

**SELECTMEN'S MEETING  
UPSTAIRS MEETING ROOM  
1 AVENUE A, TURNERS FALLS, MA  
MONDAY, October 3, 2016**

Meeting was opened at 7:10 PM in the Upstairs Meeting Room. Present were Selectpersons Chris Boutwell, Mike Nelson Rich Kuklewicz. Town Administrator Frank Abbondanzio and Executive Assistant Wendy Bogusz

**Approve Selectmen minutes of September 26, 2016**

Not 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

*None*

**Walter Ramsey**

**Execute \$19,765 FY17 grant agreement with the Mass Cultural Council Adams Arts Program for RiverCulture**

*Nelson makes the motion to execute the FY17 grant agreement with the Mass Cultural Council Adams Arts Program for RiverCulture in the amount of \$19,765. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye*

**Request \$6,000 toward local cash match to the Adams Grant from Community Development Discretionary Account**

To be discussed during the program income hearing

**Amend contract for Professional Services with Suzanne Lomanto, Director of RiverCulture to extend contract through October 3, 2017 and to increase hourly pay from \$25.00 to \$26.00**

*Nelson makes the motion to approve the request to Amend contract for Professional Services with Suzanne Lomanto, Director of RiverCulture to extend contract through October 3, 2017 and to increase hourly pay from \$25.00 to \$26.00. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

**Execute landowner consent agreement with Eversource for the Sandy Lane municipal solar project. Project updates**

*Nelson makes the motion to execute the landowner consent agreement with Eversource for the Sandy Lane municipal solar project. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye*

**Execute amendment to extend timeframe for professional services agreement with FRCOG for National Register for Historic Places Nomination for Millers Falls**

*Nelson makes the motion to Execute amendment to extend timeframe for professional services agreement with FRCOG for National Register for Historic Places Nomination for Millers Falls and authorize the Chair to sign the agreement. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

**Brian McHugh, FCRHRA**

**Request FY2014 CDBG Program Extension until 12/31/16**

*Nelson makes the motion to grant the Request to extend the FY2014 CDBG Program until 12/31/16. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye*

**Execute CDBG/GMS Access Request (Online Grant Management System)**

*Nelson makes the motion to execute the CDBG/GMS Access Request Form changing the designated person to be Sharon Pleasant. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye.*

**Approve FY16 Settlement & Release Statement of Expenses, total \$165**

*Nelson makes the motion to authorize Rich Kuklewicz to send an email to Julissa Tavarez approving the FY16 Settlement and Release Statement of Expenses, totaling \$165. Seconded by Boutwell approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

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**Execute Letter to Ryan Ambrose requesting FY2014 CDBG Program Extension until 12/31/16**

*Nelson makes the motion to sign the letter to Ryan Ambrose requesting the FY2014 CDBG Program Extension until 12/31/16. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

**Execute FY2014 Budget and Program Revision Form**

*Nelson makes the motion to execute the FY2014 Budget and Program Revision Form. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye*

**Town Administrators Report**

**Cell Phone Stipend Authorization Request, Joshua Dobosz, \$5.77/week**

*Nelson makes the motion to approve the cell phone stipend authorization request for Joshua Dobosz in the amount of \$5.77/week, seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

**Execute Administrative Consent Order with Penalty and Notice of Non-compliance from Dept. of Environmental Protection, Project, #ACOP-WE-15-1N001-NT**

Abbondanzio goes over items in the consent: A. By no later than thirty (30) days from the effective date of this Consent Order, Respondent shall hire a Massachusetts Registered Professional Engineer (“Engineer”) with knowledge of wastewater treatment engineering. B. By no later than sixty (60) days, Respondent shall develop a scope of work to evaluate the current pilot involving process-control measures utilized at the WPCF to achieve nutrient removal and the effectiveness of those changes for remaining in compliance with the Permit. C. The scope of work shall include, at a minimum: (1) All sampling points within the WPCF that were used to evaluate the process; (2) A list of parameters that were sampled, including location and frequency of sampling; (3) A discussion of the biological/physical mechanisms being utilized by the process changes; and (4) A list of operating parameters that will ensure the process changes will result in optimum operation of the WPCF and compliance with the Permit, and, in particular, the cessation of DWOs and other unpermitted discharges. 8D. Within one year of the effective date of this Consent Order, Respondent shall submit to the Department the results of its evaluation of the pilot for process-control changes and the effectiveness of those changes for remaining in compliance with the Permit. Respondent may submit such information as confidential business/commercial information or trade secret pursuant to M.G.L. Chapter 4, Section 6, Clause 26(g) and 310 CMR 3.00. E. Within sixty (60) days of completion of item 8.D. above Respondent shall either submit in writing: (1) A schedule for review and approval by the Department for returning the WPCF to industry standard process-control procedures for a conventional wastewater treatment plant, or (2) A schedule for review and approval by the Department for such modifications to the current facility necessary to ensure compliance with the Permit. F. Respondent shall operate its WPCF in accordance with the limits set forth in its NPDES permit. G. Within thirty (30) days of the effective date of this Consent Order, Respondent shall take all necessary steps to prevent a reoccurrence of the DWO that occurred during January and February of 2016, which shall include, but not be limited to: (1) Developing a notification system that includes notification to multiple parties at the WPCF. (2) Evaluating the need to increase the monthly inspections and/or modifying the actual inspection process to determine amounts of debris at the CSO regulators. (3) Evaluating the circumstances that caused the blockage and proposed corrective actions, including a schedule to prevent a reoccurrence of the DWO. Respondent shall pay to the Commonwealth the sum of seventeen thousand eighty-nine dollars (\$17,089.00) as a civil administrative penalty for the violations identified in Part II above, as follows: A. Within thirty (30) days of the effective date of this Consent Order, Respondent shall pay to the Commonwealth five thousand dollars (\$5,000); and B. MassDEP hereby agrees to suspend payment of the sum of twelve thousand eighty-nine dollars (\$12,089); provided, however, that if Respondent violates any provision of this Consent Order, or further violates any of the regulations cited in Part II above within two years of the effective date of this Consent Order, Respondent shall pay to the Commonwealth the remaining amount of twelve thousand eighty-nine dollars (\$12,089) within thirty (30) days of the date MassDEP issues Respondent a written demand for payment. This paragraph shall not be construed or operate to bar, diminish, adjudicate, or in any way affect, any legal or equitable right of MassDEP to assess Respondent additional civil administrative penalties, or to seek any other relief, with respect to any future violation of any provision of this Consent Order or any law or regulation.

*Nelson makes the motion to execute the Execute Administrative Consent Order with Penalty and Notice of Non-compliance from Dept. of Environmental Protection, Project, #ACOP-WE-15-1N001-NT. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

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**Use of Public Property: 7th Annual Charity 5K Road Race (the Masons) on 10/8/16 from 9:30 AM – 12:00 PM**

*Nelson makes the motion to approve the 7th Annual Charity 5 K Road Race (the Masons) on 10/8/16 from 9:30 AM to 12:00 PM. Seconded by Boutwell approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye*

*Use of Public Property: Michael Nelson dba Franklin County Pumpkinfest, Toll Booth fundraiser, October 15, 2016 from 9:00 AM to Noon, Avenue A and 7th Street Intersection*

*Boutwell makes the motion to approve the Franklin County Pumpkinfest, Toll Booth fundraiser on October 15, 2016 from 9:00 AM to Noon, Avenue A and 7th Street Intersection. Seconded by Kuklewicz, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson - Abstain*

**Nuisance Dog Hearing, MGL Ch. 140, Sec. 157, Kyle Bessette and Michelle Newton, 14 Carlisle Avenue, Turners Falls**

Kuklewicz declares Michelle Newton is his Niece, Michael Nelson excuses himself due to the conflict and goes to the audience

Kuklewicz reads notice into the record

Kuklewicz swears people in: Wayne Pleasant, Gina Duarte Pleasant, Michelle Newton, Kyle Bessette, Cindy Richotte, Calin Giurgie

Wayne Pleasant: This has been going on for 4 years now, we have made multiple complaints to the police department. There seems to be one dog who barks more than the others and we cannot continue to live in this situation. Our houses are extremely close, there is almost continuous disturbance of barking; Gives testimony of what has been going on

Gina Pleasant: One particular dog has most annoying bark, hard to get back to sleep once dog wakes you up at 4:00 AM. This is affecting our quality of life and ability to function during the day. There are other dogs in the neighborhood but the owners take care of the dogs. This has gone on too long, loud, verbal and obscene attacks have been made against us, we are willing to be reasonable

Kyle Bessette: Jersey: A 1 ½ year old Boston Terrier who seldom barks, doesn't like being alone, and is a short haired, short nosed dog, that gets over heated and cold very easily. Because of this, she is not outside for long periods of time. Riley: A 4 1/2 year old Pug/Beagle mix that is Ms. Newton's Emotional support dog since August 2014. I have a copy of Riley's certificate and Ms. Newton's license for the board. Jasmine: A 8 1/2 year old Boston Terrier/Pug mix that is also a short nosed/short haired dog who also because of the heat or cold, and because of her age, does not like being outside for long periods of time and comes in quickly. We have had her since 8 weeks old, which is much longer than these complaints have started. Myself and Ms. Newton work Monday-Friday so the dogs are kept inside until one of us comes home. They do not have access to the backyard unless someone is at the house. I also work on Saturday; however Ms. Newton and Mr. Newton are home with the dogs during the day. When we are home they are exercised by playing inside the house, or in our backyard for short periods of time, (which to three small dogs is large enough for them to run around in). On weekends, we go for walks off premises or in the summer we sometimes go swimming. I have a letter from our vet, Dr. Brown, stating that they are in perfect health, not aggressive, and very well behaved. Mr. and Mrs. Pleasant have complained to the police station 18 times since June 2014 to present. Out of those calls, the police have not reported hearing any evidence of barking. We let the dogs out for 3-5 minutes at a time, unless we are outside with them. The first time they go out in the morning is 8:00 and last call is 9:00PM (during which someone is outside with them). If it is an emergency bathroom break during the night someone goes outside with them. During exercise/ playtime, it is not usually more than 10 minutes of play time because they get tired. We have not had any other person make a comment or complaint to us or anyone else regarding our dogs. This includes: People in the neighborhood, people that use the street to walk their own dogs, go for walks themselves, or ride their bicycles down the street. Our yard is ½ acre lot, With 2/3 fenced in. The fence is over 4 ft tall around, locked with a padlock. The fence is made with wood, with wire mesh that has less than 4 inch openings. The dogs would not be able to get loose from the fenced area, and we do not let them out of the fenced area without one of us. Mr. Pleasant claims in his letter that one of the dogs got loose from our fenced yard and bit

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the mailman. If this incident actually occurred, it would have been investigated, in the same way that all dog bite claims are investigated, as it was on Coolidge Ave with the pit bull. However, we were not even notified, and there was no investigation. This is a false accusation against us and our dogs. Mr. Pleasant also claims in his letters that we are drunks. Ms. Newton does not drink. Mr. Newton does not drink, and I am on call very early in the morning Monday-Saturday so I do not drink as well. Here is a letter from my employer stating my work hours and that I have never come to work drunk or smelling or alcohol. His calling us drunk with no proof is slanderous against me and my family. Mr. Pleasant also attempted to bribe Chief Dodge by writing in one of the letters, quote "If you even need repairs, modifications, advice, on anything, radio, radar, video, and or electronics, please just ask. I would like to assist the department, no charge, in any way possible." End quote. Not only does this prove attempted bribery, it discredits his witnesses, if any, because who is to say what he could have given them. As for his supposed recording of my dog barking, how can he prove it is my dog and not a dog down the street, or that he didn't modify the recording somehow. In closing, we love our dogs; they are well cared for and happy. I hope this resolves the matter.

Michelle Newton states they are not trying to make the Newton's upset and want to get along

Mr. Pleasant apologizes for drunk comment

Giurgiu: I have sat at different locations on the street and have not yet heard the dogs bark.

Dodge: Mr. Pleasant has been calling for a long period of time. I hope we can come up with a resolution tonight. Officers have not been able to verify the dogs barking. Mr. Pleasant has not done work for the Town.

Mrs. Pleasant: The problem is with another member of the household who is not at the meeting

Kuklewicz: There are no set hours in the by-laws. Talk to your Vet on ways to cut down on barking, take dog out on a leash at night.

Kyle B. has been muzzling dog at night when letting it out.

Mr. Pleasant: The past week has been better

It is decided Michelle Newton will be go between with the Pleasants to discuss issues with the dogs. Mrs. Pleasant feels better after talking with Kyle and Michelle.

Kuklewicz closes the hearing at 8:12. Both parties will try to work this out amongst themselves

**Community Development Discretionary Hearing: Beginning Balance: \$18,791.80; FY2017 RiverCulture Match \$6,000; Unsafe/Unhealthy Buildings \$5,000 Rescissions totaling (\$10,918.92); New Balance if projects and Rescissions approved: \$18,710.72**

*Nelson makes the motion to approve use of Community Development Discretionary Money as follows: \$6,000 for the FY17 RiverCulture Match and \$5,000 for Unsafe/Unhealthy Buildings re: Strathmore work. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye,*

*Nelson makes the motion to approve rescinding \$7,204.58 in the Community Development Discretionary Account (Skateboard Park \$1,092.88, Hatchery Road Layout/Engineering \$1,777.10, Streetscape Design \$1,077.60, Boston Post Cane \$250.00, Shea Theater Repointing \$3,000.00). New Discretionary Balance \$14,996.38. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye*

*Boutwell makes the motion to adjourn the meeting at 8:20 PM. Seconded by Nelson approved. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye*

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**List of Documents and Exhibits:**

- FY17 grant agreement with the Mass Cultural Council Adams Arts Program for RiverCulture, \$19,765
- Contract for Professional Services with Suzanne Lomanto, Director of RiverCulture to extend contract through October 3, 2017 and to increase hourly pay from \$25.00 to \$26.00
- Landowner consent agreement with Eversource for the Sandy Lane municipal solar project.
- Amendment to extend timeframe for professional services agreement with FRCOG for National Register for Historic Places Nomination for Millers Falls
- FY2014 CDBG Program Extension request until 12/31/16
- Letter to Ryan Ambrose requesting FY2014 CDBG Program Extension until 12/31/16
- FY2014 Budget and Program Revision Form
- CDBG/GMS Access Request (Online Grant Management System)
- FY16 Settlement & Release Statement of Expenses, total \$165
- Nuisance Dog Hearing, MGL Ch. 140, Sec. 157 letter to Kyle Bessette and Michelle Newton, 14 Carlisle Avenue, Turners Falls and supporting documentation
- Cell Phone Stipend Authorization Request, Joshua Dobosz, \$5.77/week
- Community Development Discretionary Hearing Sheet. Beginning Balance: \$18,791.80; FY2017 RiverCulture Match \$6,000; Unsafe/Unhealthy Buildings \$5,000; Rescissions totaling (\$7,204.58); New Balance \$14,996.38
- Administrative Consent Order with Penalty and Notice of Non-compliance from Dept. of Environmental Protection, Project, #ACOP-WE-15-1N001-NT
- Use of Public Property: 7th Annual Charity 5K Road Race (the Masons) on 10/8/16 from 9:30 AM – 12:00 PM
- Use of Public Property: Michael Nelson dba Franklin County Pumpkinfest, Toll Booth fundraiser, October 15, 2016 from 9:00 AM to Noon, Avenue A and 7th Street Intersection