

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, May 23, 2016**

Attendees: Michael Nelson, Chairman; Rich Kuklewicz; Chris Boutwell; Frank Abbondanzio

Nelson called the meeting to order at 7pm.

Reorganization of the Board

Nelson congratulated Boutwell on his election win.

Nelson made a motion to appoint Rick Kuklewicz as Board Chairman, and Michael Nelson as Vice Chairman, until the next election cycle. Boutwell seconded. Nelson – Aye, Boutwell – Aye, Kuklewicz – Aye

Nelson yields the Chairmanship to Kuklewicz.

Approve Selectmen minutes of May 16, 2016

No minutes were available.

Public Comment Period

Ariel Elan reported that the KinderMorgan pipeline has officially been canceled as of today.

A resident questioned the Board regarding the current staffing issues at the Wastewater Treatment. Kuklewicz assured her that the Board was actively working with the WWTP to find solutions to the problems, but much of the discussion needs to remain confidential due to collective bargaining. He noted that the Board is acutely aware of the value of the Montague Process and the savings it yields the town. The town is committed to continuing the process.

Walter Ramsey, Town Planner & Conservation Agent

Amend grant agreement with MEMA for the Millers Falls Road Stabilization Project to permit the town to be reimbursed an additional \$16,065 for construction expenses

Walter reported that an additional receipt of MEMA reimbursement money is available to the town from this project.

An audience member asked if that money could be used to fix the road pavement in that area. Walter said he thought it was possible, and had reached out to Ton Bergeron earlier in the day to ask this but not yet heard back.

Nelson made a motion to amend the grant agreement with MEMA for \$16,065 to be reimbursed for construction costs. . Boutwell seconded. Nelson – Aye, Boutwell – Aye, Kuklewicz – Aye

Deb Bourbeau, Town Clerk

Request reduced voting hours for Debt Exclusion vote on June 27, 2016

Deb requested that the hours for the election on June 27, 2016 be changed from 7am-7pm to 12pm – 7pm. This is the same as previous special elections.

Nelson made a motion to amend the election hours on June 27, 2016 to 12pm-7pm. Boutwell seconded. Nelson – Aye, Boutwell – Aye, Kuklewicz – Aye

Approval of the Election Warrant for June 27, 2016

Deb requested the Board vote on the two questions for the June 27 election and prepare the warrant.

“Shall the Town of Montague be allowed to exempt from the provisions of Proposition Two and One-Half, so-called, the amounts required to pay for the bond issued in order to fund engineering, design, bidding, construction and any other costs pertinent thereto, in connection with the repair or replacement of the combined sewer overflow and storm drain running from Avenue A under the canal to the Connecticut River?”

Nelson made a motion to place the question as read on the June 27, 2016 election warrant. Boutwell seconded. Nelson – Aye, Boutwell – Aye, Kuklewicz – Aye

“Shall the Town of Montague be allowed to exempt from the provisions of Proposition Two and One-Half, so-called, the amounts required to pay for the bond issued in order to fund the abatement of hazardous and asbestos containing

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, May 23, 2016**

materials, including any incidental and related costs, within the Strathmore Mill Complex, 20 Canal Road in Turners Falls?"

Nelson made a motion to place the question as read on the June 27, 2016 election warrant. Boutwell seconded. Nelson – Aye, Boutwell – Aye, Kuklewicz – Aye

Nelson made a motion approve the June 27, 2016 election warrant as presented. Boutwell seconded. Nelson – Aye, Boutwell – Aye, Kuklewicz – Aye

Robert Trombley, WPCF Superintendent

Renewal of Southworth Company, Paperlogic Industrial Discharge Permit

Nelson made a motion to renew the discharge permit with Southworth, as presented, through May 22, 2021. Boutwell seconded. Nelson – Aye, Boutwell – Aye, Kuklewicz – Aye

Renewal of Australis Discharge Permit

Nelson made a motion to renew the discharge permit with Australis, as presented, through May 22, 2021. Boutwell seconded. Nelson – Aye, Boutwell – Aye, Kuklewicz – Aye

Update on Sludge Handling Issues

Trombley reported that the Franklin Solid Waste Management District is looking for truckers for sludge cake. There have not been any bids for the work.

Town Administrators Report

Retirement of Robert Trombley, WPCF Superintendent

Frank announced that Robert Trombley has submitted his letter of intent for retirement as of June 30, 2016. The audience applauded his service.

Nelson made a motion accept the retirement of Robert Trombley, effective June 30, 2016, with deep regret. Boutwell seconded. Nelson – Aye, Boutwell – Aye, Kuklewicz – Aye

Community Development Discretionary Hearing: Racial Training, \$3,000

Nelson made a motion to allocate \$3,000 from the Community Development Fund for racial training for town staff. Boutwell seconded. Nelson – Aye, Boutwell – Aye, Kuklewicz – Aye

Purchase Senior Center Building on Fifth Street

Jensen: You may want an Executive Session on portion of this as real estate is involved and it's negotiations that may or may not be complete depending on your feelings on it. It's relating to the parking. It's been a back and forth on essentially rules and regulations and how the parking is apportioned. The latest return looked like a free for all and not a lot of security to the Town for the future.

Abbondanzio: What it boils down to is there is a license agreement in place that the current owners of the T.F. Athletic Club that have put in place to perpetuity that have allows the parking to be used by tenants of Powertown. That is not going away. I think the issue is the Town prepare to purchase the building with encumbrance that basically says the parking situation will stay the same as it has been for the last 30 years. We both get to use it. In reality, the Powertown tenants haven't used it a lot.

Jensen: The history is winter storms the lot is full, evenings and overnight almost full. They gave us permission to break the rules and regulations in the license agreement and our proposal was essentially evening parking, transition time between evening and day, all storms; weekends were not defined. They came back with their interpretation that we can't limit the Powertown people's ability to use it then went on to say the historic use. Therein lies the interpretation; one way to think of it is, they are leaving, selling us the building and their interpretation doesn't matter anymore, it will be the new owners and we can deal with them. Do we need their acquiescent or formal interpretation of how they interpret the agreement in order to move forward and accept the building? I go back and forth on how I think about it, and seeing how we can't change anything, all we can do is hope that the history of our involvement with the new owners leads to a rational use and not some sort of free for all.

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, May 23, 2016**

Abbondanzio: I'm recommending we purchase it, the encumbrance is not going to go away. I think we need to secure the space. They are interpreting we did not reply in time to lease it, they want us to purchase the building.

Nelson makes the motion for the Town Administrator to draft up or receive a contract from Powertown for the Board to consider signing off on to accept the Turners Falls Athletic Center also known as the Senior Center. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye

Public Hearing

Finalize updates to the current noise regulations governing the control of noise from activities licensed under Chapter 140, Section 183A Entertainment License

Boutwell recused himself from discussion due a conflict of interest with his day job as a liquor salesman.

Nelson declared he submitted a Disclosure of Appearance of Conflict of Interest to the town clerk on February 25, 2016 regarding his role with the Pumpkinfest and Hubie's Tavern as a financial donor. He also noted that other downtown locations have similarly made financial contributions. Nelson and Abbondanzio spoke with Town Council earlier today and confirmed that the lawyer did not see an issue with Nelson discussing and voting upon the noise regulations.

Kuklewicz: Wondering if Michael is willing to amend regulation for Town of Montague entertainment license to downtown business districts which would include downtown Millers Falls, Turners Falls and business district in Montague Center and Montague City if there is one. There may be a time when we want to have a deeper conversation about the entertainment license.

Nelson points out that some places that received a notice do about residential neighborhoods. This will be discussed further later.

Kuklewicz: There are two draft proposals and differences are pointed out. Drafts attached at end of minutes

Cita Line reads comments from Patricia Pruitt and Chris Sawyer-Laucano: They feel strongly that outside music should only be allowed by special permit and only a few events allowed during the year. Don't feel lowering the decibel levels is the answer

Alana Martineau: Feels Hubies is being specifically targeted. Many positive improvements have been made to the downtown and doesn't think it should be hindered, asks who is the enforcer of the regulation

Jen Audley: Reads letter from Taren Armina who teaches English as second language at MCSM, music is too loud and hard for students to learn. Her students are afraid of the police.

Pat Allen: Would like Board to step back and look at what's going on. Needs tweaking because of downtown livability. Seen many new businesses come to Town, worried we will revert back and lose businesses in Town. 4 – 5 events per year were previously allowed.

Fran Fenie: Executive Director, FCRHRA, owners of Crocker, Cutlery and Moultenbry Buildings: Appreciates tweaking, comments and thoroughness put into this and they support small businesses. As property owners, they have the responsibility to their tenants, we owe them the right to quiet enjoyment. Some commented they cannot talk to their neighbors while musing is playing.

Sarah Wentworth, 60 Avenue A: Finds noise disturbing during the summer months and have had to go to other side of apartment to get away from the noise.

Lew Collins: Need to work together as a community. No matter what we do there will always be the possibility of a phone call. Lets embrace this and try to work together in a positive way.

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, May 23, 2016**

Kimberly O'Brien: Agrees with a lot of the comments made and appreciates people impacted in their livelihood and also impacted in their homes; what's before the town is the balancing of both interests. Cautions the Board that setting a standard that is so narrow that it can't be achieved only sets everyone up for failure. What I've found in my internet search is 80 decibels is what is acceptable as outdoor music. Making it lower will set folks up for failure and the calls will continue from residents. Let's call it a "ban" if it can't be met because that's what you're doing.

Pam Hanold: Agree with Kim, feels 80 decibels won't have the same effect as it will at Unity Park. Doesn't think it is fair to ask the police to enforce this. There should be special permits for outdoor music as the music should be held inside.

Ken Morin: Have you walked around and checked levels during Pumpkinfest, motorcycles? Hubies is in a tunnel, you will never be able to enforce this.

Lisa Davol: Likes what has happened in Turners Falls. The perception has changed; all steps the Town has taken from physical revitalization to creative revitalization. An important part is residential and if people are happy it ripples out. Businesses need residential to survive. If general consensus people are struggling to live here

Jean Hebden: Wouldn't be so bad if music wasn't so bad. There has to be a compromise on each side.

Kathy Sisson: Was here a year ago and the meeting was about compromise. Hubies has followed the rules set.

Jamie Burger: St. Kaz has events and I don't complain. Feels the issue is with the frequency of events

Suzette Snow-Cobb: It's the frequency of events. Living downtown I know frequency is tolerable that's what I specifically urge you to look at

Chris Janke: Likes loud obnoxious music. The Rendezvous went to great lengths to sound proof building. Business model that depends on illegal activities it is a dangerous one and regarding this noise and the way we think about 2nd hand smoke might be easy way to compare; if you have 2nd hand smoke filling someone's apartment, you would consider that a hazard.

Walter Ramsey: Downtown livability study was done in 2013 that outlines the need to find a delicate balance for downtown business & residential interests. It does not reference increasing noise levels down town

Steve Dacyczynn, Montague Elks: Agrees with many people who have spoken, but I agree if we run into a situation where you set a ban on certain levels of noise, when you start putting restrictions in you limit our ability to give back, people need to think of overall impact on the Town.

Thorp: Goes over the draft proposed by residents.

Discussion about enforcing the 200' rule

Anne Jemes: What has hurt her feelings is what people are talking about and the decisiveness, it's sad and hurtful. Everyone who I've talked to says the noise is too loud but... No one is as concerned for the residents. If people were honest and had the opportunity to buy the building they would, it is in the worst location. It is not a workable idea.

Kevin Hastings: Lives on Randall Road and hears music from the Rod & Gun Club but will never call and complain.

Jeff Singleton: Worked all over, there has not been regular outdoor music in urban areas. Keep what exists with special permits, can't be weekly outdoor music.

Ariel Elan: This isn't about decibels, its about regularity and frequency. It should only be allowed by special permit

Alana Martineau: Not feeling there is any compromise being made from the other side

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, May 23, 2016**

John McNamera: Last year there was a private deal made and the residents were not included in the process; people don't like the music it's disturbing the peace.

Public hearing closed at 8:45 PM

Kuklewicz and Nelson discuss the different proposals

Agreed upon 6:59 AM to 7:59 PM, 65 dB(A), 77 dB(C), special permit no more than 20 days, Friday and Saturday only, Memorial Day to Labor Day, 16 events up to 70 dB(A) and 4 events up to 75 dB(A). this will be revisited if issues start to arise.

Nelson makes the motion to approve the Noise Regulations as discussed and will be reviewed at the next meeting for accuracy. Seconded by Boutwell, approved. Nelson – Aye, Kuklewicz – Aye, Boutwell – Abstain.

Lew Collins, Between the Uprights, 23 Avenue A, Turners Falls

Execute 2016 License to Use Real Property Café License, 23 – 29 Avenue A, Turners Falls

Nelson made a motion to approve the 2016 License to Use Real Property with Between the Uprights, as presented.

Boutwell seconded. Nelson – Aye, Boutwell – Aye, Kuklewicz – Aye

**Registration for Assembly, Public Demonstration, or Use of Public Property, and One day Special License:
Father's Day Celebration, June 18, 2016, 9:00 AM to 10:00 Pm**

Nelson made a motion to approve the use of public property to Between the Uprights for Use of the Sidewalk on June 18 from 9am – 10pm. Boutwell seconded. Nelson – Aye, Boutwell – Aye, Kuklewicz – Aye

Summer Celebration, July 16, 2016, 9:00 AM to 10:00 PM

Nelson made a motion to approve the use of public property to Between the Uprights for Use of the Sidewalk on July 16 from 9am – 10pm. Boutwell seconded. Nelson – Aye, Boutwell – Aye, Kuklewicz – Aye

TFHS Football Team Fundraiser, August 20, 2016, 9:00 AM to 10:00 PM

Nelson made a motion to approve the use of public property to Between the Uprights for Use of the Sidewalk on August 20 from 9am – 10pm, music to end at 9:00 PM. Boutwell seconded. Nelson – Aye, Boutwell – Aye, Kuklewicz – Aye

Pumpkinfest, October 29, 2016, 9:00 AM to Midnight

Nelson made a motion to approve the use of public property to Between the Uprights for Use of the Sidewalk on October 29 from 9am – Midnight. Music will end by 9pm, patrons allowed till midnight.. Boutwell seconded. Nelson – Abstained, Boutwell – Aye, Kuklewicz – Aye

Thanksgiving Eve, November 23, 2016, 5:00 PM to 1:00 AM, (no live music outside)

Nelson made a motion to approve the use of public property to Between the Uprights for Use of the Sidewalk on November 23, 2016 from 5pm to 1am. Boutwell seconded. Nelson – Aye, Boutwell – Aye, Kuklewicz – Aye

Tree Advisory Committee

This will be discussed at the next meeting, looking for people from Millers Falls, Montague City or Lake Pleasant

Nelson made a motion to adjourn the meeting at 9:33PM.. Boutwell Seconded approved unanimously. Nelson – Aye, Boutwell – Aye, Kuklewicz – Aye

Attachments:

- Grant agreement amendment with MEMA, \$16,065
- Renewal Discharge Permit for Southworth Company, Paperlogic Industrial
- Renewal Discharge Permit for Australis
- Draft Noise Regulations A & B
- Between the Uprights 2016 License to Use Real Property Café License 23-29 Avenue A
- Between the Uprights Registration for Assembly and One Day Special License
 - Father's Day Celebration, June 18, 2016, 9:00 AM to 10:00 PM

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, May 23, 2016**

- Summer Celebration, July 16, 2016, 9:00 AM to 10:00 PM
- TFHS Football Team Fundraiser, August 20, 2016, 9:00 AM to 10:00 PM
- Pumpkinfest, October 29, 2016, 9:00 AM to Midnight
- Thanksgiving Eve, November 23, 2016, 5:00 PM to 1:00 AM, (no live music outside)
- Letter from Bob Trombley announcing retirement June 30, 2016