

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, SEPTEMBER 17, 2012**

Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons, Mark Fairbrother, Chris Boutwell, Patricia Allen; Town Administrator, Frank Abbondanzio; Administrative Secretary, Wendy Bogusz; Chris Curtis, Recorder, David Detmold, Montague Reporter

Meeting Being Taped:

Minutes of August 13, August 20 and September 5, 2012 are not available

Paul Robinson and Doug Harris, Battlefield Grant Program

Harris: A logical extension of May 19, 2004 accord that was established in ceremony and written document with the Selectboard at that time. A reconciliation ceremony was conducted at that time. The spirit of the agreement that was signed at that time was the tribe would support the Town in its efforts for economic development and the Town would support the Tribe in its efforts toward historic preservation. We come today, merging those two. I look back to the television, We shall remain, that dealt with the King Phillips War, but it never dealt with the Western theater of the war and that is what happened in this area, a major massacre, a major events dealing with tribes occurring in this general area, but it was nonexistent from the point of view of the writers of that particular piece. We would like to make sure in the future they don't have that kind of excuse. In a battlefield mapping grant we surface all of that history, then it is available as public knowledge.

Robinson: It is the American Battlefield Protection Program and it is part of the National Park Service. It started in the 1960's to protect civil war battlefields. Over the past 3 – 4 years it has been expanded to cover the Indian Wars. The purpose is to protect and raise awareness in battlefields and battles that are important in American history. King Philips war is an incredibly important war. These grants don't require money from the Town. We would put the proposal together, we would need town approval, because it is important to have strong local support. It enables us to draw together all the sources having to do with the battles, massacres that took place in this area, turn that into a narrative that everyone can read and study. The next step would be to have archeologists and go out and verify the location of the battles. We need to decide how much is left at the falls because so much has been obliterated and developed, there are other places where Turner was killed, Smeads Island and other camps along the ridge line that are probably still intact that we would test archeologically to try and verify and get archeological information out of them. The timeline for this is proposals due in January, they make decisions in July about funding and work starts in August or September 2013. It should be easier here than in Rhode Island. Here you pretty much know where the battles happened, it would be a matter of pulling all the documents together, creating the narrative, pinpointing places where the things took place, then going to those places and seeing if they are intact and if there are archeological materials left. The grants range from \$20,000's to \$80,000's. They pull together a lot of dedicated people to do the work. You get a lot of bang for your buck. What the park service wants out of it is to raise people's awareness to importance of these wars in American history and the battles that took place right here under our feet and to work with local people to protect them.

Allen: You have a leg up I think, Historic Deerfield has been restudying the entire period and probably has a huge amount of information that can be used.

Discussion

Abbondanzio: What we are asking for is consistent with what we have done in the past not only with reconciliation but also in developing the conceptual plan that is Great Falls Native Cultural Park. What you try to accomplish is not only the preservation of native cultural sites but also the interpretive exhibits program and activities and heritage cultural tourism. All of that requires good information, good historical research and data that can be plugged into these programs. This would give good information

That we don't currently have and pull it together. I think it is an area the national park service would be interested in developing.

Harris: A grant like this, primes the scholarly pump. You don't want to answer all the questions up front because if in fact you can get some controversy within the scholarly community then this gets to be a place where scholars come to argue their points. One of the things you may want to do, is to create the opportunity for scholarly tourism

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dealing with history and culture and what have you. Every year, every two years, invite the scholars to come and battle it out. To walk the places, bring forth their scholarly presumptions and if you can get that to happen, that brings people to this area it brings in tourism, it brings in tourism dollars and that is one of the exciting things that can happen with the past history that we share.

