

**SELECTMEN'S MEETING MINUTES
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, April 22, 2014**

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, Executive Assistant, Wendy Bogusz (absent)

Meeting being Taped

Approve Minutes of April 7 and 14, 2014

Minutes of April 7 and 14, 2014 not available at this time

Police Chief Charles "Chip" Dodge, Continuation of Parking Ban on Seventh Street, Turners Falls

Father Stan: Access to the church from the main entrance is important, for weddings, funerals, etc. Its more convenient and safe for people to park near the church. I'm open to whatever solution we can come up with that seems fair to everybody. While an inconvenience to some I think it has improved the safety

Nelson: Well everyone agrees, one side of the road needs to be closed as it is a safety hazard and there is not enough traffic space

C. Choleva: Discussion regarding how it affects families along the street and other issues that effects St. Andrews Church. Its very hard to see pulling out onto Seventh Street

General discussion about emergency vehicles getting through,

Dodge: There are pros and cons for both sides of the road, I stand by the decision one side of the road has to be closed and it has worked out well. I'm okay with either side. The least amount of people that have to cross the better!

Linda Hickman: If parking was only on one side, we would prefer it was on the side without the slope (across the street from the Library)

Nelson makes the motion to rescind the previous vote of April 7, 2014 meeting where the Board discussed parking on Seventh St. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Nelson makes the motion to change the parking on Seventh Street to no parking on the North side from L Street through T Street and no parking from L Street through Avenue A on the South Side effective no later than April 24, 2014 for a trial basis to go until October 1, 2014 when Chief Dodge and interested parties will return to a Board of Selectmen's meeting prior to that date to discuss the next steps. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

**Margaret Bates, Registration for Assembly, Public Demonstration or Use of Public Property:
Request to use Corner of Third Street and Canal Street for raised bed gardens for vegetables and flowers for elderly people**

Bates: Still haven't heard back from Catholic Social Ministries. Due to the size of the rocks people in wheel chairs and walkers will not be able to get around in that area. Would like a cross walk on Third street and slow traffic on Canal Street. Traffic is horrible, so we have decided we are not going to use that space.

Dog Complaint Hearing, Jody Rattigan, Investigation of Dangerous Dog (Ms. Ratigans daughter is present)

Fairbrother reads letter to Ms. Rattigan into the record

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Dodge goes over issues with the dog being loose since September 2013 and how the Police have received 16 complaints regarding this dog. We feel something has to be done to keep this dog contained. Since this notice was sent out, the dog has not been loose so it does show it is possible to properly restrain the dog.

Killeen: The dogs problem is she hates uniforms

Daughter: My mom sent me here to tell you that she has ordered a fence for the dog, she fixed the screen door the dog was escaping from, we have all been monitoring the door as people go in and out, we put a board up between the hall and kitchen to keep the dog from escaping. We do not want to put the dog down so we will do whatever it takes. If the Board wants she will also put up an electric fence around the whole property.

Nelson makes the motion to issue a notice of demand to Judy Rattigan that a fence of proper strength and size be built for the dog in question no later than May 31, 2014. In the meantime and there after the dog shall be kept in the secured fence and the home, except when she is secured on her leash. The Board expects no further complaints from the police or Animal Control Officer, but if the Board receives any, the matter will come back before the board for further deliberation. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

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

L. Adams: We bought the barn in January 3-1/2 years ago and that March we were told they were going to be redoing Hatchery and Greenfield Road. In January 2012 they had the first 25% hearing where MassDOT instructed us they would be taking down our barn that was in the actual roadway. Upon saying that we told them they will not be taking down the barn unless we get compensation. At that point Frank spoke up and said it was not the Town's fault the barn needed to come down and therefore they were not paying for the bridge to come down so they were not paying for the portion of the barn to come down. We then said the barn was off the table as it was a historical barn and we are not taking it down. At the same meeting MDR realized the Town had paved over a corner of the property on the corner of Hatchery and Greenfield Road. They contacted Walter and Frank on several occasions and they had not received a reply. They also put on the table we were willing to take down a portion of that barn or move the barn and also to work out an agreement for the corner that was encroached upon...

Fairbrother says timeout..The state has said they are not going to expand the width of that road at that location

L. Adams: Right the problem is the right of way that was brought up at the Hatchery Road meeting right before the fire. Both barns were there since 1800, they burned

Bob Adams: Rebuild them in the footprints they were in.

L. Adams: We want them to be equal, but with the new right of way that expands 66' now encompasses that whole strip. The plan is not to put the barn back in the road.

Fairbrother: I was under the impression that the one barn that was further back your going to build same size same place and I was under the impression that the barn that came out very close to the road you were going to build it the same size but move it back a certain number of feet.

L. Adams: Either take that section down so it was even with the other barn or just move the whole barn back, but we haven't decided yet, but its' not to put the barn back in the road.

Discussion about location of barn

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Jensen: The owner authorized to proceed with the building permit and in this case the right of way, the responsible parties are the Board of Selectmen. Zoning allows you to rebuild, but Mass General laws does not allow you to build in the right of way. In fact the general law says you acquire no rights by grandfathering or other thing, by title or otherwise. That would put the rebuild essentially an approval by whatever method from here, that it is ok to build in the right of way. What I've offered the Adamses is that as long as it is not in the right of way and it is moved back to generally the original position or conforms with Zoning, they can build outside the right of way to whatever non conforming distance they choose, which could be as little as zero, but they cant be in the right of way. They have approved no rights to be there.

L. Adams reads portion of Town Bylaws pertaining to this issue and says when she talked to state inspector for this district she said it would be up to the Selectboard to decide if we could do that or not.

Jensen: The State authorizes the Town to adopt

Nelson: What I'm trying to figure out, is if one state law says you cant build here and one state law says you can if it is burned down, which one trumps which one.

Jensen: As far as I remember, the state law authorizes the Town to offer grandfathered rights and the Town adopted this bylaw. The state law trumps

Abbondanzio: I spoke with Greg Corbo about this, and he has offered an opinion on a very preliminary discussion and his opinion is if you want him to explore it further he is willing to do that. He feels there is an important distinction to be understood here, the difference between right by zoning which is the bylaw that has been discussed and property rights. There are no property rights that have been established here, just because the bylaw allows the right to rebuild, there is no assumed property rights to do so. Based on facts given to him he does not recommend the board allowing it, he has real concerns about establishing a permanent structure in the right away which would create a permanent privilege and right.

L. Adams gives description of where barns were on a map

Fairbrother: As far as I'm concerned your making a very complex issue out of a very simple one. You had 2 barns that had been there since 1800's, they had been used, you were using them, you had just finished rebuilding one of them, then they got burned and you want to rebuild them, moving the one that was closest to the road back. The state has already told us they are not going to widen the road at that location so it doesn't matter. As far as I'm concerned, shame on us if we don't allow this. What precedence are we setting? We can put conditions on it perhaps, we could say the precedence we are setting would be if you have a barn or a house that was built 200 years ago and had been continuously used since then, and it burned down and the town by laws give you permission to rebuild under those circumstances, then we should give you permission to rebuild it.

Nelson: My biggest concern was barn 1, the one very clearly in the way, has been discussed and is not an issue. If Hatchery Road was being planned to get wider, it is not going to be in the way and if any renovation of the road after this renovation is going to happen 65 years from now, they are not going to go much wider.

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Jensen: What puzzles me is all of the historical importance is gone, its burnt to the ground, there is nothing your resurrecting or saving. Nothing historical is going to be replaced there, I'm a little puzzled why this 5' is an issue?

Adams: It's a condition of the bylaw that they be built back how they were in character

Jensen: To some extent they're also resting on an agricultural exemption that allows them not to have special permits, etc. If the barns are used for a business purpose then there are other zoning issues that take hold. The non conforming use becomes an issue. They can use it for the same purpose, agricultural, they cannot use it as a garage, they cannot use it as a work depot so if it's a hay barn, it's a hay barn if it rests on this exemption. Everybody seems to be creating problems for themselves. The Adams will encumber themselves to certain obligations to the town and there is a whole list of sureties and other things in the right of way. They are limited to the use in the right of way because of the non-conformity, they can't change the non conformity unless they get a special permit from the board of appeals for any use other than agriculture. They are encumbering their potential use.

B. Adams: Its agricultural, no matter what, just because I run a construction business doesn't mean I can't use my ladder to trim my apple tree. I have ladders and tools in there, big deal. I use them to build other barns, just because I have a dual purpose for my equipment doesn't exclude it from being farm equipment.

Jensen: Fair argument, and maybe that is the case. That's the problem, it's a continual argument over the use. If it's on your own land, these problems go away.

Ramsey: License would have to have a time limit on it. And at the end of the license it would have to be returned to its preexisting condition.

Fairbrother: What's its preexisting condition?

Ramsey: To a condition acceptable to the Selectmen

Further discussion

Fairbrother: You are here tonight to ask us to rebuild these barns in a certain place which happens to be in the Towns right of way, you are here tonight to ask us for permission to rebuild these barns along within the Towns right of ways. I'm in favor of this, this is not a difficult thing.

Nelson: I'm in favor of it as long as barn 1 isn't at the edge of the road as it was before

Boutwell: I disagree with you, I stand with Frank, I think more investigation needed by Town Counsel on this, I would have to vote no on it.

Nelson: I think that is fair, I would be willing to table for further discussion from Town Counsel.

Abbondanzio: It is also going to have to go back to county because it is a county road.

Adams states they have already heard back from FRCOG that they do not have a problem.

This topic will be back on the agenda in two weeks

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Walker Korby, 17 Taylor Heights, Request for One Day Beer & Wine License on 5/31/14 At Montague Center Town Hall

Nelson makes the motion to approve the one day beer and wine license to Walker Korby and Amanda Larson for a wedding with approximately 140 people on May 31, 2014 from 10:00 AM to 9:00 PM on the Montague Town Common. The Police Chief has signed off on it, we are in receipt of a serve safe certificate and a liquor liability insurance certificate for the Town. Seconded by Boutwell, approved. Boutwell – Aye, Nelson – Aye, Fairbrother - Abstain

Fairbrother is opposed to serving alcoholic beverages in a town building and it should be made clear that Parks and Rec does not decide who is going to use that building for something other than athletic events. If someone wants to hold a wedding or funeral in that building, they come to us.

**Walter Ramsey, Town Planner & Conservation Agent, Votes may be taken
2013 Block Grant Award – Release of Senior Center Feasibility Study Request for Proposals, Set up Senior Center Planning Committee to be made up of veterans agent, COA Chair, COA Director, Town Planner and up to two at-large residents**

Ramsey: Ready to release a senior center feasibility study, funding was done by the block grant, we are evaluating the existing site of the Senior Center of Fifth Street, for its potential to be redeveloped as well as two other sites. Back annex of town hall, former police station area as well as the St. Annes rectory, just the Town owned portion. A committee will need to be set up to for this.

2014 Block Grant Application – Discuss whether design amendments will be required to Avenue A Streetscape Enhancement Element

Ramsey: I want to know if the Selectmen want me to go back and redesign for the pedestrian plaza element that was applied for to see if there is a way to get back any of the 4 parking spaces. At this point if the grant was awarded we could apply for \$325,000 next year.

Nelson: If it is going to be a significantly less cost, I would rather have a less cost and have more money to do other things we want to do given the board has been hesitant on this project. I would suggest we look into the redesign.

Walter is asked to firm up what needs to be voted on for a redesign.

2015 Block Grant Application – Identification of potential projects in Target Area 2 (Lake Pleasant) Housing Rehabilitation and Enhancements to Rutters Park

Ramsey: Because we are in the process of conducting slum and blight studies in Millers Falls and Turnes Falls and we are doing the Senior Center study, none will be ready for us to apply for an implementation project out of those studies for the next years grant round. A community development project has not been done in this target area in a few years and what has been identified in addition to housing rehab is a need to enhance Rutters Park. (upgrading play structures and the basketball court) . Selectmen in favor of this project.

Proposed Turnpike Road Industrial Park – Progress Updates and Next Steps

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Ramsey: Current design has it at about 45 developable acres that would extend Sandy Lane about a quarter mile from where it is now; up to 10 – 11 developable lots would be for sale. A preliminary design is complete, we are working with Fuss & O'Neil on that with support from Mass. Development. There are some town meeting articles coming up on this. MEDIC economic development plan is being updated giving them the authority to do economic development projects in this area, last plan has lapsed so it's just updating it. Another article if approved would give the Selectmen the authority to dispose of property out here for economic development purposes as well as other general municipal purposes. To sell off land it would require sign off from the MEDIC. We already have prospective interest in our first development lot which are lots 1 – 3. There is a lot of growing support for the Industrial Park.

David Jensen, Inspector of Buildings, Update on Strathmore Building

Bergeron: We've been hitting the Strathmore pretty hard removing a lot of the wood at the Strathmore. Had 10 hauls that equaled up to 59.4 tons of wood at the cost of \$3850.00, \$20/ton which is \$1188 for the wood. We are now into the bales of paper and 2 have been sent down and I believe the container cost will be the same and it will be processed at \$55/ton. Some of it will be burned, some will not be. The prisoners helped out tremendously with this and I'm going to look into a program to hire released prisoners. My guys work is starting to pile up. I want to thank Sam at Swift River Hydro for running the fork lift for us. 90% of the wood is gone.

Jensen: There is planning process on a number of other issues. Windows are done on the top two floors and I heard that now that the wood is gone, there is more access to the windows on the main level. We have a quote on some of the roof work and I would recommend the roofs of the stair towers I would recommend as a high priority. There are other leaks in the building, mostly due to roof drains, but most of it ends up saturating the cement floors and finding its way to the drains in the building. There are a few pipes that are broken and have to be repaired. Building 11 needs roof repair, looks like the DPW is capable of doing this. There is an RFP out there and we have a water issue with Swift River Hydro. Ever since Mr. Jones owned the building he let the potable water supply pipe break and it was never fixed. We inherited the building and Swift River Hydro as a neighbor without potable water to the building. It has been a significant issue in response to RFP's. The Sewer Dept. has been down there to look at the sewer pump station and right now they are waiting on authorization to clean it so they can get their people down in there, they have an electrical bid on powering it up. Once they replace the motor (approx. \$1600) they should be able to test the station to see if it works.

Abbondanzio: I believe Bob said the total cost would be around \$12,000 and roof work was approximately \$9,000.

Jensen: On the water front, the water dept spent a month looking into alternatives to getting potable water over to the building, they were coming up with various prices and strategies that all point to the \$20,000 and up category. Our sprinkler service person suggested use of the stainless steel pipe that runs across the bridge to bring potable water at around \$6,000 redo all the joints then bring a stainless steel pipe down into the water supply room and installing a backflow preventer. I would like you to authorize cleaning of the pump station. First Light is doing work at Cabot Station and they put me in touch with someone at WMECO who is willing to evaluate our needs in the building and various strategies for getting electricity into the building.

**Frank Abbondanzio, Town Administrator, Votes may be taken
Approve and sign Grant Assurances for Turners Falls Airport, Purchase Rotary Cutter & Brush
Hog, ASMP Project No. #ASMP-2014-0B5-6, State Grant No. 0B5RCBH**

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Nelson makes the motion to Approve and sign Grant Assurances for Turners Falls Airport, Purchase Rotary Cutter & Brush Hog, ASMP Project No. #ASMP-2014-0B5-6, State Grant No. 0B5RCBH. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Election Warrant – To approve and execute election warrant, attached hereto

Boutwell makes the motion to sign the election warrant for the Town of Montague to be held May 19, 2014 as presented. There are many town meeting seats available. Seconded by Nelson approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Approve request by FC Tech School to place Sandwich Board sign at the beginning of Industrial Blvd. when Restaurant is open

Nelson makes the motion to approve the request by FC Tech School to place Sandwich Board sign at the beginning of Industrial Blvd. when Restaurant is open, Tuesday through Friday from 11:00 AM to 12:45 PM, effective September 1, 2014. Seconded by Nelson, approved. Boutwell – Aye, Nelson – Aye, Fairbrother - Abstain

Sign letter of support to MA Fish & Wildlife regarding Mohawk Ramblers Motorcycle Club staying at the Montague Plains Clubhouse

Nelson makes the motion to approve the letter as presented on behalf of the Mohawk Ramblers Motorcycle Club to be sent to Mr. Wayne MacCallum from Mass. Fish and Wildlife in Boston. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Other

Mass DOT is issuing 1 time contract \$74, 970 which can be spent on specific things like patching of pot holes, cracking and other surface defects including pavement projects, repair and replacement of signage, guardrails, storm grates, road striping or painting plus other items on the list. You have to inform Mass. DOT by June 14 exactly what you are going to do and by September 30, you have to have the work done.

Nelson makes the motion to authorize the Chair to sign the Mass. DOT Standard Contract Form in regards to winter recovery funds of up to \$74,970. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Topics not anticipated covered in the 48 hour posting requirement

Boutwell makes the motion to adjourn the meeting at 9:10 PM. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye