

**SELECTMEN'S MEETING  
Monday, November 15, 2010  
UPSTAIRS MEETING ROOM**

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*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; Arn Albertini, Greenfield Recorder, Jeff Tirrell, WHAI, Janel Nockleby, Montague Reporter*

Allen announces meeting is being taped

Reminder about District Meeting on November 18<sup>th</sup>; Solar sound boxes will be up this weekend

**Approve Minutes of November 1, 2010**

*Fairbrother makes the motion to approve the minutes of November 1, 2010 with minor changes. Seconded by Boutwell, approved unanimously. Fairbrother – Aye, Boutwell – Aye, Allen – Aye*

**FY2011 Tax Classification Hearing**

Miller: We're not setting a tax rate, just determining if there is going to be a shift and if so, what percentage of a shift. I give examples of potential tax rates, we don't officially have a budget yet, so this is slightly more of a potential at this point. What the Board of Assessors is recommending for this year is a 1.34% shift to CIP. Last years' shift was 1.35% so it is slightly down from the prior year. The residential share of the tax levy is lower this year than last year based on the fact that residential values went down and commercial had increases and new growth. Just shy of \$300,000 in additional debt exclusions this year, so there is going to be an increase in the tax rate based on that.

Boutwell: I read this and I saw the proposed split tax rate and when I saw it was going up 7.5% for the residential and open space is 7.1 for Commercial and Industry and personal property, I thought it was heavy duty on the residential. I'm well aware we are not voting on the tax rate tonight, but there is no way I would support this.

Miller: The thing you have to bear in mind; it is a 7.5% increase in the tax rate, but the average single family home value went down.

Boutwell: But the average single family home is \$195,000 and you're looking at a \$200 increase for the average home owner. I looked at the list of delinquent taxes last week and you look at the current state of the economy, and you look at the foreclosure rate around here then I looked at this and said it doesn't have my support.

Allen: What else are you going to do? This is just change shifting, but are you going to therefore make the commercial/industrial much higher?

Boutwell: I was thinking for starters in Residential and Open Space was higher than commercial.

Miller: What you need to look at is the percentage of the shift, is actually slightly lower this year than it was last year, from Residential to Commercial.

**Discussion about handout Town of Montague – FY 2011 Tax Classification Hearing**

- Unfortunate that there is such a lag between the time a debt exclusion is voted and when it actually hits the tax rate, because people have forgotten it was voted not so long ago. There is a presumption that we are already paying it.
- Whenever your values go down, your tax rates go up. If we didn't have the new growth we had, the budget would have to be lower.
- Boutwell asks what it would take to make the split equal between the two
- A penny on the tax rate is hundreds of thousands of dollars.
- Discussion about different tax rate splits that are on the handout
- Miller states it is very important to understand that many of the communities around here do not have a split tax rate and without a split tax rate the tax rate to commercial, industrial and personal property is lower, which is more attractive to businesses. We have to have some consideration for that because it is important to Montague to keep the businesses and preferably add more.

Miller has gone back to her office to run some numbers to try and come up with something between the 1.34% and the 1.35% because that shows you the 1.34% shift has the commercial tax rate going up 7.1 and the residential going up 7.5. The 1.35% has the reverse and Chris is looking for something that is a happy medium between the two.

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**Personnel Board**

**Vote to accept Dispatch Manager/Office Administrator Job Description**

*Fairbrother makes the motion to approve the job description for the Dispatch Manager/Office Administrator as proposed on November 1, 2010. Seconded by Boutwell, approved unanimously. Fairbrother – Aye, Boutwell – Aye, Allen - Aye*

**Letter from Town of Erving in regards to meeting regarding joint use of POTW#1**

Abbondanzio: We received a letter from the Town of Erving setting up a meeting they would like the Selectboard to come to a meeting on December 9<sup>th</sup> at 7:00 PM at the Erving Town Hall. This is in accordance with Section 1, Paragraph 2 of the agreement between the Towns of Erving and Montague for the joint use of their Waste Water Treatment Plant, POTW#1. This is the kind of letter we wished we had received 5 years ago relating to the work that was going to be done to expand the existing WWTP that eventually resulted in a discussion about whether Montague is going to have to pay considerably more money in its assessments to Erving. We hired CDM to do a study which is still in the process; one part is completed, which deals with the evaluation of the alternative of sending the Millers Falls/Montague waste to the Montague treatment plant instead of to Erving. If we did that, there would be a time notification that we would have to notify the Town of Erving and the agreement covers all of that. The point of the study was to see whether it is cost effective to send waste to Montague rather than to Erving if in fact we were required to pay the kind of increase that we were being led to believe we would have to pay, somewhere around \$230,000 a year to cover our share of the debt services, then sending it to Montague ends up making it look like a pretty good alternative. We had CDM run the numbers and they will be coming in to talk to the Board about their findings. The second issue is whether in fact if we really have an obligation, seeing as there was a breakdown in communications on the notification of any kind of meetings held; no meetings were held to discuss the alternative of expanding the plant in the first place; there are provisions in our use agreement and we never received notification. Then there is talk about how much of the work would be beneficial or for the use of Montague. We have not received this information yet from Tighe and Bond and this is critical in making the evaluation. I have told this to the Town of Erving and that this information is needed to complete our evaluation and to have the facts when the Board attends the meeting in Erving. I need to have feedback from the Board as far as notifying Erving. All members can attend this meeting.

Allen: We need to meet first and understand what is going on and to review information before we go; if information is not available prior to this meeting, the Board should not be attending the meeting.

Fairbrother: If this contract had been followed, we would have had the opportunity 5 or 6 years ago to evaluate and decide what we were going to do. We still want to have that chance to properly evaluate now.

Allen thinks a letter should be sent stating we can come but on the condition that we've had the opportunity to look at the information and evaluated it.

Further discussion about project

**Tax Classification Hearing Continuation**

Miller returns to the meeting and passes out hand out which is in the file. This 1.344%, the tax rate was at \$23.12 and \$15.26 that does give an even 7.4% increase in the tax rate to commercial industrial and residential, however the commercial properties have a 14.6% increase in their average tax bill while the residential has a 5.3% increase in their average tax bill. What concerns me is particularly commercial because that is all the Mom and Pop stores too, not just warehouses and big commercial properties, it is all the small stuff too; all of Avenue A, the bottom half is going to be taxed at the higher commercial tax percent increase and the upper floors are at the residential.

Allen: For a \$6.00 change in the average single family home it is quite a jump goes from 14.2% to 14.7% for the commercial rates. My inclination would be to go with the Assessors recommendation at this point as they have gone through all the details and understand the impact on everybody. There is not a huge difference. Further discussion

Miller: The majority of the new growth found this year was all personal property, which I have no way of anticipating.

*Fairbrother makes the recommendation that the Board vote to adopt the residential factor of .888191 as proposed. Seconded by Boutwell, approved. Fairbrother – Aye, Allen – Aye, Boutwell – No*

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*Fairbrother makes the motion that the Board vote to adopt an open space discount. Seconded by Boutwell, unanimously opposed. Fairbrother – No, Boutwell – No, Allen - No*

*Fairbrother makes the motion that the Board vote to adopt a residential exemption. Seconded by Boutwell, unanimously opposed. Fairbrother – No, Boutwell – No, Allen - No*

*Fairbrother makes the motion that the Board vote to adopt a small commercial exemption. Seconded by Boutwell, unanimously opposed. Fairbrother – No, Boutwell – No, Allen - No*

**Wells Trust Representative Appointment**

*Boutwell makes the motion to appoint Ron Sicard Jr. as the Wells Trust Representative until June 30, 2011. Seconded by Fairbrother, approved unanimously. Fairbrother – Aye, Boutwell – Aye, Allen - Aye*

**Letter of Resignation from the EDIC from Jay DiPucchio**

*Boutwell makes the motion to accept the resignation of Jay DiPucchio from the Montague EDIC and letter attached dated November 8, 2010 with regret. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Allen - Aye*