Fairbrother asks what would be studied

Robinson: The way I would think the grant would work we would write the proposal, review it, comment on it, the redraft it, then it would go in. The money would come to the Town, then you would go out with an RFP to hire a historian, maybe a landscape historian, tribal historian, battlefield historian and develop a scope of work for them. They would go to local and regional repositories with old documents about the colonial period, you would talk to tribal people, you would unmask the world history, written history put it together into a narrative and based on that narrative predict where places in the area are likely to have good archaeological evidence that park service would be interested in in terms of battlefield preservation. If the money was awarded in July, someone gets to travel to Washington and go to a great workshop with battlefield people. This is a really good program, the people are wonderful knowledgeable, smart intelligence people who really care about what they are doing. It is a pure joy to work with them. Work would start in September then it would go for another 16 months, then there would be a report finished. The final report would come in 2014 sometime then if you wanted to keep it going you would put in another proposal and assuming the park service is still funded and up and running at that time you would apply for a grant to go out and do the archeology.

Allen: I think part of your question was how much staff time would be involved in this?

Robinson: That would be up to you to decide. As much or as little as you want.

Fairbrother asks if Mass. Historical Commission has been notified and Robinson replies No, it so early in the planning process at this time, but would contact her if we wanted to move forward with the project.

Robinson: Grant would be used to hire people by sending out RFP's and maybe the Historical Commissions would apply.

Golrick expresses her concern about the Town Administrator and Town Planner being involved in this project.

Ramsey: Just wanted to clarify as far as my role, to the administrative stuff, booking rooms or doing some outreach, nothing advisory.

Allen thinks it sounds like a fantastic program, sounds like it is finally marrying all the information that different sides have in putting it together so we can move forward and learn from this.

Fairbrother: The battlefield preservation program does sound very interesting, but my first question is why are you here? This is 2012 and this is the Montague Board of Selectmen, if I'm not mistaken, the battle was in Gill and the retreat was in Greenfield, Deerfield and points south, why aren't you in front of Gill?

Harris: First of all, Turners Falls acquired the name and if in fact you feel it is appropriate to expand into those other communities, we don't have a problem with that. I think historically, they are a part of the process, but we start somewhere.

Fairbrother: I still think it is backwards. Instead of expanding into those towns, as far as I can tell you should be starting in those towns and maybe expanding over here. You're talking about a battle that happened in at least 3 other towns.

Harris: There have been conversations with Gill and Northfield. To be honest with you it was Turners Falls, it was Montague that saw the need to begin to address the issue. Out of honoring those of you who had that perception, we

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come here first. If you feel it is more appropriate for us to start elsewhere its doable. I'm deeply committed to the fact that the ceremony was held here and there was a commitment at that time to follow through and give support to this community for its economic development. We haven't been able to do that, so before I become a part of the spirit world I want to help to make good on that. When I see the medicine man he asks me what have we done to complete our work. To him, Turners Falls is important, therefore to me, it's important. It was Turners Falls that called for the ceremony, that signed the documents, so our initial support and the initial honoring of what was agreed to is the people who signed this document.

Allen: I think Mark is right, we should definitely include Greenfield and Gill, and we will discover exactly that it may well be that feet were on all three towns at this point. I'm in favor and highly supportive of the application for an American Battlefield Protection Program depending on what it says ultimately, but the concept I definitely support

Boutwell thinks we need to know what happened and where and all those missing pieces be pulled together. I think the majority of the people in the community would like to know that.

Fairbrother would be opposed to the Town supplying anything for it. Not Frank, not Walter, nobody else, no administrative, it's not our project, they are getting a grant to do this project, let them hire someone to do the work.

Allen makes the motion to support the National Parks Service and American Battleground Protection Program in concept with the understanding that some staff time might be involved, but the majority of the work and application process would be handled by a consortium of the two gentlemen. Seconded by Boutwell. Allen – Aye. Boutwell – Aye, Fairbrother – Opposed.

Erving Board of Selectmen, Erving/Montague Inter-municipal Sewer agreement,

Margaret Sullivan and Eugene Klepadlo, Erving Selectmen, Tom Sharp, Town Administrator, Bob Trombley, WPCF

Klepadlo: Last time we met, we probably got off on the wrong foot. We are dealing with an agreement that is 40 plus years old and I think the starting point should be to renegotiate the agreement. We need to come to an agreement we can both live with. We're thinking one of our Town lawyers and a member of our Selectboard and Administrator along with your members take the old agreement and see if there is anything that can be salvaged out of it and if not, we'll have a new agreement that both Towns can live with.

Sharp: Bob Trombley should be included as well as the engineer. Curious how you feel the best way to do this logistically is. How successful have you been in setting up something that has issues that need to be addressed like this.

Allen: I think it makes sense, rather than have a whole group of people get together. Obviously we know there are other things besides just the contract or whatever, if we are some sort of partner or if we are a customer or whatever we are. We will have to look back once we hash that out.

Fairbrother: My guess would be the bulk of the agreement probably becomes the new one unchanged. I suspect a number of paragraphs in there that are fine. It's not all bad.

Klepadlo: There is a lot in there that doesn't apply to today, and there is a lot of stuff both towns could probably live with

Boutwell: I think it is a good starting point

Klepadlo: We should be good neighbors and communicate more

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Abbondanzio: If we are starting fresh how do we deal with the outstanding balance on the books.

Klepadlo: We really didn't want to talk about it.

Allen: Going through the agreement may work itself out

Jean Golrick: Respectfully suggest to both sides of the table, both Towns that since the people of Millers Falls are the pawns of this game, that you have an open meeting, possibly jointly with the residents of precinct 2 who have to live with whatever is decided, pay for whatever is agreed. I think it would only be fair to the people whom the government serves that we get an opportunity to put our two cents in. I'm suggesting to both parties while your both here that there be an open public forum with Millers Falls.

Fairbrother: I don't disagree with the sentiment you expressed. It's the whole town that pays the budget and its most of the Towns sewer system that will be involved. I can understand Millers Falls being more of a focus, but it is the whole town that pays.

Sullivan: Wants a meeting date set to get things going, would like first meeting held by November 1.

Golrick wants it televised

**Walter Ramsey, Town Planner, votes may be taken
Authorize MassCEC Solarize MASS Agreement Amendment #1**

Ramsey: This is an amendment to an agreement that is already in place with the Solarize Mass. program, this document allows the \$2000 marketing grant from the program to be streamlined to allow the Town to receive the reimbursement funds upfront rather than have to apply for the funds on an as needed basis.

Fairbrother makes the motion that the Board authorize its Chair to approve and sign the first amendment to the letter of agreement between the Town of Montague and the Mass. Solar Energy Technology Center. Seconded by Allen, approved unanimously. Allen- Aye, Boutwell – Aye, Fairbrother - Aye

**Authorize re-signing of Brownfields Cleanup Revolving Loan Fund Agreement for Strathmore Mill Building
10 Cleanup**

Ramsey: The current loan agreement that is in place for the Town has expired because originally the project was supposed to be done by August 30, 2012, and as a result a new agreement has to be signed by the Town. It is a Promissary note and a revolving loan fund agreement virtually identical to the one that was signed before with the dates changed to a period current to the future. The new agreement has an end date of September 30, 2013.

Fairbrother makes the motion that the Board accept and authorize the Chair to sign a new agreement between the Town and the FRCOG Brownfield's Clean up Revolving Loan Fund Agreement for the removal of the debris pile at the Strathmore Mill site. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother – Aye

Fairbrother makes the motion to approve and authorize the chair to sign the new Brownfield's Clean up Revolving Loan Fund promissory note between the Town of Montague and the FRCOG for funding the debris pile removal at the Strathmore Building. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Authorize Notice to Proceed and execute agreement for S&R Corporation to begin Strathmore Mill Clean up
Fairbrother makes the motion that the Board approve and sign the letter and agreement to S& R Corporation, a notice to proceed on the cleanup of the former Strathmore mill debris building #10 debris pile. and agreement. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

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Share correspondence from the Planning Board for support of a local remote participation bylaw and local adoption of the Mullin Rule

Craig Vettori, c/o Northampton Cycling Club,

Request use of Public Property for charity cycling ride on September 22, 2012 (Greenfield Rd, Hatchery Rd, Turners Falls Rd, Meadow Rd. (Rest stop at Meadow Rd/Greenfield Rd. triangle of grass) Meadow Rd to Sunderland

Fairbrother makes the motion to approve the use of public property Greenfield Road, Hatchery Road, Turners Falls Road and Meadow Road to the Sunderland line to Craig Vettori for the purposes of Bike Fest Northampton, on September 22, from 10:00 AM to 4:00 PM, insurance certificate has been received and signed off by Police Chief as well as use of triangle for a rest stop. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Town Administrator Report. Votes may be taken

Remote Participation

Abbondanzio: We brought this up a number of months ago and at that time the Selectboard voted not to do it and I believe you said something about reconsidering it at some point. We have had some Boards express interest in actually doing this. The purpose of remote participation is to promote greater participation in government so the Attorney General encourages physical attendance at meetings wherever possible, but recognizes that sometimes that may not be possible and there are procedures and restrictions that are set up by the Attorney General if we do decide to adopt this remote participation. First of all you must formerly adopt the practice to use it and once adopted your doing it for all the other boards as well. The Selectmen do this by majority vote, with that authorization applying to all the subsequent meetings, all public bodies in municipalities. It can later be revoked if it turns out it is not working out or is not a good idea. The minimum requirements are that the members of the Board present and participating remotely must be audible to each other, a quorum of the body including the Chair or the person authorized to Chair the meeting shall be physically present. Members of the public body who remotely participate may vote and shall not be deemed absence. When it is allowed, its generally for certain reasons, personal illness, personal disability, emergency, military service and geographic distance. It can only be done by telephone, internet or satellite and audio or video conferencing. Any other technology that enables the remote participation and all persons at the meeting location be audible to one another. If its video participation should be visible to all those present at the meeting and the public body decides which of the acceptable methods they are going to permit. If technical difficulties occur during the meeting these must be addressed. The discussion must be suspended if it's not working out. If someone wants to implement remote participation the process of doing that is a request to the Chair prior to the meeting why you want to have remote participation, the Chair announces any remote participants at the beginning of the meeting, all votes taken shall be by roll call, remote participation participant may participate in an executive session as long as no one is present with him/or her to hear unless that persons presence is approved by the majority of the board. Before the meeting, the Chair shall distribute to the remote participant any documents or exhibits that may be used at the meeting. The rules are very well spelled out. Letters have been received from the Planning Board requesting this as well as the Finance Committee, Energy Committee and the Airport Commission expressed interest in this.

Allen: I found myself rethinking it especially on the FINCOM's and Airports comments.

Boutwell: Originally, I was nervous the first time it came up, but I've thought about it and seeing the letters come in, I think it's interesting and would be willing to give it a shot.

Fairbrother: It wasn't so long ago we voted unanimously not to do this for a variety of reasons. When we did that we knew there were boards in Town who were in favor of it, what changed?

Allen: I think recognizing specific situations, for me, thinking back to the FinCom situation there was no reason why we couldn't have had that valuable input just because that person couldn't physically walk to the meeting. There seems to be a wide range of situations that have developed as well as the concern about the loss of a broad diversity of opinion that you would lose if you didn't have somebody participating.

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Ramsey: The Planning Board voted to support this at their last meeting in fact they would like to see it go one step further and see the Town adopt the Mullin Rule which Town Meeting adopts and allows members to actually miss a hearing and listen to an audio of the meeting and still be able to vote on it at a later hearing date.

Golrick: Think its an easy way for members who volunteer to be in the government to take a back seat if they so choose for less than a really valid reason. Does this mean that all the departments and the Boards in Town Hall, if this is accepted, will do it? If there are people who are not going to remotely participate, will the clerks be putting in the minutes the remote participation and the reason? I think it needs to be documented for the public.

Boutwell: It will be there choice, not mandatory.

Allen: Yes, the name and reason will be given. It says in the law that it has to be documented

P. Golrick: Restrictions can be put on it.

Fairbrother makes the motion to authorize remote participation for all appointed and elected Town Boards in accordance with the requirements of Mass. Open Meeting Law 940 CMR 29.00, section 29.10 and to be revisited at a later date. Seconded by Allen, Approved, 2 - 1. Allen – Aye, Boutwell – Aye, Fairbrother – Nay

Allen makes the motion to create a town meeting warrant article to place the Mullin Rule at the next regular town meeting. Seconded by Allen, approved. Allen – Aye, Boutwell – Aye Fairbrother - Nay

Designation of Health Inspector and Public Health Nurse as Special Municipal employee positions.

Authorization of Carolyn Merriam to hold two town positions

McNeely: The reason for this request is that the Board of Health was granted a part time Public Health Inspector position. We currently employ a very part time public health nurse who has been trained in Serve Safe and has had some training in food service inspections. My idea because it is so hard to get a registered nurse to work 5 hours a week, was to combine these two positions for this person so I don't have to go through all the training. This can be undone at any time by a vote of the Selectboard. We don't meet all the mandates because we don't have enough staffing, this would help in that regard

Fairbrother makes the motion that the Board of Selectmen designate the position of Public Health Inspector as a Special Municipal Employee position. Seconded by Allen, approved unanimously Allen – Aye, Boutwell – Aye, Fairbrother -Aye

Fairbrother moves that the Board of Selectmen designate the position of Public Health Nurse as a Special Municipal Employee Position. Seconded by Allen, approved. Allen – Aye, Fairbrother – Aye, Boutwell – Abstain

The Selectmen have received a discloser under General Laws Chapter 268A, Section 20D from Carolyn Merriam who currently holds the position of Health Nurse a Special Municipal Employee position with the Town and who seeks to have a financial interest with a contract made by the Board of Health of the Town of Montague, namely the appointment to a second special municipal employee position that of Health Inspector we understand she participates in or has official responsibilities for activities of the Board of Health, I move that we approve this exemption under section 20B regarding the financial interest identified by Carolyn Merriam; noting the Health inspector hours do not exceed 14.5 hours per week. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother – Aye

Execute FY2012 Community Development Fund I Program – Professional Services Contract

Fairbrother makes the motion to authorize the chair to sign the present agreement between the Town of Montague and the Franklin County Regional Housing and Redevelopment Authority for administration of this FY2012 CDF grant. Seconded by Allen, approved unanimously. Allen – aye, Boutwell – Aye, Fairbrother – Aye.

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Appoint three member Citizen Advisory Committee for the FY12 CDBG Grant

Looking for people to come forward for this, please contact Frank Abbondanzio if interested

Personnel Board, votes may be taken

Request for hourly pay raise for Reserve Officer Corey Greene

Dodge: Recently advised by Clerk that some of senior reserve officers were recognized for amount of time with department and a second step was created and they were brought up to \$16 per hour. Reserve Officer Corey Greene was not noticed, will not impact budget significantly, this is just bringing him up to what I think would be fair. Corey has worked a year and one half longer than the current reserve officer

Fairbrother makes the motion to raise officer Corey Greene from \$14.62/per hour to \$16.00/per hour effective September 18, 2012. Seconded by Allen, approved unanimously. Allen – aye, Boutwell – Aye, Fairbrother - Aye

Other

Fairbrother makes the motion to place Sgt. Richard Suchanek on 111F (injured on duty) effective 9/13/12 until 9/24/12. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye

Fairbrother makes the motion to go into Executive Session under G.L. c30A, §21(a)(1) to discuss the physical condition rather than professional competence of an individual, at 8:48 PM votes may be taken. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother – Aye.

Fairbrother makes motion to adjourn the meeting at 9:08 PM. Seconded by Allen, approved unanimously. Allen – Aye, Boutwell – Aye, Fairbrother - Aye