

**SELECTMEN'S MEETING  
UPSTAIRS MEETING ROOM  
1 AVENUE A, TURNERS FALLS, MA  
MONDAY, May 4, 2015**

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

**Approve minutes of April 27, 2015 if available**

Minutes not available at this time

**Public Comment Period: Individuals will be limited to two (2) minutes each and the Board of Selectmen will strictly adhere to time allotted for public comment.**

Phil Desbien: When I learned I would only get two minutes I decided this probably isn't the place to go anymore, and I won't. I presented my information on the electric companies to you people and I was looking for a place to get public awareness on what they did to us, but if this isn't the place to bring that up, then I have no business being here.

**Robert Trombley, WPCF Superintendent, and Grant Weaver, Draft Administrative Consent order**

Trombley: In response to an incident that occurred at the wastewater treatment plant on 14 November 2014, DEP drafted a Consent Order. DEP has asked the Town to sign it, or to respond with proposed changes, by 18 May 2015. Originally, DEP requested a response by 27 April, but a three week extension was requested and granted.

The Order cites the Town for two actions. One, during a 36 minute period (10:26 – 11:02 am) an estimated 18,480 gallons of partially treated wastewater was released to the Connecticut River during an emergency shutdown and repair of the plant's two primary effluent pump controls. Bypasses such as what occurred on 14 November are allowed during rain events when very high flows occur as most recently happened on 26 March 2015 when 1,749,000 gallons were released, but not during non-storm events. Two, plant staff notified DEP of the bypass 3 days later than their policies require.

Working with Grant Weaver of The Water Planet Company, a response is being drafted on the Town's behalf. Mr. Abbondanzio has been briefed and has recommended that before the Town's response is sent to DEP that it first be discussed with the Selectboard and then reviewed by Town counsel. The draft order contains a series of deadlines and conditions and calls for fines should the conditions not be met; all of which will be addressed in my edits.

Weaver: This is a draft, the state is saying if we can reach an agreement we both sign it, but there is a lot of legal backing to it. It's important to get it to the Towns satisfaction. We put our heads together and there was a little bit of factual misunderstanding on how equipment is being used. We recommended a few changes and a couple of technical comments we want to clarify with them. They asked for a couple of reports and one is already done and the other is being worked on. Montague is doing something nobody is doing in the country, which has produced more revenue by running the plant differently. The State has been cooperative and watching it and the Town was nominated for an award in 2010. The thought was, instead of a recommendation going back to DEP to pay them money now and later, why not invest that money into some things that are related to the issues at hand to make the plant more efficient and forget the fine, let's just reinvest it into things we want done. Instead of saying the standard operating procedures will come at a future date, just provide them. The third item which we have gone back and forth on and we've come to the conclusion that there is a draft assessment of the plants long term needs, is premature to get it in their hands so agree with their ideas on the November report. We should spend some time after this fiscal year is done, see where two years of this new way of operating leads for bringing in the revenue and then develop a long term strategy. Once the Town is comfortable with it, it should be done by November then you can respond to it.

Trombley: I talked to our DEP inspector today and the way the draft consent order works is we send him our proposed wording this week and he would look at it and see if he thinks they could live with it, then I would bring it back before the Board, and if all is in agreement I would look for the Selectmen to sign off on it by May 18<sup>th</sup>.

Abbondanzio: Likes what you presented; I think the message needs to go back to DEP not to punish us for our performance. Start looking at the awards given. We are a model site, we should be looking into a Technical Assistance Grant, so whatever experience we have can be looked at other plants . Possibly look at a regional

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conference, see if grant funds be acquired to help us with long term capital fund. Feel like no good deed goes unpunished. They are in the position now to give us an award. Technical assistance grant would help us in financing this. Possibly EPA funds can get channeled.

Discussion

**Jeff Singleton, Montague DPU Pipeline Intervention**

*Current status of TGP pipeline issue in Montague:* The Montague Selectboard voted to oppose the TGP pipeline last July. Last Saturday Montague town meeting passed a similar resolution by a vote of 51-11. These votes raise the question of Montague "intervention" in Berkshire Gas's application before the DPU.

*Why is Department of Public Utilities reviewing Berkshire's contract with TGP?:* Berkshire Gas, which serves Montague, is applying to TGP for a long-term contract for natural gas through the proposed Northeast Direct pipeline. These contracts are essential for TGP/Kinder Morgan to show the "need" for a pipeline in its application to the Federal Energy Regulatory Commission (FERC). The contracts, or "precedent agreements," must first be approved by the state Department of Public Utilities.

*What is an "intervention" in the DPU process.:* Customers of companies like Berkshire can raise objections to the proposed precedent agreements before the DPU. A private non-profit called PLAN-NE is organizing a number of these interventions. According to Katy Eiseman, the director of the group:

"The basic standard the DPU looks at is whether the contract "(1) is consistent with the portfolio objectives established in the Company's Supply Plan; and (2) compares favorably to the range of alternatives reasonably available to the Company and its customers." Because Montague is a municipality in Berkshire's service area, and also would be directly impacted by the pipeline, the town is in a good position to bring up what reasonable alternatives compare favorably to the pipeline -- so that would include your own energy policies. We also intend to encourage the DPU to look at impacts of the pipeline...much of the explanation of available alternatives will be left to the technical experts, but I'm sure that specifics about impacts and energy policies, etc. would be helpful."

PLAN-NE has hired a lawyer named Richard Kanoff to represent people and organizations, including towns, who would like to intervene in the DPU process. The state Attorney General is also intervening before the DPU.

*Proposed Option for Montague:* I would propose that Montague representatives meet with PLAN-NE and Richard Kanoff next week. The goal would be to find out more about the DPU process, the basis for the PLAN-NE intervention, Montague's role, cost, and time frame. Also we should establish research capacity/public discussion on reasonable alternatives to a pipeline.

*Nelson makes the motion to appoint Frank Abbondanzio and an available Selectmen, Walter Ramsey, Jeff Singleton, Ariel Elan, Diane McAvoy to represent Montague with Plan New England at a mutually agreeable date and time during the month of May. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye*

**Jon Dobosz, Director Parks & Recreation, Update on Sway Fun Glider and MC Structure projects**

Dobosz: Portion of glider is being installed as we speak. Hole was dug and ramp was poured. Actual install will happen on May 16, 2015. Looking forward to adding a wonderful, accessible play area to the park. This Saturday we will be at the old Montague Center school disassembling the play structure and bring it across the street to the park and reinstall it at a later date. It will be put into storage as it will be a while before it is reassembled.

**Personnel Board, Appoint Robert Holst, Reserve Police Officer, effective 5/4/15, Step 2, \$15.31/hr.**

*Nelson makes the motion to Robert Holst as a Reserve Police Officer, approximately 16 hours a week, effective 5/4/15, Step 2, \$15.31/hour. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother – Aye*

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*Nelson makes the motion to accept Robert Holst as a lateral transfer from the Orange Police Department. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother – Aye*

**Appoint Planter Committee, Request from John Furbish, Rodney Madison, Ya Ping Douglass, Matthew Cohen and Christopher Menegoni**

*Nelson makes the motion to appoint Rodney Madison, Business Representative, Christopher Menegoni, Business Representative, Ya Ping Douglas and Matthew Cohen as Turners Falls Resident and John Furbish as at large Montague resident. Will accept letters of interest from current planter owners for 2 openings until May 7, 2015. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Abstain*

**Town Administrators Report**

**Topics not anticipated in the 48 hour posting requirements**

Abbondanzio: Changes to wording on special articles for liquor licenses that are in the Legislature. I will bring this issue back next week.

**Executive Session under G.L. c.30A, §21 (a)(6) to consider strategy for Real Estate Strategy; Montague Center School, School Street, Montague, Votes may be taken**

*Nelson makes the motion to go into Executive Session at 7:58 PM under G.L. c.30A, §21 (a)(6) to consider strategy for Real Estate Strategy; Montague Center School, School Street, Montague, Votes may be taken. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother – Aye*

Boutwell declares doing this in open session will be detrimental to the public good.