**Request for signature**

Fairbrother makes the motion to authorize Pat Allen as Chair of the Board of Selectmen to sign various letters and the Grant Agreement for the CDBG Grant that is in the process of being finalized. Seconded by Boutwell, approved unanimously. Fairbrother – Aye, Boutwell – Aye, Allen - Aye

**David Jensen, Update on RR Salvage Property**

Jensen: I've been talking with Mr. Bent, announced he was returning and had money to do work. After he got to Town he realized his DEP Asbestos air monitoring permits would take time and he seems to be diligently working on getting those. I've talked to DEP and he had requested a waiver for a 10 day waiting period and in the end he was denied this; the 10 day waiting period began sometime last week. Once he has his approval I think there are two sections to the building, that has asbestos piping still in it and he wants to get that out before he does any demolition. People that he hires should be telling him what needs to be done. This is a notification; he has to have the correct professionals working over him, the people he uses have to have a certain level of training. He'll hire a company and that company will notify DEP. Your monitoring is self hired.

Allen: When he hears from DEP, he should have someone ready to go. We should know by the first week of December? Allen would like an update at the next meeting on November 29.

Jensen: He is doing work in Greenfield, and said if we had any wood in the Strathmore we could bring it to Greenfield for a fee and it could go away. Yes, the work was supposed to be done by November 15 at the Railroad Salvage Building. Bent is aware of this date.

Allen wants an update at the next meeting to see where we are, and if we are not getting anywhere then we need to relook at the whole thing.

Boutwell and Fairbrother want an update at the next meeting.

Jensen will pass the word along that he is behind schedule and the board would like an update

**Strathmore Update**

Jensen: Renaissance has started, I was down there this a.m., the roofing material for building 11 will be coming in a couple of days; most of the framing is done; they repaired the brick along the top of the wall that is exposed; they are reroofing close in area of ½ of ½ of the building. It won't be the prettiest job, it's not going to be like new, but it has every appearance of being water tight.

Fairbrother asked about the elevator shaft:

Jensen: We took a closer look, and I'm going to suggest we don't do the elevator shaft.

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Fairbrother: I thought we already decided we were going to

Jensen: Yes, that's true. Would you like to take a look at that? I was suggesting it was difficult, expensive and maybe of modest benefit. Renaissance is willing to do the work, but they are going to have problems getting people in there to do the work. I asked them to better isolate the price for this work, since I knew it would come up again.

Fairbrother: I thought all these repairs were within that price, (Jensen responds it was); if they gave us a quote that they were going to do all these aspects of this job, not to exceed this price, I thought at the previous meeting we told them to do it? (Jensen responds we did) why are we discussing this a second time? That decision has already been made.

Jensen: Well.... I'm coming back and I'm suggesting it's worth another look, it saves money and is a dangerous thing to do. We got a look at it from a slightly different angle and better, it may not even be leaking even though it has a chunk of roof ripped off of it. The fear was the water was going to come back into the building. The secondary fear was that it was going to soak the elevator shaft machine room which is also partially exposed in the basement. In a way, what are we saving anyways? It was...

Fairbrother: It was a decision we already made.

Jensen: I'll tell them to go ahead; I have no problems telling them to go ahead. I'm just suggesting, I'm here telling you that it may be worth a second look. They don't think it is worth doing, that is their advise and either do I. Two people were working there today from 10:00 AM on.

Boutwell asks what we are saving if this portion is taken out of the contract and can we legally do that if it is in the contract?

Jensen: If both sides are agreeing to it, then.

Frank was asked to speak to Steve Greenwald and get a number from him. If they are going to do it, are they going to do it while they are here this next week.

Jensen responds, no, it is an isolated activity, it is on a separate building.

Abbondanzio: You are mainly interested in what are we saving and why are we and why would they not recommend it.

Jensen: I spent a good portion of the day with Jim in the building today; two of the three sprinkler systems are fully drained down and should only need a very occasional maintenance.

