

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, August 24, 2015**

Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons, Chris Boutwell, Mike Nelson; Rich Kuklewicz, Town Administrator, Frank Abbondanzio , Executive Assistant, Wendy Bogusz (absent)

Approve minutes of August 10, 2015 if available.

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:

Aiyana Masla: Sent email to Wendy regarding follow up to my request on training and she is out.

Nelson responds that he has followed up with Insurance Company who has many topics available that would impact Town government. The Board will review the list and we will decide which programs should be held. This will be discussed at our next meeting

Bergeron: Mass. State Highway and Baltazar, Construction asked me to notify you about the possibility of closing Greenfield road from 149 Greenfield Road to 191 Greenfield Road for the winter as it is taking longer than expected to repair the retaining walls. If there is an issue they want to know about it. No houses are involved, the biggest issue is my guys will have to turn around at a dead end.

Kuklewicz has no issues as long as Town is given enough space to turn around in the winter.

Kuklewicz makes the motion to allow Greenfield Road to be closed from 149 through 191 as requested by the State and Baltazar Construction. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

Madison: Would be great for you to inquire if people of color were involved in creating and carrying out the training. Went into Town Hall to make a complaint about the police, you make your complaint with the Police. So if I have a complaint or grievance or police officer I would file it with the chief. It's not an effective and it hasn't been proven effective especially to black people. If I had a grievance about the chief as far as targeting me as a black man, I would go to you the Selectboard.

Abbondanzio: MR. Madison came in and suggested there might some issues how he was treated and they might be racist related and there might be a need for training. What we did was send out a letter asking Mr. Madison for specifics on people, places and times as this board is the one to investigate those complaints, that's why we asked for the level of detail.

Discussion regarding the chain of command on filing a grievance in the police dept., Complaint about an officer goes to the Police Chief; complaint about Police Chief goes to the Town Administrator and/or Board of Selectmen

David Jensen, Inspector of Buildings, 36 Green Pond Road, Discussion of Town's Options with property

Jensen: An elderly woman and her daughter walked away from the house and we own it now. The value of the building on it is questionable.

Abbondanzio: Assessors inspected the building and the buildings condition is very poor, Assessment of outside of the building is \$2,300 for mobile home and land value is \$29,100.

Bergeron thinks it should be put up for auction and let the building go with the land

Jensen sees no benefit in removing the mobile home, most expedient thing is to put it back into the public's hands. Someone else can take care of it much quicker than we can.

Kuklewicz makes the motion to authorize town administrator to begin the process of hiring an auctioneer and have an auction to dispose of 36 Green Pond Road and a minimum bid to be set so the Town receives its money back. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

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Mickey Longo, Airport Manager, Request to create an access door to the airport building
Longo: Pilots will cover the cost of this repair. Things will have to be shifted around to allow access for a bathroom.

Kuklewicz makes the motion to authorize the Airport Commission to work with the pilots group to install an access door at no cost to the Town as presented. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Dan Kramer. Element Brewing, Request to change location of current Pouring Permit, Farmer Brewery (Malt Beverages Only) from 30 Bridge Street, Millers Falls, MA to 16 Bridge Street, Millers Falls, MA
Kuklewicz makes the motion to grant the request of Element Brewing to change the address for their pouring license to 30 Bridge Street. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Ya Ping Douglas, Application for use of public sidewalk in front of 113 Avenue A, TF
Kuklewicz makes the motion to allow Ya Ping Douglas to place flower boxes and business wares no further than 4 feet from the front of the building and in no case should the front of the building be left less than 6 feet and the permit expires December 1, 2015. Any wares are to be displayed during business hours and are to be removed at close of business. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

There are no restrictions in the building code regarding putting items in the alleyway. Bergeron feels items in the alleyway will be plowed if there when snows. Discussion about items in the alleyway.

Kuklewicz makes the motion to allow Ya Ping Douglas to continue with the flower boxes along the alley beside 113 Avenue A, not to encroach on the roadway, boxes to be no wider than 18" removed by December 1 or first snowfall, and said boxes are at the owners risk; insurance certificate received

Erin MacLean, Application for use of public sidewalk in front of 62 Avenue A, TF
Kuklewicz makes the motion to approve the request by Erin MacLean and John McNamara dba Loot, to display objects on the sidewalk no further than 4' from the building but in no way shall the sidewalk be impinged anymore than 6 feet, permit is until December 15, 2015 or first snow, insurance certificate has been received. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Kuklewicz makes the motion to authorize Steven Vogel dba Stuff for display of seasonal items and inventory daily in front of his store and wooden bench with inventory being removed daily through December 1 or when the Towns snow ban takes effect. Seconded by Boutwell approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Rodney Madison, application for use of public sidewalk in front of 104 Avenue A, TF
Not requesting anything as nothing is being displayed. There is a bench being displayed and the board will look into this.

Energy Committee, Request for letter to the Mass. Dept. of Environmental Resources regarding Municipal Energy Technical Assistance Grant
Chris Mason: This is a request asking where things stand and if a decision is going to be made soon. It may provide us with information if we need to come before Town Meeting for money. It is a nudge to the Dept of Energy Resources that they are being noticed. We thought it would have more power coming from the Board of Selectmen.

Kuklewicz makes the motion to authorize the Chair to sign the letter to the Mass. Dept. of Energy Resources as presented. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Ariel Elan, Updates and developments with the Kinder/Morgan Pipeline (updates being given from her own perspective): Two updates I felt provide opportunities for the Town or Board to have a little more input into the

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pipeline situation and they both involve Senator Rosenberg. 1) Federal Energy Regulatory Commission scoping process which has been an intensified period for FERC to receive comment on the very many kinds of impact the pipeline could have. There were at least 14 different categories. Because information the companies were supposed to provide were so deficient, Senator Rosenberg extended the scoping period. There will be a public hearing on September 10 at GCC from 6:00 to 9:00 PM. After extra legal digging and they came up with if we substantive issues real details, serious concerns we do not want missed in the environmental review the end of the scoping period is a good time to start submitting the information. 2) Senator Rosenberg contacted Berkshire Gas and has taken them to task about the moratorium, he told them he thought it was poor planning on the company's part. Last he said was Berkshire Gas has agreed to hire a consultant to study other alternatives. The important part is Senator Rosenberg is stepping out and she thinks it's important he get thanked. Sample letter to be sent to Board for the next meeting.

Jeff Singleton, Request for vote to encourage the Turners Falls Water Dept. to send a letter to FERC regarding the Kinder/Morgan Pipeline

Singleton: On Wednesday I go to the Water District with other people in the district asking them to support Walters comments and questions to FERC during the FERC scoping process.

Kuklewicz makes the motion that the board through Jeff Singleton and other representatives of the Turners Falls Water District request the water commissioners review and understand the support from the Town of Montague Selectboard for the scoping comments that have been previously issued. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Personnel Board/Robert Trombley, WPCF Superintendent

Request to hire Briana Demech, effective 8/24/15, 40/hrs per week, \$10.00/hr

Kuklewicz makes the motion to hire Briana Demech for a 3 month period, 40 hours/week, \$10.00 per hour effective 8/24/15. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Request to hire additional Seasonal/summer help

Trombley states this is to get them through the period of hiring for the full time position for a minimum of 3 months. The money is in the budget.

Kuklewicz makes the motion to authorize the WPCF Superintendent to hire seasonal help not to extend longer than 3months. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Town Administrators Report

Request for \$5,000 transfer from the Reserve fund for IT Services

Kuklewicz makes the motion to approve the request to transfer from the reserve fund \$5,000 for a shared IT Consultant. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Harmony Lodge A.F. and A.M. Registration for Assembly and Use of Public Property – Annual 5K Foot Race

Kuklewicz makes the motion to approve the request from Zach Billings, Harmony Lodge A.F. and A.M for use of public property for the Annual 5K Foot Race on September 10, from 9:30 – 10:30 AM, insurance has been provided. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Appoint Richard Ruth to ZBA to replace John Reynolds remainder of 5 year term until 6/30/16

Kuklewicz makes the motion to appoint Richard Ruth to the Zoning Board of Appeals effective immediately, (replacing John Reynolds) until June 30, 2016. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Appoint Alan Ripingill to ZBA to replace Erica Almeida remainder of ;5 year term until 6/30/19

Kuklewicz makes the motion to appoint Alan Ripingill to the Zoning Board of Appeals effective immediately, (replacing Erica Almeida) until June 30, 2019. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

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Topics not anticipated in the 48 hour posting requirements.

- *Kuklewicz makes the motion to set October 1, 2015 for a Special Town Meeting at 6:30 PM, articles are due in the Town Administrators/Selectmen's Office no later than 4:00 PM on September 2, 2015. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye*
- We received a letter from First Light today and the Turners Falls Canal will be drained Monday, October 5 through Sunday, October 11, 2015 for inspection and maintenance work.

Jason Burbank, Cable Advisory Committee, Approve and sign Cable Contract with Comcast

Burbank: Our lawyer Peter Epstein thinks the contract is as good as we are going to get. A couple high points, a lump sum will be distributed to the town for cable related services approximately \$34,000 which is overpayment of MCTV capital allotment. There is a build out of Meadow Road which exceeds their 20 foot lineal mile of free installation and will be done within 18 months. This will take care of Red Fire Farm. Capital allotment to MCTV up from \$100,000 to \$125,000, this time paid in annual increments so there is no interest on it. Previously we got the money in lump sums, Comcast charges to forward money to us. It is largely the same as it was. We did not push to get high def to peg access channels. We have some anticipation that by the time the contract is done, that might be a mute point, but they would not commit to build that out for us.

Kuklewicz feels the \$34,089.76 should not be looked at as a windfall, but as a pass through. It was originally was intended for capital equipment and should be coordinated with MCCI to see what best option is as they have needs to make upgrades. There is a provision in the contract that qualified heads of households over 65 are offered a discount on the basic service.

Boutwell asks if it has to go to Town Meeting since it is a 10 year contract. Since this meeting, we have spoken with Peter Epstein and he states the Town does not need to go to Town Meeting with Comcast Contract.

Kuklewicz makes the motion to recommend and place on the warrant for the October 1, 2015 Special Town Meeting the contract with Comcast as presented for a 10 year period effective October 1, 2015 through October 31, 2025. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Walter Ramsey, Town Planner

Propose 2015 Mass Works Grant Application to construct a 30 space parking facility on municipal land at corner of Third Street and Canal Rd. Request for Support.

Ramsey: As part of the ongoing Downtown streetscape improvements, I propose the Town apply to Mass Works for this grant. Mass Works is an annual funding cycle for infrastructure projects. It is heavily tied to economic development. This specific parcel of land downtown at the corner of Third Street and Canal Road is owned by the town, is about a ½ acre, it was cleaned up using a Brownfields grant in 2002. At the time the Town did a conceptual engineering study of it for parking. I'm recommending doing it at this time as it will be a dual benefit to the Town. This grant will help make the mills more viable to be redeveloped and support a lot of changes that we will be seeing with the new Shea Theater management as we will be seeing more activity in the downtown. It will be a 30 spot lot and we estimate it to be a \$352,785. This would be 2016 construction. 10% of the grant covers design and engineering.

Kuklewicz makes the motion to authorize the Town Planner to apply for the 2015 Mass Works Infrastructure Program grant at the corner of Third Street and Canal Road as presented. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

Recommend the Board enter into a “Commonwealth Community Compact” with the Baker-Polito Administration to access grant incentives.

Ramsey: This is a companion to my previous article, Community Compact is an initiative of Governor Bakers office. The reason I am doing this now is there is an incentive for a town to have a Community Compact. It makes you more competitive with the Mass Works grant and other grant funding. Essentially it is an agreement between

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the Town and Governor Bakers office the town commits to do one of a slew of best management practices in government which we do many of them already.

Kuklewicz makes the motion to send a letter to become involved in the Commonwealth Community Compact with the Baker-Polito Administration to access grant incentives. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Execute Land Development Agreement and Deed for sale of 15 Center Street (former Montague Center School) to Olive Street Development.

Ramsey: The language has been discussed numerous times, and I'm asking the Board to sign it noting the Towns lawyer threw in a few changes later today.

Zaccheo: Changes added that were for the benefit to the Town. One change was she changed negligence to gross negligence.

Kuklewicz makes the motion to execute the Land Development Agreement and deed for the sale of 15 Center Street (former Montague Center School) to Olive Street Development with an expected closing date on or before September 9, 2015. Seconded by Boutwell, Approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Don Glegg, The Friends of the Great Falls Discovery Center, To discuss the partnership changes at the Great Falls Discovery Center

Glegg: Reads letter that the U.S. Fish and Wildlife along with the National Wildlife Refuge System has stopped all visitor center activities, along with programming, booking events, calendar updates, school field trips and other services previously supplied. This came as quite a shock to the Friends, we were not told until August 5, with the effective date of August 14th. In addition US Fish and Wildlife have stopped paying their share of the utility bills for the center to the Mass. Dept. of Conservation (DCR) as of September 30. Town of Montague has been a partner with GFDC since the very beginning and they should have been told of the US Fish and Wildlife changes. On August 17, at urging of the Board and tenants GRDC of the Board finally sat down with the town, which was Walter Ramsey. GFDC has no plans to close, it is a state park within the Mass. State Park system and the Friends are not going anywhere either; however, there will be a drop in programming and services until some alternative solutions can be found. The US Fish and Wildlife stated they no longer have the resources to support the GFDC, that statement is very debatable. The Friends will continue to be active in the National Refuge System even without their support. DCR should be applauded with taking on many extra responsibilities this summer.

Further Discussion

Ramsey has prepared a letter asking the Board to appeal to our legislatures informing them what is going on

Kuklewicz makes the motion to send a letter to Congressman McGovern, Senators Warran and Markey to be finalized with the Town Planner and the Town Administrator and a cover letter with a CC to our State Rep Steve Kulik and Senator Rosenberg; when letter is available, the Selectmen are to be notified and they will come in and sign. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Personnel Board

Appoint Jamal Holland as Reserve Officer, effective August 24, 2015 at \$14.62 per hour

Kuklewicz makes the motion to hire Jamal Holland as a Permanent Intermittent Reserve Officer effective August 24, 2015 at the rate of \$14.62 per hour. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Town Administrators Report

Discussion regarding portion of Greenfield Road being closed for the Winter

Discussed by Tom Bergeron under public comment portion of this meeting

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- Abbondanzio: Native American board that was made up in 2004 has been completed and is ready to be hung up downstairs.

Kuklewicz makes the motion to hang the Native American display in Town Hall adjacent to downstairs meeting room beside the Boston Post Cane display. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

- Kuklewicz: I received a couple of text messages over the past couple of weeks regarding noise, so I did go down to Hubies a couple of times and all of the times I went down I had limits in excess of what they were allowed. I think there are neighbors who are still having issues. I would like to invite Gina from the Board of Health and it seems to be a deeper issue as it is effecting neighbors ability to sleep and it is creating stress on them. I think we owe it to the neighbors and the businesses to have a set of rules that we can then have some way to enforce. The noise levels I was reading weren't much above 90's but they did fluctuate. I would like this on the next agenda. What we have now isn't working, I would like us to have a discussion around what we have and then adopt that standard for everybody. I think now is the time to visit other nuisances that are happening in town (i.e. motorcycles, trucks)

Executive Session as authorized pursuant to M.G.L. c.30A §21 (a)(2) to conduct Negotiations with Police Chief Charles Dodge, votes may be taken

Nelson declares holding this executive session in open session will be detrimental to the Towns bargaining position.

Kuklewicz makes the motion to enter into Executive Session at 9:35 PM as authorized pursuant to M.G.L. c.30A §21 (a)(2) to conduct Negotiations with Police Chief Charles Dodge (who will not be present). Seconded by Boutwell, approved. . Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye