

**SELECTMEN'S MEETING  
UPSTAIRS MEETING ROOM  
1 AVENUE A, TURNERS FALLS, MA  
MONDAY, January 5, 2017**

Meeting was opened at 3:30 PM in the Upstairs Meeting Room. Present were Selectpersons Chris Boutwell, Michael Nelson, Rich Kuklewicz, Town Administrator Steven Ellis, Executive Assistant Wendy Bogusz, Building Inspector David Jensen, Fire Chief John Zellmann

Kuklewicz announces Meeting Being Taped

**Discussion and possible vote to clarify, ratify and confirm votes taken during the Boards December 31, 2016 emergency meeting as set forth in the minutes attached hereto**

In consideration of this agenda item, a discussion and possible vote to clarify, ratify and confirm votes taken during the Board's December 31, 2016 emergency meeting, which included members Kuklewicz and Nelson at the scene of the active fire at 11 Power Street, otherwise known as the Railroad Salvage Building.

It has come to our attention that the amendment including this agenda item was posted close to one hour after the deadline for public posting and the Board will, therefor, take no action on that matter at this meeting, deferring it to our next regular meeting, to be held on January 9<sup>th</sup> at 7:00 PM here at Town Hall.

**David Jensen, Inspector of Buildings, Request for demolition costs to remediate immediate public safety hazards at Railroad Salvage Building, 11 Power Street, Turners Falls**

Jensen: if you're looking at the property from Seventh and Canal Street you can see there are spires of brick that go four stories up. A description of what is still standing at the site is given. There is conjecture on whether if it is currently leaning or not; it has trees growing from the roof so presumably the interior has been soaked for years and it looks shaky, the east wall facing the canal sways in the breeze, these need to come down. There's been a debate with the fire department over how far and I've consulted with building wrecking company in the general consensus that these need to come down to first floor/second floor level except for the north wall. It would leave a perimeter around their that would be boarded up and at least falling brick and other dangers would be mitigated

Nelson: how would it be boarded up? I think it's the south side where the front entrance was there's a giant hole.

Jensen: it is a giant hole, people could walk in and to be quite honest with you I haven't had time to think this all the way through with what this would look like if anybody approaches that building there is too much above your head to even consider securing the basement section. If you look in the front where the wall is missing there is a two-story drop from the slab that's why I think keeping one story of wall is probably safer. The condition of the fencing as of this morning had a couple holes in it the town did repair section of the gate that may have been used by the firefighters but that has been reinstalled so maybe Ms. Golrick who was there around noon with some bailing wire can explain what the rest of the fence looks like. There was at least one hole where it looks like the homeless person was gaining entry. I did question the town DPW and someone from the fire department and there was not any tracks in the snow in that section where the fence was missing; the fence is an issue.

Kuklewicz: what's the status of demolition as the owner or LLC whoever owns the building has there been any discussion with them?

Jensen: I had a brief discussion with them just after noon, maybe they could relay better what their intentions were?

Kuklewicz: do you want to speak to anything Jean on the fence or do you have any plans for rendering the building safe?

Jeanne Golrick hands a document to the Board dated January 5, 2017

Jensen asked Ms. Golrick if this deals with the safety of the building or is it just historic information? she responds I think you should just read it. Jensen asks her for a copy of the document.

Ellis states his initial observation from reading it this doesn't present specific information regarding a plan for improvement or remediation of any of the problems.

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Kuklewicz: I was after specifically to questions are there any plans to repair the fences on the LLC's property and any plans for the selective demolition of those unsafe walls that have been identified by the building inspector are there any plans and actions there?

J. Golrick: the action of the fence can be spoken to by the Fire Chief and the building inspector who saw me there today

P. Golrick: immediate emergency repairs to fix the gaping holes in the fence there are no gaping holes in the fence at this time. Contractors have been contacted to get there engineers involved to determine exactly, this is the first time I've heard exactly what needs to be taken down and to what level and degree. That will be passed on to contractors, that is not something that can be done instantly there are discussions with contractors to see that it gets taken care of.

Kuklewicz: how long water the mandates around public safety what's in the order?

Jensen: according to the law, the building code they have until noon the next day to begin the work and it also says begin the work with sufficient men and equipment was close to the reference in the law to complete the task. I have a couple questions on what's being looked into is it qualified contractors this is building wrecking it take specialized equipment to do it are these contractors you've contacted do they have that equipment and is there sufficient manpower to do this in a timely way?

Golrick: to the best of our knowledge yes

Ellis: one of the questions I have just looking at the letter Jean drafted suggested the town may have clouded the title of true ownership which seems to me to be a misstatement we'd be most interested in having true ownership defined, it does not seem to accept responsibility as an owner but she notices "although the chain of title a true ownership has been seriously clouded by the town and despite the fact that LLC has not been correctly served any notice at all as inhabitant concerned first safety of passersby I have taken the following actions" so this is suggesting that LLC has not been properly served at this point in time which is something that can be resolved through a court order

Bogusz: I called the Sheriff's office and they said it was left at the address

Ellis: I'm not certain that any action on the part of an inhabitant that doesn't claim ownership directly would constitute action by the LLC

Kuklewicz: are you representing that your contacting contractors is that you have ownership and you are retaining the responsibility to that unsafe structure.

J. Golrick: I'm not representing anything I was served in order by a sheriff

Kuklewicz: Right, because your name was listed as part of the corporation as a document receiver document signature that's why you are served the document into the town's knowledge at the time of the fire you are the person that we knew was a signatory or a party to the LLC that's why you are requested to be notified of the fire failing to answer the phone the chief instructed the police to go notify you in person. It seems like we have not received any response and there seems to be nobody that's taking responsibility as an LLC.

Jensen: The LLC is defunct it's no longer an active corporation it has a registered agent who does not return phone calls and was served I believe today it's iffy if the LLC exist and typically I don't know where the resources of the LLC go we haven't been able to find the documents that show distribution of the assets in case of dissolving maybe somebody here knows? Who owns the assets?

J. Golrick: you should know that you wrote in order.

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Jensen: you're the one claiming not to be involved so I'm asking you sign for all these entities why can't you answer what the entity is?

J. Golrick: I'm choosing not to answer

Ellis: I should say the information David and others have cited relative to the status of Solutions Consulting Group, LLC was double checked yesterday on the Secretary of State's website we've tried to be quite thorough and engaged our counsel to try to identify where any assets of the dissolved LLC have gone.

Kuklewicz: if we were to authorize you to proceed with the selective demolition as you outlined when would that take place?

Jensen: the demolition company said they will work on weekends but they have to pay their people for overtime so that would add another \$500 a day.

Ellis: there has to be a 24 hour period of noncompliance after the order has been served

Jensen: all we know is some individual who claims to be a part of this entity was that they are with bailing wire working on the fence maybe it's a good public service that was being performed but the claim here is there not part of it that LLC is nonresponsive I would argue unless we get some information on how this is being proceeded with timing is in your hands.

Zellman: this building is extremely unsafe at this time. I am not want to sit here and dance I told you the other day Jean and here we are the building is unsafe public safety the public in general way too many people are down there walking around close the street by doing so it's for the safety of vehicles passing by. I now have to have my ladder truck go around through Greenfield to factory hollow and come down Turners Falls Road for any fire on that side of the canal. I need to get this road open now. Second of all, some of the information in the letter provided by Jean are wrong but I won't get into that now. I talked to miss school Rick three times now getting back to her contacting her contact I need information for my report she gave me the name of the LLC, the address and Mr. Smith. She would not give me a phone number but she called Mr. Smith and asked him to call me that was two days ago and I have not heard from him. This building needs to be taken down now before something happens while I was there today I thought I thought I saw a section of the building that was the thing from the other day he had some winds last night it's crumbling. While I was there bricks were falling from the fifth floor. Its still falling down, eventually going to hear the earth shattering the big sections going to come down I'm hoping nobody's going to be around when that happens so we need to move forward this can't wait till next week.

Kuklewicz: I'm willing to entertain if we can get somebody to take immediate and swift action within a 24-hour period we authorize the building inspector to proceed with demolition on Saturday morning as early as possible to knock the walls down over the weekend and get the road open as soon as possible.

Ellis: with the assumption that a court order would first be pursued ideally we would take advantage of the opportunity to get a court order for this that might resolve some of the ambiguity that people have tried to put in place clearly to block any resolution of the matter. The soonest our attorney can get in court is Monday.

Jensen: The Sheriff has tried to deliver the letter twice and no one was home either time I have also left phone messages no response.

Ellis: the court order is an additional protective measure from the town standpoint it's my understanding is that in order to pursue the court order there must be noncompliance by the owner. We are in a position to make it happen as soon as possible but that would require some additional conversation.

Kuklewicz: I want to see this move as quickly as possible. I don't want to see the fire department get called back there without access to the bridge.

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**Executive Session under G.L. c 30A, Section 21 (a)(3) to discuss Strategy litigation concerning, Railroad Salvage Building, 11 Power Street, Turners Falls Votes may be taken**

Kuklewicz declares holding this in open session will be detrimental to the public good.

*Nelson makes the motion at 3:55 PM to go into Executive Session under G.L. c 30A, Section 21 (a)(3) to discuss Strategy litigation concerning, Railroad Salvage Building, 11 Power Street, Turners Falls Votes may be taken. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

4:45 PM

Kuklewicz reconvenes meeting in open session

Kuklewicz: I would like clarification on what the Fire Chief and the Building Inspector feel are the most important danger sections of the building, the biggest risks

Jensen: as I suggested the elevator shaft looks out of plume. I don't know for sure but I believe it's the Fire Chief's biggest concern.

Zellmann: like I was saying earlier the entire building is unsafe we all agree on that my biggest concern right now is how tall the elevator shaft is and how close it is to the parking lot and there is a pretty substantial metal beam that ties into the elevator shaft to the wall on the power Street side if this collapses or any part of the wall towards the canal is my opinion it may or may not happen it is probably going to push that wall out into the street. That's my concern that's why have issued an order for my guys not to respond that way I'm not a wrecking company you have to take this building down systematically so they don't get hurt and nobody else gets hurt. Right now I'm concern the elevator shaft is going to collapse and push that wall out into the street people walking by vehicle traffic etc. that's a big concern of mine freestanding five-story wall towards the canal is another big concern of mine.

Kuklewicz: so the board had a discussion around those concerns we spoke with our attorney and we are going to readdress both of the items on our agenda the request for demolition costs in the executive session around the building again on Monday will be posted on our agenda but our consensus is if by 12 PM Noon on Friday, January 6, 2017 work is not commenced or demolition of sections of the building with the most risks to the public the town will pursue any and all legal action to immediately remediate the public safe the public safety hazard at 11 Power St., Turners Falls Mass. That's the position of the board.

*Boutwell makes the motion to adjourn the meeting at 4:50 PM. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye*

**List of Documents and Exhibits:**

- Letter from Jeanne Golrick regarding Service of process regarding Map 3, Lot 27 and other related facts