**Unregistered Vehicles**

Jensen: Currently in a court case and the judge said you have an unregistered by law and one of the exceptions to having more than one unregistered vehicle is if it is out of site of the perimeter abutters. The current policy is in the general By-laws. The judges question is tarping 8 vehicles an acceptable solution?

Consensus of the Board is that throwing a tarp over cars is not permanent covering/storage of vehicles.

Boutwell: The longer a vehicle sits around the more chance of fluids leaking into the ground, and getting into soil contamination, ground water protection, motor oil, anti freeze plus what it can do to animals. Everyone is entitled to one.

McNeely: I would suggest that the article itself contradicts itself and David and I don't agree on this, but I think Section 4 totally contradicts the intent of the entire regulation. My Guess is that this may have happened because there is an exemption for agricultural machinery and vehicles. In Section 4 it says this article shall not apply to motor vehicles which are designed and used for farming purpose and contractors equipment (should have been a period here in my opinion) nor shall this article apply to land owners or tenants who store motor vehicles out of site of abutters in public ways, which is what David is looking at. But Section 1 clearly states 1 unregistered motor vehicle within an enclosed building. It is really difficult to interpret the way I read it.

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Allen: So your thinking before we can actually do anything we need to get this cleaned up?

McNeely: My opinion is that it's is hard to enforce.

Jensen: This usually ends up being a police matter; so this is new to me. There is not a huge history because people generally get rid of their motor vehicles and we're faced with this question. What is acceptable in the Town of Montague? If vehicles are covered with a tarp, is there anyone in the enforcement section of this law that is suggesting that it is okay? I need that answer.

Abbondanzio: I went on line looking at some of the bylaws in place in some of the other communities and talked to the chief. I think our bylaw could use a little bit of updating; for one thing the fines are low, ours is \$5 a day and most are \$50 a day. (Frank goes over other towns by-laws). The other thing that needs to be changed is making it subject to issue tickets for non-criminalization. Gina has strongly advocated that we get a handle on the non-criminalization, not just for unregistered vehicles, but for a lot of other fines. The other thing is the Class III junk yard; once you cross that line your basically breaking the Mass. General laws. This Board has the right to issue Class III licenses and they are very hard to justify. Public hearings are required, abutters must be notified and have the right to be involved in the discussions. A lot of times the unregistered vehicles and the junk yards are co-occurrence of those two problems.

Fairbrother: I presume this has been approved at Town Meeting? (Answer: Yes, and is pretty old and has to go to Town Meeting to change it). Had our lawyers looked at this? I don't think this is going to hold off a lot of weight; it is extremely general. With that being said, where it says "store motor vehicles out of sight; to me store motor vehicles, means you are putting it in someplace or at least behind something, not putting a tarp over something and covering them.

Allen: I would think fencing or hedges, something permanent; a tarp can blow off, people can take it off and the particular case we are thinking about there are a lot of other vehicles out there that are still in plain sight. Someone also suggested a Charter Commission for the Town, which we should probably think of again. There seems to be enough here with the current case that is going on, that we could make a decision is a tarp adequate for out of sight of abutters.

Jensen is not looking at just this case, looking also in general.

Allen: We need to re work this for town meeting and be consistent with all of our fines and non-criminal disposition, so whatever we are doing for one kind of violation.

Jensen: If I'm hearing you right, you're suggesting that a tarp is not storage that out of sight means something that has permanence to it, not just temporary. Also have Gina's Board of Health issues, is it attracting animals, is it leaking fluids, is it make other things go on in a neighborhood that health wise isn't a good idea.

Allen would like all the permit items pulled together for the next annual town meeting.

Boutwell feels each department head should make a list along with a fee

*Fairbrother makes the motion to go into executive session for litigation at 8:20 PM and only come out to close the meeting. Seconded by Boutwell, approved unanimously. Fairbrother – Aye, Boutwell – Aye, Allen - Aye*

*Fairbrother makes the motion to close the meeting at 8:56 PM. Seconded by Boutwell, approved unanimously. . Fairbrother – Aye, Boutwell – Aye, Allen - Aye*