

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, July 14, 2014**

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

Approve minutes of May 5, 12, 20, June 2, 16, 23, 30 2014 if available, Votes may be taken

Nelson makes the motion to approve the minutes of May 5, 2014. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

Nelson makes the motion to approve the minutes of May 12, 2014. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

Lisa Adams, Building Issue regarding reconstructing two barns on her property at 16 Hatchery Road

Adams: Hands out information titled “A short history of Hatchery Road in Montague”. Maps are also passed out. Conversation regarding handout. In light of the findings you can see that neither of the barns were in neither right of way, we are asking that the barns be built back up where they stood given we already agreed to move the barn that’s in the existing road back 14’. We are asking that since Hatchery Road is not in its true layout, that the front portion of the barn be returned to its 1759 location outside of the foot print of the barn. We are asking since the road has been paved in its present state that the Town petition the FRCOG to rectify the layout to a more realistic layout than 66’ and that it not be widened at all, just resurfaced. It’s silly to have one end of the road wider and the other end of the road wider and have it narrow for 200 and something feet where the barns are. I’m asking that all the proper process be utilized as expected in the eminent domain law and all property owners be compensated with just compensation and all takings are subject to public hearing and legislative rules. I’m asking the Selectboard inform Mass DEP of the findings and keep them accountable. I’m asking since the 1759 layout proves the corner of Hatchery Road and Greenfield Road our property was paved over and catch basin was installed. We are asking the Town revisit offer by us and DAR to land swap that corner so it can be done properly for the section of the cross road that is already closed. We have already petitioned FRCOG, we’ve agreed to pay for the closing of it and notice to abutters. We are asking the Selectboard see this through. We are also asking that the FRCOG be petitioned to weigh in on whether or not we should be able to put our barns in the right of way and as of this morning they still have not been petitioned to do that. Because the building inspector has shown ill will against us, that the County building inspector be designated as the alternate for any work to do on this project or anything else we are going to do on the farm. Not ok to decide what laws you want applied and who you want them applied to.

Ramsey: Construction plans are at 100% design, approved by the State and are finalized. The ad date for project is December 16, 2014. The State reviewed the survey being raised in question and the study done by Mr. Toth and the Sr. Counsel for MassDOT reviewed it and sent a letter to DOT stating the public rights on Hatchery Road have been well established, the width of Hatchery Road has been delineated by public use over time and no new layout alteration of the relocation of Hatchery Road is required by law. The State is standing by the survey that was done by a professional surveyor and reviewed by their Counsel.

Adams: I would like to add that everyone at the Hatchery Road meeting requested a 75% meeting and I mentioned it here and put it in e-mails as well and was told it had to be scheduled by Walter and he has been informed about it but there was never a 75% meeting scheduled and it seems like we got from 75% to 100% before this came out.

Fairbrother: WE are talking about a county road the state wants to do something with, Frankly, I think you are barking up the wrong tree here. You are at the right place for rebuilding the barns. At a previous meeting there was strong sentiment to allow you to rebuild the barns where you wanted to build them.

Further discussion about width of road, rebuilding of the barn

Abbondanzio feels state made a case for the barns to be reconstructed

James Toth: I confused numbers in report, 1759 is the correct number not 1756. States there is no way to know where layouts are there is no physical bounds, no way to tie them into the field. No surveyor could go out there and

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, July 14, 2014**

tell you the layout is here to a pencil width. One of the reasons you are here is you need to certify the right of way is in the public rights in the new roadway as required, whatever width is chosen for it.

Jensen: I read Mr. Toth's report, and I've looked at surveys from Hatchery Road for 20 some odd years now, I have seen 33' wide widths, I've seen 50', this is the first time I've seen 66' wide and different starting locations, different intersections, clearly there is an indeterminate positioning of Hatchery Road. I think the less line of the oldest layout is probably the most accurate, but then again the overlays from 1974 and 1820 are just guess bets.

