substance capable of defacing the surface to which it is applied.
2. No person shall sell or deliver Spray Paint to any person under seventeen (17) years of age.
3. No employee of any establishment offering Spray Paint for sale to the public shall be penalized under this by-law if they reasonably rely on a facially valid form of identification issued by a federal, state, county or municipal government or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act (50 App. U.S.C. *451 et seq.), identification card issued to a member of the Armed Forces or a birth certificate.
4. This bylaw may be enforced by any member of the Town of Montague Police Department. Any person who violates this bylaw may be penalized by non-criminal disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal Disposition By-Law, and may be punished by a non-criminal fine of three hundred dollars (\$300) for each offense.
5. Whoever violates any provision of this by-law may be penalized by indictment or on complaint brought in the District Court. The maximum penalty for violation of this by-law shall be three hundred dollars (\$300) for each offense.
6. Any person who owns, manages or operates a place of business wherein Spray Paint is offered for sale to the public shall conspicuously post notice of this law in such place of business in letters of at least one inch (1") high stating: "The sale and possession of Spray Paint to persons under age 17 is prohibited by law and subject to penalties; valid identification may be required."

C. Possession of Spray Paint by Minors

1. No person under seventeen (17) years of age shall possess Spray Paint, unless accompanied by a parent or legal guardian or in the course of employment involving the manufacture, distribution, sale or use of Spray Paint.
2. This bylaw may be enforced by any member of the Montague Police Department. Any person under the age of seventeen (17) found violating the provisions of this by-law may be penalized by non-criminal disposition as

provided by Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal Disposition By-Law, and may be punished by a non-criminal fine of two hundred dollars (\$200) for each offense.

3. Whoever violates any provision of this by-law may be penalized by indictment or on complaint brought in the District Court. The maximum penalty for violation of this by-law shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense.

(Police Chief Request)

ARTICLE 26. To see if the Town will vote to authorize the Board of Selectmen to enter into a five-year contract with the Massachusetts Department of Environmental Protection and Waste Management Recycle America, LLC for recycling services at the Springfield Materials Recycling Facility or pass any vote or votes in relation thereto.

(Board of Selectmen Request)

ARTICLE 27. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for one (1) additional all alcohol on premises liquor license to be exercised and located at 37 Third Street in the Turners Falls village of the Town, by the Five Eyed Fox, 37 Third St, Turners Falls, or its successors or assigns, said license not to be transferred to any other location; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, or pass any vote or votes in relation thereto.

The petition for special legislation shall take the following form:

AN ACT AUTHORIZING THE TOWN OF MONTAGUE TO ISSUE ONE ADDITIONAL LIQUOR LICENSE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special, rule or regulation to the contrary, the licensing authority of the town of Montague may grant one (1) additional license for the sale of all alcoholic beverages to be consumed on premises under section 12 of said chapter 138 to Five Eyed Fox, or its successors or assigns, to be exercised at and located at 37 Third St, in the Turners Falls Village in said town. A license granted under this section shall be subject to all of said chapter 138 except said section 17.

(b) Once issued, the licensing authority shall not approve the transfer of the license issued under this section to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this section.

(Board of Selectmen Request)

ARTICLE 28. To see if the Town will vote to act on the following petition:

The undersigned direct the selectboard to solicit written proposals (for time task and money) for legal services for the upcoming fiscal year (2016-2017; all said proposals shall be presented to town meeting at the next special or annual town meeting for their vote.

(Petitioned Article)

ARTICLE 29. To see if the Town will vote to act on the following petition:

RESOLUTION TO BAN "FRACKED GAS" PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Montague, or neighboring communities, bringing said fuel en route to Dracut, Massachusetts to be used for electricity generation; and

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Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said pipeline would destroy unknowable amounts of forest, conservation land, and farmland; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

Whereas the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C (“TGP“, a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation; and

Whereas, we the citizens of Montague, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well-being to our neighbors in New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running now, therefore, be it

Resolved, that the people of Montague, Massachusetts:

1. Hereby call on our Selectboard to stand in opposition to TGPs high pressured pipeline and not allow it within our town borders;
2. Oppose said pipeline, and any pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth or our Nation; and
3. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well being and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

(Petitioned Article)

ARTICLE 30. To see if the Town will vote to act on the following petition:

To see if the Montague Annual Town Meeting will vote to approve a contract between the town of Montague and its PEG access provider, Montague Community Cable Incorporated, or take any other action relative thereto. The contract shall not be for more than three years and shall be accompanied by a plan, submitted by MCCI, to expand local content and community involvement in the station (MCTV).
(Petitioned Article)

Given under our hands this ____ day of April in the Year of Our Lord Two Thousand and Fifteen.

Mark Fairbrother

Christopher M. Boutwell, Sr., Chairman

Michael Nelson
Selectmen, Town of Montague

Franklin, ss Montague, MA April ____, 2015

Pursuant to the within warrant, I have warned the Inhabitants of the Town of Montague by posting attested copies of the same in a conspicuous place in each of the Post Offices, Libraries, and the Town Hall of the Town of Montague at least seven days before said meeting as within directed.

Constable of Montague

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