

**Selectmen's Meeting
Monday, March 14, 2005**

#10

Tape #11-05, 12-05

Meeting was opened at 7:00 P.M. in the Selectmen's Conference Room. Present were Selectpersons, Pat Allen, Allen Ross, and Patricia Pruitt; and Town Administrator, Frank Abbondanzio; Robert Trombley; James Garanin; Members of the Montague Cable Advisory Committee; and Robin Sherman.

Pruitt made a motion to accept the minutes from March 7th, as changed corrected. Ross seconded. Unanimously approved. Pruitt-Aye. Allen-Aye. Ross-Aye.

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**Robert Trombley, WPCF Superintendent
31 Greenfield Road, Connection to Town Sewer**

A neighbor to the plant, James Garanin requested to connect into the Town sewer. There was something in the file from 1997 where a request was made to connect to a Town sewer should the upgrade of the Greenfield Road area go on. The then-Superintendent of the Highway Department thought it might be a good idea to install a sewer at the cost of roughly \$26,700.

GARANIN: My septic system is failing. I've had a contractor go up to the house and he said of the cost for me to do a pump system and connecting to the Town sewer, connecting will probably be less costly.

TROMBLEY: The concern at the moment is that Mr. Garanin was looking to connect into the main line at the treatment plant, which is on treatment plant property. But the interceptor is within the confines of the WPCF perimeter fence and located in a sloped area. My concern is that any work in the area risks disturbing WPCF utilities and the operations and conceptually I have an issue with the allowing the connection on WPCF from off-site for reasons not related to the operation of the facility. The closest locations for other sewer main off the WPCF site outside of the perimeter fence downgrade is the intersection of Sherman Drive and Greenfield Road. The other one is upgrade to 46 Greenfield Road, the house that we demolished, there's a main line that comes and services 46 Greenfield Road, the house next to it, and two houses across the street. And then it comes down through the field, into the backyard of 46 Greenfield Road, and into that main line, then onto the plant perimeter fenced area. If that's a shorter run, you could put in a small grinder pump system and pump to that.

Discussion ensued, with issues including Garanin and two other families being willing to split the cost for the connection, with the plan of directional boring versus excavating the highway out, future development in the area and the need for a sewer line in the future, the desire to keep people from hooking up inside the plant territory, the value of resale of a Town sewer house versus a septic house, and other possible options for Garanin. The Board decided to go with Mr. Trombley.

Sewer Abatements

- Town of Montague. *Ross made a motion to approve the abatement for Town facilities in Account #180, #383, #401, and #1295, for a total of \$823.68. Pruitt seconded. Unanimously approved. Pruitt-Aye. Allen-Aye. Ross-Aye.*
- 385 Turners Falls Road. The resident, a flat rate user, had a meter installed and was asking for an abatement. Trombley felt that he didn't have enough data from the water meter, so wanted to wait and take a look at the water meter readings at the end of March/early April.
- 45-47 Central Street. *Ross made a motion to authorize a reduction in the sewer bill with an abated amount of \$294.84 for the property at 45-47 Central Street. Pruitt seconded. Unanimously approved. Pruitt-Aye. Allen-Aye. Ross-Aye.*
- 76 Avenue A. *Ross made a motion to approve an abatement of \$131.80 for a sewer bill on 76 Avenue A. Pruitt seconded. Unanimously approved. Pruitt-Aye. Allen-Aye. Ross-Aye.*
- 49 Main Street, Montague Center. *Ross made a motion to not authorize an abatement at the present time for the bill of \$243.06, for the property on 49 Main Street in Montague Center. Pruitt seconded. Unanimously approved. Pruitt-Aye. Allen-Aye. Ross-Aye.*

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- 26 Prospect Street. *Ross made a motion to not approve an abatement of a current bill of \$804.96 at 26 Prospect Street address. Pruitt seconded. Unanimously approved. Pruitt-Aye. Allen-Aye. Ross-Aye.*

Scheduled Public Hearing for Combined Sewer Overflow and Facilities Plan

The hearing was canceled for the 21st of March and set tentatively for April 18th.

Lab Technician Update

TROMBLEY: The new lab tech started today on a reduced schedule. She's available for two hours a day until the 25th, when she goes to six hours, which is the full-time lab tech position. The previous lab tech, Mary Sumner, has offered to come back in that same two-hour period to help orient the new lab tech. I discussed this with Abbondanzio and the Town Accountant, and we are paying Sumner for those two hours.

Cable Advisory Group

Request to consider issuing an RFP for the Cable Contract

Pruitt read the cover letter from John Reynolds to the Board of Selectmen.

Discussion

ROSS: I think that the charge to the committee was somewhat different than coming up with a Request for Proposal draft. I think the charge to the committee was more to evaluate some kind of criteria in order that we could evaluate the existing provider, based on the criteria, who might in the future be interested in our potential Request for Proposal. Should we pursue the possibility of looking at changing providers, then we could go to that next step. Another point is that looking at exactly the types of criteria that went into the draft, there are a number of questions I have about the fairness of the document. I feel that there are a number of things about the specific draft that came forward that seems to be very slanted toward a particular objective. I'd also comment that the committee that has been formed, one person I think withdrew from the committee, and at least some of the feedback that I heard was that the feeling expressed was that the committee was very biased in its approach.

PRUITT: I think the committee was asked to come up with evaluative criteria, and I think that the Town felt doing an RFP was one way to assure that the process would be fair and objective. We use our RFPs in other places in Town primarily for the reason of guaranteeing a fair, objective process; and I don't see why cable providers should be exempt from that kind of treatment. I'm very eager to hear the specific places where you feel the thing is slanted in some fashion because that's correctable, if it is.

ALLEN: We actually have two documents here: One is the RFP proposal, and the other is the local access criteria. And I know that the criteria will show up in the RFP. Looking at the RFP, I'm quite willing to run it by legal counsel and continue working on it. I would like to get it in a form where the three of us are totally comfortable with the RFP process.

There was a question as to the validity of 30B and whether an RFP was necessary or not.

SAWYER-LAUÇANNO: The charge to us seemed rather vague. We weren't quite sure what we were supposed to do, and so we interpreted it the way we felt over months and months of discussion that it should go. It was an evolution.

NAUGHTON: The ultimate decision will be with the Board of Selectmen as to how to proceed from here. I agree with Chris. The charge from the Board of Selectmen seemed a little vague to me.

GILFORD: I agree with the criteria. But there's bound to be bias. I don't think you could ever find anyone that isn't going to bring their bias to the table. What decision you go with is entirely up to you. I have asked Reynolds all the way along to check with counsel about any of these things. When you deal words like "Letter of Intent" and "contract," you're going to get into things that are legal, and I think that we all have a different understanding of what it means to have this contract that was signed at that time with GCTV.

ROSS: When you say the criteria is rolled into the RFP, that suggests that they're both kind of very usable documents. I think there's a big leap between the criteria and the specifics of this draft. So to kind of blur the two as if, "accept this, therefore use this," is a big jump, and I don't accept it.

ROSENBLATT: Whether this is legally exempt or not is really not the point. The point is the Town is essentially purchasing services equivalent to \$75,000 or \$80,000. The Town has control about whom they purchase service from, and it therefore has

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some obligation and responsibility to those people paying, which are actually the cable subscribers through the access fee; to engage in a fair and open and competitive process, to at least avoid the appearance of conflict. My understanding is that that has not been done, and I think you have a responsibility to the people paying that money to engage in a fair process. It's not COMCAST who's paying that money. It's actually people who subscribe to cable. Therefore, if one were engaging in the 30B process, then a contract would be expiring if you're not having a Town meeting vote; and, therefore, it seems a reasonable thing to issue an RFP at this point, because if you had done a contract, then you would be required to do that at this point. It just seems to me that process is important. I also agree with Naughton, that I'm somewhat insulted to be considered biased. My issue is process, though, and to bypass process is really not appropriate for a Town of this size.

SINGLETON: I don't know what the venue is for having this conversation. I personally feel it's close to being the diametrical opposite to use the criteria to evaluate GCTV. If in fact you're going to say, "Well, we're not going to do an RFP, but we have some criteria," there's a very concrete thing that that does. The other thing is as far as bias is concerned, they're willing to listen to any input and they have public hearings and they said, "Give us some input." If you look at the scheme of committees around here in terms of input and responding to that input, it seems to me that they responded pretty well. And some of whom are charging bias didn't give any input, and that seems to be a little bit circular.

NAUGHTON: I'd like to back up Rosenblatt and say that I think that there is a responsibility, and the Selectmen in some form are in charge of deciding who gets that money. I think that the persons in the Board of Selectmen have the responsibility of making sure that it's spent appropriately. I think that other members of the committee agree with me that it's hard for the Selectmen to do that job well. My personal feeling is that you haven't had the time to do that job well in the past, and that we are offering ourselves as a way to do it. Is the money that the Montague Cable subscribers spend every year being used for their benefit, or is it used for something else? I'm not sure if anybody can answer that question right now. I don't think we have the information that tells us whether it is or not.

ALLEN: I think what we're going to have to do is divide it into a couple of pieces. I think we're saying that we feel pretty good with this criteria that we have. I think that, if nothing else, we need to run this RFP by counsel, and I think that we need to look at it more. I would suspect, though, that what you're saying is you don't want to go with an RFP process.

ROSS: No. I wouldn't say that. There are a number of different concerns that are raised, and I look forward to your suggestion about the next forum should be to potentially talk about some of the issues. I think the question about the validity of the previous letters of understanding, some of the points about the RFP, is it necessary or is it just sort of a model of fairness, whether or not in fact we're going to run into legal difficulties, and I think Singleton has some concerns about legal difficulties being raised as a kind of a way to scare people off an issue – I really think there's a good basis to be concerned about a number of legal aspects in this thing. The way the Letter of Intent was, the statement from the MCTV written in 2002, literally accepting the validity of the assignment to GCTV – there are a number of things that are going to come up. There are some very specific things in this process that are not fair. The committee that has kind of assumed this process of being part of this RFP process, if that ever comes to be used, have a pretty important role. I think it's really important to look at whether are conflicts of interest in there.

PRUITT: You can change the membership of the committee.

ROSS: There are a number of issues that need to be looked at. That's all I'm saying.

ALLEN: I think you've actually brought up good points. What I'd like is for our counsel to look through the RFP, but also to bring up the question of 30B and to look at the Letter of Intent and probably the vote, because I don't think we've run any of that by counsel. It'd be good to pull all that together so we're comfortable, because two of the members of this board were not involved at all. So we need to get more clear on all those elements. I think what would be good is if you wanted to write down your thoughts so that the three of us could see that. I thought there were a couple of spots where I thought, "Is this fair to everybody, or is this slanted?"

DETMOLD: I think that over time, the citizens of Montague have continued to push this process themselves forward, and I think that the intention is because people in Town really want the best possible TV station for the Town. I think that's the motivating factor. And I think if we worked on a process whereby all sides could be heard, we would trust the Board to make the determination of what entity could provide the best possible TV station for the Town. And I think there would be a broad degree of satisfaction in Town with that result. I hope somebody we will have that trust.

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ALLEN: I think we need to put this on the agenda for the next week or the week after, whenever you think we can get some response, and I think that we can probably say we're very happy to accept the local access criteria and that we now need to move on and discuss should we be looking at an RFP at this point. Should we be adopting it for the future, or just what all these pieces were?

GILFORD: I agree with Dr. Ross that there's a leap and there's a difference between the criteria and the RFP. The RFP contains things that I strongly disagree with that were very different from the criteria. Also, even speaking to Sam Lovejoy, this Board of Selectmen, or any Board of Selectmen, can change these decisions anytime they see fit. They can change the assignment anytime they see fit. But the point that I think Dr. Ross made in July was that if somebody invests a huge amount of money or work or anything, why would they want to be cut off at the whim of the next Board of Selectmen, and that it really needs to be seriously considered if there are violations. That is the reason for the reassignment. If there is a Letter of Intent and there are these contractual and legal involvements, that should be looked at; but if there are serious violations, I'd like to see what those are before you decide to just reassign, because otherwise I would see it like Detmold said – he trusts this Board as if he didn't trust the last Board.

ALLEN: I think what we need to find out is how much that Letter of Intent actually was contractual by our legal counsel. I think that it was interesting a few years ago when we started this that some people were saying, "Oh, absolutely not. Don't have a contract."

NAUGHTON: It seems to me that one of the things that brought me to where we are now is the idea that if GCTV really does have a binding contract of some form, then the entire exercise is worthless because coming up with a set of evaluation criteria after the contract is already in place seems entirely unfair. If that's not the case, then it seems to me fair to say, "Look, we've decided that we're going to through this process, we're going to open it up to everybody." I've tried hard to make sure that GCTV would not be excluded from the process, but also to allow for other entities to be considered. But it seems to me that they entered into this agreement based on I'm not sure what. People talk about a contract, people talk about a signed agreement. The only thing I've actually seen signed is their Letter of Intent.

ALLEN: The Letter of Intent and the vote of the Board.

The decision was made to put this issue on the agenda in a week or two.

Robin Sherman, Town Planner
Strathmore Consultant Selection

SHERMAN: We received five proposals in response to our Request for Proposals for the Strathmore Redevelopment Feasibility Study. We had a subcommittee of the Strathmore Mill Feasibility Study Committee of, I believe, seven people, who reviewed all of the proposals and made a decision to interview four of the five proposers. We rated the proposals first, and then we rated the interviews. And it was the unanimous recommendation of the committee that Finegold Alexander + Associates be chosen to perform this work.

Ross made a motion to approve the selection of Finegold Alexander as the Strathmore consultant to evaluate the property for \$40,000. Pruitt seconded. Unanimously approved. Pruitt-Aye. Allen-Aye. Ross-Aye.

Discussion

J. Golrick asked that her questions regarding the process of determining which group would be selected as the Strathmore consultants be addressed. Sherman addressed each one.

Renewable Energy Program

SHERMAN: At one of the Feasibility Study Committee meetings, Steve Ellis, who is a member of the committee, called my attention to the fact that Renewable Energy Trust of the Massachusetts Technology Collaborative does offer some grant funding for projects related to renewable energy. And one of the questions that has come up in the discussion about the future of the Strathmore is "Will Indeck start up again? What kind of fuel will it use? And how could that project be related to the Strathmore?" So I did call the Renewable Energy Trust and asked if any of their funds could possibly be used to assess the Feasibility of running the Indeck facility on a renewable fuel and how that might interrelate with the Strathmore. The first program that we looked at turned out not to be applicable, but there was another program, the Predevelopment Feasibility Study, that might be applicable. They usually don't fund feasibility studies for privately owned facilities. However, they were willing to consider a

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joint application from the Town and the owner of the power plant. I did ask Jean and Peter Golrick, who were sitting at the first Feasibility Study Committee, whether they'd be interested in working with the Town on that, and they said if the Town's interested in that, they should send a letter to the Montague Energy Group LLC.

APR Announcement

Sherman presented the Certification of Notice Waiver for Board to read and sign off on. Allen read the waiver and asked for a second to the motion. *Pruitt seconded. Unanimously approved. Unanimously approved. Pruitt-Aye. Allen-Aye. Ross-Aye.*

Volunteer Recognition

Sherman reported that she has been pursuing a way to recognize and appreciate all the people who dedicate their time and energy to volunteering for the Town. The suggestion is that the Town sponsor a volunteer recognition day called "Thank-Que," which would be a barbecue free of charge for volunteers. Guests would be able to attend for a reasonable charge. The event will be hopefully held in June on a weeknight evening. Zukowski and John Zwyna have said they would be willing to help, and have also offered to reserve the Gill Shoots & Vine for the event. An annual award would be given to recognize civic participation. Sherman recommended Wednesday, June 15th, as a tentative date.

Pruitt made a motion to set June 15th, 2005, for the first annual Montague Thank-Que in recognition of the Town's civic volunteers. Ross seconded. Unanimously approved. Pruitt-Aye. Allen-Aye. Ross-Aye.

Town Administrator's Report

Review Audit

Pruitt read the first item, "Improve Internal Controls in the Building Inspector's Office," on the audit.

Discussion ensued with issues including placement of the stamp on the check, segregation of duties, problems with typos in the spreadsheets causing discrepancies, the treasurer turnover sheet, and the need for a single-entry system for data entry.

Sign Escrow Agreement

Ross made a motion that the Board of Selectmen sign an Escrow Agreement where they deliver into Escrow with John R. Mason of Greenfield, Massachusetts, a check in the amount of \$3,000 between the Town of Montague and Edwin Lego. Pruitt seconded. Unanimously approved. Pruitt-Aye. Allen-Aye. Ross-Aye.

Sign Support Letter for MHP Capacity Grant

Ross made a motion to authorize the Chairperson of the Board of Selectmen to sign a letter to Susan Connelly of the Mass Housing Partnership supporting the position of a construction manager for the Home Building Project for Pioneer Valley Habitat. Pruitt seconded. Unanimously approved. Pruitt-Aye. Allen-Aye. Ross-Aye.

Letter to the Mass. Highway

Ross made a motion to authorize the Chairperson of the Board of Selectmen to sign a letter to Mr. Blundo, Chief Engineer of Mass Highway, with the letter stating the Town of Montague has appropriated and set aside sufficient funds to pay for the costs of non-participating items in the Millers Falls Streetscape Project. Pruitt seconded. Unanimously approved. Pruitt-Aye. Allen-Aye. Ross-Aye.

Ross made a motion that the Board of Selectmen signs Agreement No. 38892, which is a City Town agreement between the Commonwealth of Massachusetts acting through the Highway Department and the Town of Montague, and that authorizes the initiation of the Streetscape Project in Millers Falls. Pruitt seconded. Unanimously approved. Pruitt-Aye. Allen-Aye. Ross-Aye.

Ross made a motion to authorize the Chairperson of the Board of Selectmen to sign a public demonstration registration form authorizing the Sheffield Elementary School to have an Earth Week Parade that goes from Sheffield School to Crocker Avenue, Montague Street, L Street, Seventh Street, Avenue A, to the Great Falls Discovery Center on April 12th, 2005, starting at 9:00 a.m. and ending at 11:00 a.m. It has been signed by Ray Zukowski. The rain date is April 14th. Pruitt seconded. Unanimously approved. Pruitt-Aye. Allen-Aye. Ross-Aye.

Other

- *Ross made a motion to authorize the Town to expend \$120 for a custom-built frame that will be used to frame a commemoration of the Reconciliation of the townspeople of Montague and the members of First Nation's Tribes. It has a*

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model number DSCFRT-RI, and the builder is Michael Langneck of Hotsapp Woodworks. Pruitt seconded. Unanimously approved. Pruitt-Aye. Allen-Aye. Ross-Aye.

ALLEN: I'd like to point out that what Langneck is basically saying is this is pretty much a materials budget, and that he actually would be charging most people far more than he's actually charging the Town.

- Abbondanzio is going to implement policies and some of the discussion that took place with the Colle tenants as listed in the Colle Tenant Meeting Summary.
- Other items were tabled due to the lack of time.

Ross made a motion to go into the sequence of Executive Sessions, one for real estate, one for collecting bargaining, and one for litigation. Pruitt seconded. Unanimously approved. Pruitt-Aye. Allen-Aye. Ross-Aye.

Executive Sessions.

Ross made a motion to adjourn the meeting. Pruitt seconded. Unanimously approved. Pruitt-Aye. Allen-Aye. Ross-Aye.