Nelson: Personally, I think we do our best to stop looking at past centuries, create what needs to be and say this is the 2014 line and make it useful for us instead of trying to make a best guess, lets make it what it needs to be which is a 50' right of way road, in my opinion.

Fairbrother: Location of barns and house, the actual current right of way layout is 59 and change. If State only needs 50 feet for entire road why don't we petition the County to have the whole right of way from one end to the other to be reduced to 50'? This is in support of what Michael said.

Ramsey: Keep in mind that we have totally designed and approved plans that use portions of the right of way and the project is on line to be constructed next year.

Further discussion regarding right of way

Fairbrother: One way of addressing your concern is to petition the County to narrow the right of way, even if we just modify that to a certain section of the road from Greenfield Cross Road to Turners Falls Road which is reputedly smaller than it is now. There is another way of doing it, the last time we discussed this, the reason you couldn't rebuild was because the building inspector said there is some state law that prohibits him from issuing you a permit to build. I have seen legal counsel's opinion that that in fact is not the case. We can attempt to move forward with a 50' narrowing of at least part of the road which would at least give you some satisfaction, or you formally submit a building permit request, where you want to put them and force a decision and then we can have that debate.

Nelson asks that Frank act upon the May 5th motion to begin the process of altering the right of way on Hatchery Road from the corner of Greenfield Road to the Corner of Turners Falls Road to change right of way from whatever unknown number it is up to a maximum of 50'.

Nelson makes the motion to appoint Ms. Fairbrother as acting Chair for next two agenda items. Seconded by Boutwell, approved. Boutwell – Aye, Nelson – Aye, Fairbrother - Abstain

Liquor License Hearing, Votes may be taken

J & L Holdings, Inc. dba Kali B's Wings & Things, 166 Avenue A, Turners Falls, Change of Manger to Laurie Ellis

Nelson makes the motion to approve the request for Change of Manager for J & L Holdings, Inc. dba Kali B's Wings & Things, 166 Avenue A, Turners Falls change of manager from Kali Ellis to Laurie Ellis. Seconded by Fairbrother, approved. Fairbrother – Aye, Nelson – Aye, Boutwell – recused from portion of meeting

Wine and Malt Liquor License (Restaurant) Hearing, Votes may be taken

Arthur Binaco & Merchant, LLC d/b/a Five Eyed Fox, Meredith Ann Merchant as Manager,

Fairbrother reads public hearing notice into the record

Atty. David Singer: Pledge is off the table. Owners introduce themselves and give brief details of their backgrounds

Issues brought about parking; people will be directed to Town parking lots and Avenue A

Nelson makes the motion to approve the wine and malt liquor license to Arthur Binaco & Merchant, LLC d/b/a Five Eyed Fox, Meredith Ann Merchant as Manager, located at 37 Third Street, Turners Falls, MA approved as presented with exception of section 19 which notes a pledge that would be removed from the application and this

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, July 14, 2014**

application is approved pending the States approval. Seconded by Fairbrother, approved. Fairbrother – Aye, Nelson – Aye, Boutwell –recused from this portion of meeting.

Boutwell rejoins the meeting

Roy Rosenblatt and Lee Wicks, Request signature on Resolution to stop the pipeline

Rosenblatt asks the Board to reaffirm their commitment by sending the resolution onwards to appropriate state officials. They are opposed to pipeline because it will not bring gas to homes and businesses, the pipeline will degrade the landscape, reduce property values, upset wild life habitat and it is presumed to go over much state protected Chapter 97 land on Hatchery Road. It will require clearing, excavation and blasting on protected land on Town land and other communities, on individual land taken by eminent domain and we the electric users, the rate payers will be paying millions of dollars for this pipeline.

Nelson makes the motion to authorize the Selectboard to ban “Fracked Gas Pipelins and to sign off on the resolution as presented. Seconded by Fairbrother, approved unanimously. Boutwell – aye, Fairbrother – Aye, Nelson - Aye

John Reynolds, Establish Boston Post Golden Cane criteria

Need to know if you want a residency timeline on the recipient of the award. Some towns have a 10 year requirement

Nelson makes the motion to authorize John Reynolds to go to the Town Clerk to find out the oldest resident who has lived in the Town of Montague for greater than 10 years and report back to the Board so that we can give them the Boston Post Cane award. Seconded by Fairbrother approved unanimously, Boutwell – Aye, Fairbrother - Aye, Nelson - Aye

Michael Glazier, Shea Theater President, Renewal of Shea Theater Lease

Glazier: Seeking renewal of lease, last one signed in 2000, it has lapsed and would like to continue doing business as the Shea Community Theater Inc. at 71 Avenue A. We were originally seeking a 10 year renewal period but are open to suggestions.

Abbondanzio: We have a problem because the lease expired in January and there is a clause that the tenant notify the town of its intentions to renew the lease a year in advance or more, that didn't happen. I did talk to Town Counsel and we are obligated by law to put out an RFP. I understand there are extenuating issues as far as contractual arrangements that have been made and the fact they are trying to have an agreement in place. I talked with Michael about doing a interim agreement for an extension. The agreement will have to go to Town meeting for final approval because it is for more than 3 years. I suggest the Selectmen develop and RFP Selection Committee comprised of people from the various cultural groups that use the Shea and establish a process for inviting responses to the RFP and make it a process that celebrates what has been done before up until now and makes it even better than what it has been. The interim agreement would go from the present through May 15 with the understanding that by February 15 when we have the cutoff date for the annual town meeting we would know who the vendor was going to be.

Glazier: Wants lease extended through July 19, 2015 at the very least with the understanding this jeopardizes any long term partnerships we have.

Lengthy Discussion

Nelson makes the motion to renew the lease for the Shea Theater until July 31, 2015 under current terms and lease conditions. Seconded by Fairbrother. Motion then revoked by Nelson and seconded by Fairbrother. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Nelson makes the motion to extend the Shea Theater lease until December 31, 2015 and instruct the Town Administrator to consult with Town Counsel on the legal requirements on what is necessary on the RFP process or

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, July 14, 2014**

if we can move forward with establishing a lease with the Shea Theater; response to be in writing by next meeting which is in two weeks. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Personnel Board, Scott A. Schmith, Library Assistant increase hours from 17 hours to 26 hours per week as of 7/1/14

Nelson makes the motion to increase hours of Scott A. Schmith, Library Assistant from 17 hours to 26 hours per week as of 7/1/14 at a pay grade A, Step 2 \$14.09/hour. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Walter Ramsey, Town Planner,

Award contract for Senior Center Planning Study to Catlin + Petrovich Architects, PC for a lump sum of \$60,000 funded by a 2013 Community Development Block Grant

Nelson makes the motion to award the contract for Senior Center Planning Study to Catlin + Petrovich Architects, PC for a lump sum of \$60,000 funded by a 2013 Community Development Block Grant. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Establish a Senior Center Planning Committee to be made up of up to 14 people representing the Council on Aging, the Veteran's Agency and seniors in Montague. This committee would be responsible for the day to day oversight of the planning, design, and construction of a quality senior center in Montague. Committee to be staffed by the Council on Aging Director, with support from the Planning Department

Ramsey: People on the list were suggested from Roberta Potter. Will come back at a later date with a revised list of people from more villages.

Zoning By-law Amendment Request: Citizen petition filed by Lynn Pelland to request a zoning map amendment for properties in or around 11th Street. The proposal is to change zoning on 11th Street from residential to Neighborhood Business

Nelson makes the motion to forward the Citizen petition filed by Lynn Pelland dated 7/8/14 to request a zoning map amendment for properties in or around 11th Street to the Zoning Board of Appeals for their review and forward their decision to Selectboard. The proposal is to change zoning on 11th Street from residential to Neighborhood Business. Seconded by Fairbrother approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

Zoning By-law Amendment Request: Planning Board Petition for zoning bylaw text amendments to Section 8: Site Plan Review. The proposed language would refine the section in its entirety

Fairbrother makes the motion to approve the request to forward the Planning Board Petition for zoning bylaw text amendments to Section 8: Site Plan Review. The proposed language would refine the section in its entirety be moved to Planning Board. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Nelson moves to other side of the table

Michael Nelson, Pumpkinfest, Amendment to the Franklin County Pumpkinfest permit.

Fairbrother makes the motion to amend previously submitted Franklin County Pumpkinfest permit to include First Street area down to Seventh Street as the official area of the event on October 18, 2014. Seconded by Boutwell, approved. Boutwell – Aye, Fairbrother – Aye, Nelson - Abstained

Frank Abbondanzio, Town Administrators Report, Votes may be taken

Approve Cell Phone Stipend Authorization Request for Jacob Lapean

Nelson makes the motion to approve the cell phone stipend request for Jacob Lapean at the rate of \$5.77 per week Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Execute FY15 MOU with FCSWMD for sludge hauling and disposal (Boutwell recuses himself from this portion of the meeting)

Nelson makes the motion to execute the FY15 MOU agreement between the Town of Montague and the FCSWMD for sludge hauling and disposal transportation costs \$39.65/ton; disposal costs \$48.23/per wet ton; and trailer rental \$480/per month. Seconded by Fairbrother, approved. Fairbrother – Aye, Nelson - Aye

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, July 14, 2014**

Vote to award the \$1,653,000 General Obligation Bonds to Roosevelt & Cross, Inc. and signing of Bonds and Closing papers.

Nelson makes the motion as follows:

I, the Clerk of the Board of Selectmen of the Town of Montague, Massachusetts (the "Town"), certify that at a meeting of the board held July 14, 2014, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the sale of the \$1,653,000 General Obligation Municipal Purpose Loan of 2014 Bonds of the Town dated July 22, 2014 (the "Bonds"), to Roosevelt & Cross, Inc. at the price of \$1,698,294.59 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on May 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2015	\$73,000	3.00%	2021	\$ 70,000	3.00%
2016	60,000	3.00	2022	75,000	3.00
2017	60,000	3.00	2023	75,000	3.00
2018	65,000	3.00	2024	80,000	3.00
2019	65,000	3.00	2030	530,000	3.75
2020	70,000	3.00	2034	430,000	4.00

Further Voted: that the Bonds maturing on May 15, 2030 and May 15, 2034 (each a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due May 15, 2030

<u>Year</u>	<u>Amount</u>
2025	\$80,000
2026	85,000
2027	85,000
2028	90,000
2029	95,000
2030*	95,000

*Final Maturity

Term Bond due May 15, 2034

<u>Year</u>	<u>Amount</u>
2031	\$100,000
2032	105,000
2033	110,000
2034*	115,000

*Final Maturity

Further Voted: to approve the sale of a \$123,352 0.440 percent General Obligation State House Note of the Town dated July 22, 2014, and payable September 22, 2014 (the "Note"), to Greenfield Co-operative Bank at a price equal to the stated principal amount of the Note, plus accrued interest, if any.

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated July 2, 2014, and a final Official Statement dated July 9,

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, July 14, 2014**

2014 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

The Town's bond rating has been upgraded from an A plus to a Double A minus which will save the Town money

Executive Session under G.L. c. 30A, §21(a)(1) to discuss complaints brought against an Employee, Votes may be taken

Boutwell declares holding this meeting in open session will be detrimental to the Town

Nelson makes the motion at 9:35 PM to go into Executive Session under G.L. c. 30A, §21(a)(1) to discuss complaints brought against an Employee, ; the board will leave executive session only to adjourn the regular meeting. Votes may be taken. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye