

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, October 28, 2013**

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

Meeting being Taped

Approve minutes of August 26, September 23, 30, October 7, 15, 21 2013,
Boutwell makes the motion to approve the minutes of September 23, 2013. Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson Aye, Fairbrother - Aye

**Sahirat, LLC d/b/a Carroll's Market, Vidyaben G. Patel as Manager, Votes may be taken
New Off Premise, Annual Section 15, All Alcohol Liquor License (Change of Liquor License type from Off
Premise, Annual Section 15, Wine and Malt Liquor License)**

Boutwell recuses himself from the meeting

*Nelson makes the motion to approve the new Off Premise, Annual Section 15, All Alcohol Liquor License (Change of
Liquor License type from Off Premise, Annual Section 15, Wine and Malt Liquor License). Seconded by Fairbrother,
approved. Nelson – Aye, Fairbrother - Aye*

Ms. Golrick asks about how many alcohol establishments the Board feels should be in Millers Falls. This request was approved by Town Meeting

Boutwell returns to the meeting

FRTA Planning Public Input, Tina Cote, Michael Perrault, and others, FRTA Reps; Donna McNichols, Atty

Perrault: Met previously but have been invited back to discuss proposed changes. Did comprehensive analysis on fixed route services and we are looking to maximize our efficiencies with the resources we have. We are looking to have better connections within our own system as well as with PVRTA and the Montachusett Regional Transit Authority. We are looking to have hourly service running through Greenfield and also serving the community college through a separate route than what is currently now. We are looking to combine the current Turners route with our current route into Orange into one route that will run hourly service, 13 times a day and we are also looking to create a new UMass connector which will connect with PVRTA in South Deerfield four times a day to go down to UMass. We are looking to discontinue our route 23 which goes directly from Greenfield to Turners Falls, down route 63 into the Amherst Campus.

Cote: We are looking to create a system that regionally serves the greatest number of people with the resources that we have given the assessment that Montague pays along with all the other Towns we have and given the state and federal pieces we have. Obviously, we are trying to serve the greatest number of people, trying to introduce service into Montague that runs every hour on the hour also creating later service into the evening hours, we are trying to make better connections as a whole, with all of the fixed routes (currently 6). Taken a lot of things into consideration, this is the second draft we have looked at we have to take into consideration the driver bids, connectivity issues between ourselves, between PVRTA, Monochusetts, it's not something easily put together in a mount of hours. We took some of the ideas expressed at our October 2nd meeting and tried to analyze things a little bit better. We are confident what was put together will serve public overall in a better way.

Perrault: Right now the proposal is out for public review and comment period, through November 22. Information is on web page, www.fрта.org. We are taking all comments and feedback and will meet in early December where Board will vote on the proposed changes. If changes are successful and go through, we are hope to have new changes put into place by first of January.

Abbondanzio: I think I've been clear in the discussion we had with Tina and Michael that I feel if Route 23 is eliminated Montague Center effectively will not have a service that will be used going down to Amherst because I don't think anyone will travel to Greenfield, through South Deerfield and back down to Amherst, its just not going to happen. It is an elimination of service for Montague.

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Nelson: Mr. Ramsey sent a letter a few months ago with various thoughts about it and one of the big ones was the potential for the former Montague Center school building to have a significant population boom, has there been any thought assuming that project moves forward about suspending this cancellation for a year assuming the building will be done in a year and waiting to see what impact that will have on this as far as ridership. It would be great if this was intact while we were working on this project.

Perrault: Our standpoint is we are looking to move forward with this proposal. If the Town does get those housing developments put into the center, we are certainly open to having conversations with the Town; if there is need to more services for Montague Center we are certainly open to discussing that to see how we can help serve that area as well.

Fairbrother: I guess it would be fair to say at this point right now, we are looking at making this change so I guess I would turn it around and say since there is nothing there now, and we are confident there will be in a year or so, could this be revisited?

Cote: To create an additional route in Montague Center at a later point? Yes. We would like to work with the Town of Montague, obviously we would have to work within the resources that we have now, so obviously we could look at local assessments and see if there are other resources that you would be able to contribute to to make that happen. We are not leaving anyone without service to Amherst, there is service to Amherst

Fairbrother: One of the drivers was limited ridership to Amherst, if we could demonstrate that could have pretty significant uptick upon completion of this project and some others, that would be an economic incentive to bring this back?

Cote: To add more service, absolutely. We have been looking at the ridership over the last 3 months and there has been a significant decrease along the Amherst route.

Perrault: We would want to sit down with Town of Montague and find out what their needs are and what your looking for and we'd want to look at how that is going to impact our system as a whole. As a Regional transportation provider we want to make sure that we are allowing for the most transportation given our current resources.

Ramsey: I was looking through the schedule today and I got some facts here looking at how things are changing for different areas of Town. Under this proposal the trips from Turners Falls to Orange are going to be increasing from 7 to 13 per day; the connections between Millers Falls and Turners Falls to Greenfield stay about the same 17 trips now 16 new proposal; there is one extra trip between Millers Falls to Greenfield. Currently there are 12 trips a day between Millers Falls to Greenfield, under new proposal there will be 13 trips. Obviously we are losing two direct trips to Amherst. My question would be why are we increasing the connections to Orange?

Perrault goes over proposed new schedules in detail. We are trying to streamline our services and we had a lot of duplicated services to make our system much more efficient to have more consistent service.

Abbondanzio: Public transportation is a primary way to serve employment base. Several people work in Amherst, I don't think many work in Orange, possibly come to Town to work in the Industrial Park. I think it is an important route because we have Amherst as a primary employment center for Montague.

Perrault: There are more trips to Orange because we are looking at our system as a whole, trying to become as efficient as possible providing the most amount of transportation for the region as a whole. We saw duplicated services between our current Route 22 which services Turners Falls and our current Route 32 which goes through Turners Falls traveling to Orange. The busses were essentially following each other down the street with in 5 – 10 minutes from each other. So we pulled apart our entire system and started to look at the entire system as a whole and we found putting everything back together as efficiently as possible, we were able to provide hourly service from Greenfield, to Turners Falls all the way into Orange and back.

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Cote: It this is passed, it should go into effect is January or February

Ms. Golrick: Doesn't feel that Millers Falls has good service, there is no night service to speak of. Wants to know what the FRTA is doing for night service? Perrault responds speaking to Millers Falls, they are actually running later in the evening; last run of the day will leave at 7:00 PM and get into Millers Falls for 7:30 PM.

Ms. Golrick asks about the Athol/Orange runs? Perrault responds Athol withdrew services earlier this spring so the run has been modified to stop at Hannafords on the Orange/Athol town line. Also Perreault states there is no Sunday service and there is none proposed.

Ms. Golrick: If you say you'd love to come back and work with the Town, if you change this route and a lot of people don't use the route with the change how will you know there is a need? Cote responds they will have to work with the Town to do a feasibility study, and work more closely with Montague to see what the needs will be.

Singleton: Feels conversation should have happened before you locked yourselves into this proposal. Your eliminating service on a major transportation corridor, not just Montague Center but Turners Falls and Millers Falls to Amherst. You're changing that into 13 trips back and forth from Orange. I think before you started the process you should have found out if that is what Montague wanted and you didn't do that. It's kind of late, so the so called public input process has been you justifying what you've already decided for Montague. That was true at the public hearings in August and it's been true the entire time. People in Montague Center and Turners Falls don't go to Greenfield to get to Amherst. I don't see why eliminating the direct route to Amherst is helping "the whole region". The other problem I have is you are referring to finances and costs etc. but I haven't been able to get a good estimate of the costs of the districts, of the routes why the current Amherst route costs twice as much \$3.00, as the route from Greenfield to Northampton which only costs \$1.50. Then you complained there is no ridership on the Amherst route but your charging twice as much and you only run twice a day. I would urge the Selectboard to stick with their guns on this.

Chris Sawyer Laucano: I'm convinced something is going to happen in Montague Center, I think you will pick up a whole bunch of riders if you have a route and I urge you to delay the dissolution of this route until you find out what you have for ridership.

Peter Shine: I haven't owned a car in about 4 – 5 years. I've used the bus a number of times since I moved here, it is very helpful and I'm intending to open an office in Amherst and I think the continuation of the direct bus line will be crucial for me and my professional life.

David Detmold: Agree with what several people have said, it is a short sided move to cut the direct route from Turners Falls through Montague Center to UMASS where we know that is the major employer in this region. I wondered if Leveret is paying into this system, and if not, whether an attempt has been made to approach the Leveret Selectboard and let them realize that this change is in the offering that will effect Route 63 going through Leveret as well. We are talking about a regional system in an error where government policy should be moving people out of their private vehicles and into cost effective public transportation. I think Leveret Selectboard, which is a green community just like Montague should be approached on that basis that this is wise public policy that they should invest in it and you should not eliminate that route. (Leveret is not a member of the FRTA, they are a member of the PVRTA)

Mary Melonis: I rode the bus for over 20 years, it was perfect. I cannot even conceive going to Greenfield, it seems so backwards to go to Greenfield to get to Amherst.

