

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, May 19, 2015**

Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons, Chris Boutwell, Mike Nelson; Rich Kuklewicz, Town Administrator, Frank Abbondanzio , Executive Assistant, Wendy Bogusz

Welcome to Rich Kuklewicz as a new Selectmen

Approve minutes of May 11, 2015

Nelson makes the motion to approve the minutes of May 11, 2015 as presented. Seconded by Boutwell, approved. Boutwell – Aye, Nelson – Aye, Kuklewicz - Abstain

Reorganization of Board of Selectmen

Kuklewicz makes the motion to nominate Michael Nelson as Chair. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson – abstain

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.

Betty Tegal: Feels her right to vote via absentee ballot was not handled correctly and feels she has the right to have her ballot counted. Feels ballots need to be mailed earlier and wants the Selectmen to require ballots be mailed 45 business days prior to an election. Wants to have the Town Clerk meet with the Selectmen to discuss this. Date to be set up

J. Reynolds: Found a spot for the cane, across from the Town Clerks office on the wall. Would like to know what the Selectmen think of the location so he can get moving on this. Board is to let Frank know.

Bruce Hunter, HRH Infrastructure Coordinator

Recommendation for award of Avenue A Streetscape Enhancement Project to Mountain View Landscapes & Lawncare, Inc. \$396,550

Ramsey: Something has been brought to their attention on the design aspect and would like it to be further reviewed. I am recommending holding off the award until June 1st.

Summer Schedule

Kuklewicz makes the motion to set the summer schedule as June 1, June 15, June 29, July 13, July 27, August 10, August 24, September 8 and September 14, 2015. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye

Reynolds would like the Selectmen to go to different villages for their meetings.

Personnel Board

Remove William Doyle from FMLA effective 5/11/15

Kuklewicz makes the motion to remove William Doyle from FMLA effective 5/11/15. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Jeff Singleton, Alternate FRTA Advisory Board

Update on May 21 Annual FRTA Advisory Board Meeting

Singleton wants to keep the Board in the loop since he is the Town's representative. Goes over the FRTA agenda and #4 and #5 are the FY16 budget; I have questions regarding their budget and how it relates to the consultant study we had last summer and there were a lot of questions how the budget works and how the Towns are assessed. They had difficulties explaining this so they hired a consultant to come up with an up to date assessment for the Towns. Then the assessment that came out this spring did not conform to the assessment that was on that so there is a similar issue I have with the budget that is presented, since it doesn't jive very well with what the consultant did. I'm continuously prodding them without being to contentious about it to try and get the information we got from the consultant to be in line with what they are actually doing and what they are actually presenting. The ear mark for the orange route is still in the budget, unclear on if it still is, and if so what does it look like for the future. A couple major topics: there is a vote to purchase property for expansion of parking area to the east; doing change in advisory

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board bylaws; State study of entire transit system suggesting changes of the routes. On June 30, a comprehensive service assessment is coming out. A state study of the entire transit system and will be suggesting changes to fixed routes. Greenfield has the most, we are second. Want to change them and have them in place by the fall. Singleton will report back to the Board on July 13th on the outcome of this assessment.

Detmold suggests FRTA come in prior to rate changes being finalized and hearing from the residents

Jelissa Caraballo, Church Light of Salvation

Event Application for use of Peskeompskut Park: May 23, June 13 and June 27, 2015, 7:00 – 9:30 PM, (set up 5:30 PM; Clean up 9:30 - 10:00 PM)

Boutwell makes the motion to authorize Jelissa Caraballo, Church Light of Salvation for an event at Peskeompskut Park on May 23, June 13, June 27, 2015 from 7:00 – 9:30 PM, (set up 5:30 PM; Clean up 9:30 - 10:00 PM), insurance received, fee of \$25.00 per event is due. Seconded by Kuklewicz. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye

Mark Stevens, Tree Warden, Jamie Beauchesne, Arborist for Eversource

Trees on Montague Street

Stevens: Trees were dying at a rapid rate, I knew about them, Jamie came to me asking about removing them from the lines, I told him they were behind the sidewalk, out of the right of way, get written permission from the residents and the trees could be removed.

Jamie: I met with every resident that had trees I was interested in removing and received written permission to remove 11 trees on private property.

Kuklewicz asks if these are town trees and Stevens responds, some say they are, some say they aren't; nobody can prove to him that the Town planted them. They are behind the right of way.

Stevens: It is not known how many more "Klaiber" trees are out there; behind the right of way, no one can prove who planted the trees. The consensus that is out there between L Street Hill and Randall Road, all the trees on the hill are Klaiber trees but I don't believe that.

Abbondanzio: There is nothing in writing that he has seen. Klaiber probably did plant most of the trees on the hill. This creates a little bit of a problem because of the way the law reads if they were planted using public funds, we don't know what he used, public funds, donated funds, his own, whatever, if they are planted within 20' of the right of way it creates a different kind of situation where they are considered public shade trees under Mass. General Laws because of that and technically that triggers a hearing requirement.

Jamie: Also, you need to have written permission from the private land owner to do this. Upon my counsel with other communities across the commonwealth everyone interprets MGL differently. The Town is not doing any work, the utilities is covering all costs. I'm not trying to get away with anything. I identified 11 trees that were at risk in my eyes as a professional. I came to your tree warden as I was instructed to do. I went back to my supervisors and said this is going to effect residents on the hill. We are going to re plant trees.

Kuklewicz: Maybe we can still meet the law without having a hearing, but I say to err on the side of being conservative and have a hearing any time going forward.

Jamie: I am under the assumption once I plant these trees, they belong to the property owners once I put them into the ground.

Discussion regarding ownership of trees

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The origin of the offer came from a cutting and replanting pilot program that was instituted in the City of Springfield. Once Jamie had approval from management, he contacted the Tree Warden. The purpose of all of this is to remove dead trees and replant them.

Nelson states it's not that they are objecting to the trees coming down, it's the process that they came down and people were not notified.

Jamie: Wood was removed today, I need to call dig safe regarding stump removal, I am waiting to revisit the nursery and then the property owners will get to pick between 3 tree types. I will be replanting the trees personally. Submitting a vegetation management plan was not required. Further discussion regarding whose trees were cut down.

Mark Stevens will contact Frank when there needs to be a tree hearing

Residents complain that the Town has no right to tell them they cannot have a tree taken down in their yard.

Kuklewicz makes the motion to create a bylaw dealing with public shade trees or trees that might be considered public shade trees and work on coming up with a bylaw for 2016 Annual Town meeting, until such time we will ask the tree warden to inform the Town of any trees that might be considered public shade trees and go through the hearing process to assure notification of the residents. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Stevens feels the Board is opening up a can of worms. Jamie warns the Board from his experience, it is opening them up to a lot of liability to trees.

Policy and Plan for tree replacement in Town

Stevens: Tree replacement in Town: I take a tree down and if someone wants a tree replanted, I plant a tree. Dig Safe list given to selectmen of all trees planted over the past 3 years. I have used money from the Tree Memorial, there is approximately \$4,000 in the account.

As of May 1, Kostanski's will be donating \$20 per tree per memorial. Discussion regarding difficulty replanting trees along the Avenue

Ramsey explains that the Town and the FRCOG will be conducting a tree inventory (number of trees and health of the trees) in the downtown area this summer and they hope to expand it to other areas of Town.

Stevens expresses his frustration that no one ever contacts him for information or with their questions.

Detmold suggests Tree Wardens budget get split so he is guaranteed to have money to plant trees and not just remove them. He also suggests having a nursery for trees.

McNamarea agrees with Detmold and feels maybe we need to budget more money for trees. Maybe everyone should get together and discuss where trees should be replanted. Also wanted to say thank you.

Town Administrators Report

Announce award of principal forgiveness for a portion Montague's loan from the Mass. Clean Water Trust in the amount of \$51,013

Abbondanzio: This is for the loan for the pump station replacement project. The Town appropriated funds to replace two pump stations, one on First Street one on Poplar Street and that work is currently under way. We were approved for a 2% loan from DEP, but we also qualified for a principal reduction in the amount of \$51,013 for Environmental Justice designation.

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Community Development Discretionary Hearing: Flags, Flag poles and brackets, \$2,100.00

Kuklewicz makes the motion to expend up to \$2,100 of Community Development Discretionary funds to purchase Flags, Poles and Brackets; seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye

Request that the Town Clerk place the Debt Exclusion Vote regarding Sheffield MSBA Project voted under Article 13 at the May 2, 2015 Annual Town Meeting before the electorate

Boutwell makes the motion to request the Town Clerk place the following Debt Exclusion vote before the electorate "Shall the Town of Montague be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund the towns allocable share of costs to replace windows in the Sheffield School auditorium/gymnasium wing including the payment of all costs relative thereto, as a result of Montague's participation in the Massachusetts School Building Assistance Authority (MSBA) program" Seconded by Kuklewicz, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye

This will be on a separate ballot from the Tech School and the bill will be split between the Tech School and G/M Regional School District

Montague Intervention in DPU Hearing Regarding proposed pipeline: Resolved that the Town of Montague join the PLAN-NE Network for the purpose of intervention in DPU proceedings involving the proposed Kinder Morgan Northeast Energy Direct Pipeline Pursuant to the Town Meeting vote of May 2, 2015, Article #29

Abbondanzio: We had a conference call today with Legal Counsel who is representing the Coalition group. On Friday, one of the representatives of the coalition received notification that this had to be filed by this coming Friday so it did not get on the agenda. We published an amendment to the agenda today stating: Montague Intervention in DPU Hearing Regarding proposed pipeline: Resolved that the Town of Montague join the PLAN-NE Network for the purpose of intervention in DPU proceedings involving the proposed Kinder Morgan Northeast Energy Direct Pipeline Pursuant to the Town Meeting vote of May 2, 2015, Article #29

Boutwell makes the motion that the Town of Montague join the PLAN-NE Network for the purpose of intervention in DPU proceedings involving the proposed Kinder Morgan Northeast Energy Direct Pipeline Pursuant to the Montague Town Meeting vote of May 2, 2015, Article #29. Seconded by Kuklewicz. Approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Topics not anticipated in the 48 hour posting requirements

Kuklewicz makes the motion to approve the request by the Montague Community Band, use of Peskeompskut Park on June 15, 22, 29 July 13, 20, (27 as a rain date), 2015 from 7:00 – 8:30 PM, set up ½ hour before, clean up 15 minutes after, approved by the Police Chief, fee be waived for the event, seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

OTHER:

Registration for Assembly, Public Demonstration, Use of Public Property; Trustees Soldiers Memorial Committee, Parade and Ceremony at Veteran's Park Area, May 25, 2015, 8:00 AM – 12:30 PM, Parade: 2nd Street to Avenue A to Veterans Park

Kuklewicz makes the motion to approve the Registration for Assembly, Public Demonstration, Use of Public Property to the Trustees Soldiers Memorial Committee, Parade and Ceremony at Veteran's Park Area, May 25, 2015, 8:00 AM – 12:30 PM, Parade: 2nd Street to Avenue A to Veterans Park. Seconded by Nelson, approved. Kuklewicz – Aye, Nelson – Aye, Boutwell – Abstain (on the committee)

Kuklewicz makes the motion to appoint Chris Boutwell as acting Chair for this portion of the meeting. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

Registration for Assembly, Public Demonstration, Use of Public Property; FC Pumpkinfest & Parade, Inc., Spring 5K Walk/Run, April 23, 2016, 9:00 AM to 2:00 PM

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Kuklewicz makes the motion to approve the request for Registration for Assembly, Public Demonstration, Use of Public Property to the FC Pumpkinfest & Parade, Inc, for the Spring 5K Walk/Run on April 23, 2016 from 9:00 AM to 2:00 PM as presented. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz - Aye

Registration for Assembly, Public Demonstration, Use of Public Property; FC Pumpkinfest & Parade, Inc., Spring Parade, April 23, 2016 (rain 4/24/15) 10:00 AM to 3:00 PM

Kuklewicz makes the motion to approve the request for Registration for Assembly, Public Demonstration, Use of Public Property to the FC Pumpkinfest & Parade, Inc., for the Spring Parade, Crocker Ave to Montague Street to Turnpike Road to Millers Falls Road to High Street to Crocker Ave on April 23, 2016 (rain 4/24/15) 10:00 AM to 3:00 PM as presented. Seconded by Boutwell, approved. Boutwell – Aye, Kuklewicz - Aye

Boutwell defers the Chairmanship back to Michael Nelson

Event Application for use of Peskeompskut Park, Montague Public Libraries, Puppet Show on Friday, August 7, 2015 from 8:30 AM to 12:30 PM

Kuklewicz makes the motion to allow the use of Peskeompskut Park to the Montague Public Libraries on Friday, August 7, 2015 from 8:30 AM – 12:30 PM for a puppet show, Police Chief has signed off on the permit. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Boutwell makes the motion to adjourn the meeting at 8:50 PM. Seconded by Kuklewicz, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

HOUSE No. 215

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen Kulik

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the town of Montague to issue one additional liquor license.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Stanley C. Rosenberg</i>	<i>Hampshire, Franklin and Worcester</i>

HOUSE No. 215

By Mr. Kulik of Worthington, a petition (accompanied by bill, House, No. 215) of Stephen Kulik and Stanley C. Rosenberg (by vote of the town) for legislation to authorize the town of Montague to issue an additional for the sale of all alcoholic beverages to be drunk on premises. Consumer Protection and Professional Licensure. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act authorizing the town of Montague to issue one additional liquor license.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the
2 licensing authority of the town of Montague may grant 1 additional license for the sale of all
3 alcoholic beverages to be consumed on premises under section 12 of said chapter 138 to
4 Montague Inn, located at 485 Federal street in the town of Montague, Massachusetts. A license
5 granted under this section shall be subject to all of said chapter 138 except said section 17.

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6 (b) Once issued, the licensing authority shall not approve the transfer of the license,
7 granted pursuant to this act to any other location, but it may grant the license to a new applicant
8 at the same location if the applicant files with the licensing authority a letter from the department
9 of revenue and a letter from the department of unemployment assistance indicating that the
10 license is in good standing with those departments and that all applicable taxes, fees and
11 contributions have been paid.

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have

12 (c) If the license granted under this ~~act~~ is cancelled, revoked or no longer in use, it shall
13 be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto,
14 to the licensing authority, ~~which may then grant the license to a new applicant at the same location~~
15 under the same conditions as specified in this ~~act~~.

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16 SECTION 2. This act shall take effect upon its passage.

HOUSE No. 216

The Commonwealth of Massachusetts

PRESENTED BY:
Stephen Kulik

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the town of Montague to issue one additional liquor license.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Stanley C. Rosenberg</i>	<i>Hampshire, Franklin and Worcester</i>

HOUSE No. 216

By Mr. Kulik of Worthington, a petition (accompanied by bill, House, No. 216) of Stephen Kulik and Stanley C. Rosenberg (by vote of the town) that the town of Montague be authorized to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises. Consumer Protection and Professional Licensure. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act authorizing the town of Montague to issue one additional liquor license.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the
2 licensing authority of the town of Montague may grant 1 additional license for the sale of all
3 alcoholic beverages to be consumed on premises under section 12 of said chapter 138 to the
4 Powers Block located at 26-28 East Main Street in the town of Montague, Massachusetts. A
5 license granted under this section shall be subject to all of said chapter 138 except said section
6 17.

7 (b) Once issued, the licensing authority shall not approve the transfer of the license
8 issued under this section to any other location, but it may grant the license to a new applicant at
9 the same location if the applicant files with the licensing authority a letter from the department of
10 revenue and a letter from the department of unemployment assistance indicating that the license

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Deleted: for the purpose of facilitating the redevelopment of this Chapter 121B blighted property by Robert Obear (developer) under the Town of Montague's Commercial Homesteading Program.

11 is in good standing with those departments and that all applicable taxes, fees and contributions
12 have been paid.

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13 (c) If the license granted under this act is cancelled, revoked or no longer in use, it shall
14 be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto,
15 to the licensing authority, which may then grant the license to a new applicant at the same
16 location under the same conditions as specified in this act.

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17 SECTION 2. This act shall take effect upon its passage.

HOUSE No. 3218

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen Kulik

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the town of Montague to issue one additional liquor license.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Stanley C. Rosenberg</i>	<i>Hampshire, Franklin and Worcester</i>

HOUSE No. 3218

By Mr. Kulik of Worthington, a petition (accompanied by bill, House, No. 3218) of Stephen Kulik and Stanley C. Rosenberg (by vote of the town) that the town of Montague be authorized to issue an additional license for the sale of all alcoholic beverages not to be drunk on premises. Consumer Protection and Professional Licensure. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act authorizing the town of Montague to issue one additional liquor license.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the
2 licensing authority of the town of Montague may grant 1 additional license for the sale of all
3 alcoholic beverages to be consumed off premises under section 15 of said chapter 138 to LING
4 LING, Corp. d/b/a Montague Village Store, located at 60 Main Street in the town of Montague,
5 Massachusetts. A license granted under this section shall be subject to all of said chapter 138
6 except said section 17.

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Deleted: Montague Center Village in said

7 (b) Once issued, the licensing authority shall not approve the transfer of the license
8 issued under this act to any other location, but it may grant the license to a new applicant at the
9 same location if the applicant files with the licensing authority a letter from the department of
10 revenue and a letter from the department of unemployment assistance indicating that the license

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11 is in good standing with those departments and that all applicable taxes, fees and contributions
12 have been paid.

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13 (c) If the license granted under this act is cancelled, revoked or no longer in use, it shall
14 be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto,
15 to the licensing authority, which may then grant the license to a new applicant at the same
16 location under the same conditions as specified in this act.

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17 SECTION 2. This act shall take effect upon its passage.