David Sharooka: Would be good to know exact numbers to keep route going and asks for e-mail contacts for Board members. Would be terrible to eliminate this route.

Fred Bowman: If people want to keep this route are people and the Town willing to subsidize the route above and beyond what we currently pay?

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Arlene?: Been riding Amherst bus for 6 years. Tina mentioned numbers that were during the summer, doesn't think they should use numbers during the summer; also wants to know why FRTA won't consider the petition they had with 150 names. There is no information on their website how we are supposed to come and go. Thinks it's a disservice to eliminate this bus. Wants to know why FRTA won't consider suggestion of going to Sunderland from Montague in the petition?

Perrault: Received petition, have heard it from a number of people, did look at it and the feasibility and the conclusion was still that the most efficient and effective manner of providing transportation for the region is to connect with PVRTA in South Deerfield.

Cote: We have to look at resources we have which is the local assessment Montague is paying in to the services in addition to what we get for State and Federal resources. This all costs money, and when your looking at contributions being made on the local side from Montague we have to take that into consideration. Unless there is an increase in a local assessment Montague is willing to pay to get these services done, we have to look for a way to reduce the number of hours we are providing for services. We are looking at probably doubling Montague's current assessment which is \$59,000 a year.

Nelson makes the motion that the Selectboard reaffirm our desire for the FRTA to retain Route 23 as a passage way from Montague to Amherst and to encourage and stand behind a desire for the FRTA to hold off the cancellation of this direct(Turners Falls, Millers Falls, Montague Center, Amherst) route until December 31, 2014. Seconded by Boutwell. Approved unanimously. Boutwell - Aye, Fairbrother – Aye, Nelson - Aye

Robert Trombley, Superintendent WPCF, DEP 7/3/13 Wastewater Plant Inspection Letter

Trombley: On 3 July 2013, Mr. Paul Nietupski, Department of Environmental Protection, performed an inspection of the WWTP. From that inspection a report, dated 6 September, was written and sent to the Town Selectboard. The report touched upon 8 areas: 1) Laboratory use of distilled water and the concern of it being reagent grade. 2) The need for written procedures for our nitrogen removal process. 3) Activities to reduce nitrogen discharge to the River and reducing sludge disposal cost. 4) The pilot compost study and requirements of the DEP, concerns if it becomes permanent. 5) Minor modifications that should be reflected in an updated O & M manual. 6) Pump station inspections done 3 times/week vs. regulatory requirement for daily inspections. 7) Inspected the Montague Center & Tech School pump stations. 8) Staffing concerns; 7 full time vs. an estimated need for 11 full time positions. Frank & I on 22 October had a telephone conference with Mr. Brian Harrington, Deputy Regional Director, Bureau of Resource Protection and Mr. Nietupski. The main concern involves item # 6, pump station inspection frequency. The next, item #8, involves staffing and our explanation to them of whether 7 personnel are adequate to handle all the requirements of the WWTP and pump stations. These are the two topics I want to discuss with the Board and Town Administrator having recently reviewed the position of the DEP during the telephone conference. They intend to issue a consent order to the Town directed at the pump station inspection frequency and seem willing to negotiate a time frame within which to address the issues. Haven't had any chronic issues or violations. Requires 2 hours a day, times 2 people six days a week. If we upgrade pump station alarm system, want to see same as what an operator can do. There is a cost to do this, State is giving us 30 days to tell them what we are going to do. \$45,000 – \$50,000 to hire a person as opposed to a one time project that allows us to meet requirements of the state. Trying to maintain some of components of existing system. Want to come back to BOS as more information is put together. Discussion regarding sludge reduction

Abbondanzio: In process of developing a capital reserve that would pay for projects coming down the road including pump station upgrades replacement and paying for that with some of the money we were realizing in additional revenues that are coming in from the sludge and other initiatives that you are doing down there. Unfortunately, we are starting to spend the dividend sooner than we all would have liked. I'm really concerned, we've already hit the sewer rate payers significantly because of CSO work, close to \$6 million, we have a \$1.7 million in the emergency improvements that is going to be hitting the sewer budget next year and going further down the road if we had to spend \$7 million on replacing pump stations, we are talking close to \$15 million in significant capital costs and I'm really concerned about that. I made the point with DEP they weren't really receptive to it, I felt this was the case of no good deed goes unpunished. The Town was a poster child for doing the

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CSO work and one of the first along the Connecticut River without a consent order in place, we spent that money, incurred that cost, we are doing all kinds of innovative and creative stuff down there in terms of the sludge handling and composting that are going to be reputable throughout the state and maybe even the nation, possibly to save money to improve process reducing nitrogen. All of these things are positive proactive things and I felt we were being punished. They weren't receptive to that, they weren't receptive to the argument that we haven't had any permit violations as a result of only inspecting the pump stations 3 days a week, yet we were now being asked to deal with it 7 days a week. I feel DEP was not being fair to Town and respecting what we have done in recent years and not being receptive to the idea that it was going to have a big impact on our industry in particular, I'm really concerned about that.

Trombley: Millers Falls Rd project was completed last week. Piping is in and everything works, will be back in the Spring to do a permanent paving.

Michael F. Ruggeri, MR Absolute Medical Resources, Inc., Request for support or non-opposition to locate a Registered Marijuana Dispensary in the Town of Montague

Ruggeri: We are applying to open up a registered marijuana dispensary and have obtained a certificate from the Public Health for Franklin County. We intend to comply with all the regulations of the Dept. of Health along with the Boards of the Town of Montague and also the FRCOG. We feel the Town of Montague would be an excellent location for us and if allowed to be here we would be a responsible business in Town, a good neighbor and we are local people and we have a stake in the area and we would like to make this successful and run well. I intend to bring in professionals that will help me provide the best service and the best product that there is to offer. The location will not stand out, the Mass. Dept of Health has strict regulations as to who we can allow to go in there, as well as the security that we will need. This business will be very quiet in itself. There will be limited access and not open to the public. We will be renting a location in the area, so that property will continue to pay taxes to the Town and we do not expect to use many town services. We expect to employ 10 – 20 employees, and most will be from the area. I ask that you offer your support to our dispensary. We will be asking for cultivating, processing and dispensing. Mass. voters passed a law saying they would like to have medical marijuana dispensed in Massachusetts. We intend to locate a building that will be enclosed that we can cultivate high grade 100% organic medical grade marijuana. After this is cultivated we will send it to an independent lab which we have no financial interest in, at that point it will be graded and inspected, then if they approve it, it will be allowed to be dispensed in the area to people who have Massachusetts Dept. of Health Certificates that are issued by doctors. Along with dispensing different strains of cannabis (part of marijuana product that offers the health benefit) different strains that do different things for people with different illnesses. We also intend to offer a product called MIP's which is a marijuana induced product and will offer product called Tinctures (jars of liquid cannabis) that people who want to take it in that manner. Dept of Health has issued their regulations on how they want these places run, they have asked people to apply. I applied for Round 1 and now we are in Phase II which requires more information to go into another phase which will be the issuing of 35 or less marijuana dispensary certificates in the State. They would like to do at least one in a county, and up to 5 per county.

Abbondanzio: The only issue I had was on the taxes and I raised it with Michael. I was assured it would be taxable by someone in Rep. Kulik's office. Even if you decided to purchase the property from the current owner, I would think we would want some assurances that you would be willing to do a P.I.L.O.T if there was some type of exemption.

Ruggeri: I think it is important too, but I want to stress too that the donations the business makes will be directed to the host Town.

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Ramsey: Planning Board has had 2 public hearings, as well as a public workshop on crafting zoning language and there are proposed wording ready for the next Special Town Meeting that addresses this. There was no opposition at the hearings.

Dodge: I was really concerned the first time I heard about it, but after speaking with Walter and to Mr. Ruggeri, I feel more comfortable with this. The state has strict guidelines on security.

Ron Sicard (Planning Board Chair): We put a lot of thought and effort and a lot of time into what spots in Town we wanted to have these located, and Mr. Ruggeri has probably picked the poster spot as being the perfect location in Town. It's a very low key operation, by appointment only. The Zoning Board will have the final say.

Nelson makes the motion to support MR Absolute Medical Resources, Inc. to locate a registered marijuana dispensary in the Town of Montague, notwithstanding the possibility that further qualified candidates may come forward looking for support that the Selectboard may endorse as well. Seconded by Fairbrother, approved. Fairbrother – Aye, Nelson - Aye . Boutwell – Abstained.

Walter Ramsey, Town Planner, votes may be taken

Update on DEP Consent Order for work on South Street Bridge dredging project, DEP File 229-230 filed by the Montague Highway Department

Ramsey: This was done last year, the Highway Dept. got permission to dredge off the South Street bridge because it's an area where sediment gets trapped. The DPW exceeded the scope of what they were allowed to do and went onto private land owners property and preceded to stabilize the bank. DEP gave an order to the Town to fix the area of the bank they had impacted. The Town currently is in compliance with this order to restore the damaged section, the project has been stalled however for the last 7 or so months because of the landowner repeatedly denying access to perform the required restoration planning. Last week I met with DEP, the land owner and the Towns engineer and we have agreed on a course of action; it involves removing the armored bank in the next month and restore the bank in the summer during low flow season. The reason is your taking off the top of the bank that was put there artificially, this is going to allow the river to capture the flood plain during the Spring high flow. Full restoration plans are due to us in the next week. It's going in the right direction.

Request support with Franklin Conservation District's Proposal to use remaining grant from the s319 Sawmill River Implementation Project for the purpose of designing, permitting, and implementing a bioengineered solution to the Sawmill River crossing under the South Street Bridge

Ramsey: I've been working with the Franklin Conservation District to leverage this minor infraction into a longer term solution for the South Street Bridge area and the ConCom has called for a bioengineered solution rather than the periodic dredging that has been done for the past 20 years. With the Selectboard approval the Franklin Conservation District is going to use approximately \$50,000 in remaining grant funds that they already have in their possession to design and permit a bioengineered solution that is going to protect the South Street Bridge from washing out, while it protects the ecological integrity of the river. The DEP has already kind of agreed to this idea in concept, the design and permitting would be conducted this winter and then the Conservation District would apply for a construction grant in the spring under section 319, same grant source used for the Sawmill River Restoration Project done where Route 63 and 47 meet. Local match can be in-kind and that is paid for through my time and others.

General discussion about the project

Nelson makes the motion to approve the Chairperson of the Board of Selectmen to sign off on the letter to Deborah Shriver, Grant Administrator at the Franklin Conservation District regarding spending the remaining funds of S.319 Sawmill River Implementation Project. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Program Income Hearing: Allocate \$12,156.36 from MSCPI 222-5-585-5200 for Avenue A Streetscape Enhancement Project

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Ramsey: This is to allocate \$12,156.36 from MSCPI 222-5-585-5200 for Avenue A Streetscape Enhancement Project as recommended in the Downtown Turners Falls Livability Plan for Energy Efficient Streetscape Lighting and pedestrian improvements at the corner of Avenue A and Third Street as discussed in detail last week.

Fairbrother is opposed to the park at the corner of Third and Avenue A, but feels the lights are a priority and need to be done ASAP.

Boutwell made a motion to approve the above project but motion is withdrawn as Walter is going to look at other options and will be back in front of the Board in 3 weeks.

Town Administrators Report, Votes may be taken

Sign FY14 Contract and Scope of Services from Mass. Cultural Council

Boutwell makes the motion to authorize the chair to sign the FY14 Contract and scope of services from Mass. Cultural Council in the amount of \$4,250. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Sign IBPO Union Contract, dated 7/1/13 to 6/30/16

Abbondanzio: What is included is the acceptance of the Pay and Classification study, 1% COLA's in year's 2 and 3 and language change that provided the Sergeants and Patrolman into two different units, There is no difference in benefits. The money is in place for the current Fiscal year 2014, 15 and 16 is a 1% COLA, which is within reason.

Boutwell makes the motion that the Board sign the IBPO Union Contract dated 7/1/13 to 6/30/16. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Topics not anticipated covered in the 48 hour posting requirement

-Reynolds asks questions regarding progress of Dry Hill access. He also asks for clarification of non Town entities using towns insurance.

-Nelson reads commendation letter to several depts. dated 10/21/13 into the record from the Franklin County Pumpkinfest Committee

Boutwell makes motion at 9:20 PM to go into Executive Session, under G.L. c.30A §21 (a)(3); Discussion and possible vote regarding potential and pending litigation for the property located at 30, 34, 34R East Main Street and 33 Bridge Street Millers Falls, Votes may be taken. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Fairbrother declares doing this in open session will be detrimental to legal position.

Boutwell makes the motion to adjourn the meeting at 10:00PM. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye.