

**SELECTMEN'S MEETING
MONDAY, APRIL 28, 2008**

#21-08

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Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons: Patricia Allen, Patricia Pruitt, Allen Ross, Town Administrator Frank Abbondanzio

Approve Minutes of March 31, 2008, April 7, 2008 and April 14, 2008

Hold off until Select Board has a chance to review them.

Mass. Highway Dept., Approve Land Damage Agreement for G/M Bridge Plans; Bill Matlock, Karen Axtell

- Plans showing the preliminary right-of-way that we are going to need.
- Few temporary easement areas will be affected. Easements owned by the First Light Hydro Company.
- Permanent drainage area affecting First Light – draining is on the Gill side of the river.
- Very small area affecting the inhabitants of the Town of Montague. It is in fact roughly 20 square feet and triangular in shape.
- Have a “Zero Land Damage Agreement,” which is a very common and typical document that we bring to municipalities when we are hoping that they will sign off their rights so that we can use that area for the construction that is necessary.

Ross made a motion to approve the “Land Damage Agreement” for Gill/Montague, Avenue A, over the Connecticut River Bridge, and there are a number of details defining exactly Parcel No. 2-E-1 on Layout No. 8077. Seconded by Pruitt. Approved unanimously. Pruitt – Aye, Ross – Aye, Allen – Aye.

Discussion followed regarding contacting the First Light Hydro Company regarding the Land Damage Agreement for the permanent area that the Highway Dept. needs to acquire. Construction would probably not be seen until next spring, with one lane open (coming into Turners off of Route 2) during construction, but that out-of town traffic would be going up Greenfield Road. There was a Public Hearing that occurred a few years ago notifying the public of this project. You can contact the District Office to find out the specific details regarding this construction project. The Director is Al Stegemann.

Patty Dion, Tax Collector, Town of Montague Tax Bills Due

Allen read a reminder received from Patty Dion, our Tax Collector to all Town of Montague tax payers that the second half of Fiscal Year 2008 Real Estate and District Tax Bills are due by Thursday, May 1, 2008. Payments received after this date are subject to 14 per cent interest penalty.

Town Administrator's Report

Annual Engineering Agreement for Landfill Monitoring with Tighe & Bond \$10,500

This is part of the 30-year post-monitoring that we have for the landfill. Basically it involves a lot of ground water and surface water monitoring, and a report is issued. Received a report that came out last week, basically describes what they found in monitoring the wells.

Ross made a motion to have the Select Board sign the FY08 Engineering Agreement for Landfill Monitoring Services for Tighe & Bond, for a total estimated cost of \$10,500. Seconded by Pruitt. Approved unanimously. Pruitt – Aye, Ross – Aye, Allen – Aye.

The landfill monitoring program is a thirty year post closure monitoring is required by the Dept. of Environmental Protection. We have to go for thirty years after the closure of a landfill, as we would if we developed a new landfill as well. The report is available for anyone to come in and read it at the Town Hall.

Application to use Peskeompskut Park – Shawna Chase

Ross made a motion to approve the application to use the Peskeompskut Park for a wedding for Shawna Chase and Gary Cowan II on Saturday, August 23, 2008 with a start time of 3 PM to 4 PM. The use of the park has been approved for the ceremony only at this point. The application was signed off by Chief Zukowski. Seconded by Pruitt. Approved Unanimously. Pruitt – Aye, Ross – Aye, Allen – Aye.

Pre-Town Meeting on Wednesday, April 30, 2008, at 7:00 PM here in the Upstairs Meeting Room of the Town Hall. Usually we are at the Senior Center, but this year we will be here.

Annual and Special Town Meetings are going to be on Saturday, May 3, 2008 at 8:30 AM at the High School.

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Lew Collins, 2nd Street Sport Bar – Outdoor Café Day Events

Looking for permission to hold Five Outdoor Café Events this summer for the following dates: Sunday, May 25th, Saturday, July 5th, Sunday, July 20th, Saturday, August 9th and Saturday August 23rd. These events have always been successful in the past and I receive a lot of positive feedback from the people in Town.

The first one would be on Sunday of the Memorial Day Weekend. Then on Saturday, July 5th for the July 4th weekend. We are going to try a Memorial Tribute for Mike Konvelski, the former owner, who passed away a few years ago, in connection with the July 20th event. When I became aware of the Block Party being held on August 9th, I was thinking about doing something that day to enhance it. The last one on August 23rd would be for our summer golf tournament. We don't need to block off the parking spaces. All alcohol is going to be sold inside. Letter to the tenants has been posted so that they are aware of what will be going on. Wooden bar stools and round tables set up outside. Ample security. Alcohol section will be sectioned off as we have done in the past. Ample space for pedestrians to walk back and forth. If you came by twenty minutes after the ending time of each event, you wouldn't even know that we had an event, as everything is all cleaned up. The outside alcohol has a time limit of 9 PM.

Ross made a motion to approve the special licenses for the 2nd Street Sports Bar, 23 Avenue A, Turners Falls, MA for outdoor café style, complete with live music, outdoor seating, with the restrictions on where and when the alcohol will be sold and when the clean-up will occur by, specified on each special license for the following dates: Sunday, May 25th, Saturday, July 5th, Sunday, July 20th, Saturday, August 9th and Saturday, August 23rd. The times, duration of alcohol service and breakdown times are specified on the applications, and registration for the use of alcohol in public space. Seconded by Pruitt. Approved unanimously. Chief Zukowski has signed off on all of these licenses, and the fee will need to be paid

Collins: We don't know what the weather will be. Would it be all right for me to give the money to Wendy a week or so in advance, just so that we can make sure that we will have the event. If we don't do it on the requested dates, then we aren't going to ask if we could do it the next week or whatever. The insurance, right now, is with 2nd Street Sports Bar, and then soon everything will change over to me, and I'll have everything on file here also. The name will change to "Between the Uprights at 2nd Street. Lew will inform the Select Board when the name change takes effect, so that the paper work can be adjusted.

Motion was made and Ross seconded the addendum. Approved unanimously. Pruitt – Aye, Ross – Aye, Allen – Aye.

Dog Hearing, Sean & Katie (Rosewarne) Marshall

Allen: Discussing complaint of a dangerous dog – pursuant to Mass General Laws Ch. 140, Sec. 157 and paraphrasing the language of the law, the hearing is being held because the dog residing in town is a nuisance by reason of vicious disposition. We are obligated under the law to investigate the complaint, and to take any legal action that we deem necessary

Ross reads hearing notice into the record

Allen asks questions regarding location of dog, whether it is licensed, if rabies are up to date, what steps have been taken to prevent the dog from getting loose.

Discussion about the above questions.

Alan Foster went over why he requested a hearing and the information he had regarding the dog attack. The Police were the first to arrive. Ms. Rosewarne was being taken by ambulance when I arrived. Officer Dempsey from the Montague Police Dept. was there. I just made sure that the dog was inside the fence in the backyard so that the dog couldn't harm anyone else at that point. The dog bit Mrs. Rosewarne and her neighbor while she was trying to remove the dog off of the owner. Brief discussion about how serious the bites were and how many.

Katie Rosewarne: We have a fenced in backyard. I was in the kitchen. There is a loose dog; maybe friendly, maybe not, I don't know. We have a sturdy picket fence except obviously it flatted, and this dog stuck its' nose in between our fence and our dog doesn't like it. It is his yard and I thought it was all taken care of. The dog ran by again. I went outside to bring my dog in because this other dog was doing the nose poking thing, so I didn't say anything to him, I shouldn't have done this, but I grabbed him from behind, like in a headlock. He turned around and bit me. It wasn't life or death, I called 911 and he bit me on the arm. My mom and dad brought the dog in when I went to the hospital. I don't know anything about Heather being bitten.

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Alan Foster: Heather said she was bitten when she tried to get the dog off of you. It was a small abrasion on the back of her hand.

Allen: At this point, what steps have you taken to prevent your dog from attacking someone or getting loose?

Sean Marshall: My dog has never been loose. He is never loose. I have a fenced in yard.

Katie Rosewarne: Sean has built a chain link enclosure, on top of being in a fenced in yard. Gina has been over since and seen it. Obviously we can't control someone else's dog, so we figured that will stop the snout effect.

Sean Marshall: It is a 10 ft. high chain link fence that is totally enclosed. The dog has been through all the dog training classes, PVKC. He has never been a problem to anyone.

Ross: Do you walk him on a leashe outside the various enclosures that you have?

Sean Marshall: The property we live at now is the property that we own, but we actually live at 57 Turners Falls Rd. on the hill. We have a full fenced in yard there also. I have always walked him. I get out of work at night and I walk him. He has always been on a harness and a leash. Never had any problems with him at all. I've walked him up on the side streets on the hill, back and forth and never a problem. I've walked him where we live now after I get out of work at night. I have stopped walking him now because there are two loose dogs, which are not controlled.

Ross: There was a question that Gina had mentioned that you have a little child? And the child is safe with the dog?

Sean Marshall: Yes, our dog has his own room. He has met our child, but since he is a big dog and he is such a little baby we have never actually let the baby crawl around in front of him merely because of the size of the dog. I have cousins and if they aren't over 13 or 14 years old, I just don't let them in the room.. A dog that size could knock them over.

Katie Rosewarne: Gina has come over and saw that the fence is up. She came back at the end of the 10-day quarantine check and she saw the whole enclosure. The dog has an indoor/outdoor enclosure.

Pruitt: Are you at all worried that your child, as he starts toddling around, might – kids are full of unexpected actions, especially towards an animal.

Katie Marshall: I can understand that, but I would say no because because we are so used to the routine of not allowing him around the child now. There has been so many measures taken, precautions taken now, he actually has always been barricaded. It is a big house. I totally understand what you are saying.

Sean Marshall: Our dog has always had his own room in the back part of our house, close to the back door. He can go from his room. He roams around the house when we are home, but anytime our family or friends come over he is locked up.

Tape #2

Ross: Do you see things any different than you have perceived it, and if that is true, do you make any recommendation other than they continue caring for the dog and restraining the dog as they do and refrain from surprising it from behind when it is upset. Do you have any thoughts or suggestions?

Alan Foster: As long as it is in an enclosure and kept away from children and other people's pets. If there are loose dogs in the area, by all means let me know, because I am not aware of that.

Allen: Is there anyone in the audience who would want to speak on this issue?

David Detmold: What day did this occur?

Allen: It was April 8th. I don't see any neighbors or anybody else who wants to speak about this.

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Alan Foster: I have had no other complaints.

Katie Marshall: No, everyone loves him. We have a really good neighborhood. It is my grandfather's house.

Allen: At this point we have several options.

1. We can take under advisement and discuss this.
2. We can order you to put up a 10 ft. chain link fence.
3. We could accept your commitment to what you have been doing,
4. An order would be to have the dog destroyed.

Ross made a motion that we emphasize to the dog owners that the dog should be restrained at all times, whether being walked outside his pens or otherwise restrained in his pens as is currently being done and that special caution should be maintained around young children, with the dog owner having children. Seconded by Pruitt. Allen stated that we are recognizing that you actually have already taken the next step by putting the chain link fence up which I think is very very helpful. Approved unanimously. Pruitt – Aye, Ross – Aye, Allen – Aye.

Airport Issue Update

Allen: I think our Town has worked really hard to be open and inclusive and we have great pride in our diversity. This issue was pretty unsettling. At this point, I know that there are a lot of people here who are also concerned about what was going on and trying to get to the bottom of this. What are the real facts that happened? It gets a little difficult when one person, then another person, things like that. I think that one thing obviously there was an article in The Montague Reporter, obviously the Boston Globe has been aware. The Selectboard received a letter from Director Welch. We have allotted about fifteen minutes for this, but I don't really want it to go on for forty-five, but I want to make sure that we actually make people aware that we are concerned about this and that we are getting more information and people are responding. Do you think that other people have received this letter from Director Welch?

Abbondanzio: It just came today.

Allen: Read the letter sent to the Board of Selectmen from Robert E. Welch, Jr., Executive Director of Mass Aeronautics into the record.

Allen: I think that as far as Director Welch is concerned, that is something that will be dealt with on the State Level. I expect we will hear more from this.

Letter from the Turners Falls Airport Commission sent to Mr. John Brown of the Narragansett Indian Tribe read into the record.

Allen: We have received other information from Mark Fairbrother. Basically Mark has stated several times that he did not make those comments and in the letter to us he actually said who he was told did make the comment. Basically what Mark is also saying is, and I believe the Airport Commission is agreeing that some form of comment was made by two people. This is something that was very upsetting to us. If the matter were just "tree huggers" some of us are very pleased to be called "tree huggers", but that is not what was actually said, then that was totally inappropriate, and some people actually do not like to be called "tree huggers". I think that we would like to apologize to the Native Americans and to anyone else who was offended by these remarks. We don't condone any of that and I expect both Allen and Patricia would like to say something and I know that there are a few people, who would like to speak and that would be Mr. Graveline, Mr. Clark and Mr. Detmold. I don't know but there might be one other person.

Pruitt: I would just say that I began my first term on the Board of Selectmen with the Reconciliation Ceremony down at Unity Park with the Narragansett and Wissett Tribes and that was a very significant event for me. I think it was a significant event for all of us and the Town. It was a signing of an agreement to be mindful and to look out for the interests of and the respect of the Native American Folks, who have lived in this area for a long time. I was very disheartened when this story came out in the paper. I was also disheartened by the response of the Airport Commission to it. I felt that a better way of going about it, would have been to whoever said the remark to

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come forward and apologize if they felt they could apologize, and for the Commission to take the stand that Peter Golrick has attempted to take in his letter, to apologize for those remarks and to come right forward and do that. This whole kind of fan dance that is going on, trying to obscure who the person was, trying to protect Mark because he didn't say it or because he is alleged to have said it. It has been very discouraging, because it doesn't get us anywhere.

Ross: I share a lot of what Patricia just mentioned. I also was part of that ceremony and was moved by it. It is an experience that Native Americans have had here and a number of other groups around the world have had over time. I think that the use of a pejorative term at a particular target; an ethnic group is reprehensible as I think everybody has acknowledged. I feel that while there might be arguments about interpretation of the artifacts that are on the airport property; there shouldn't be any hesitation about challenging somebody who makes a comment about somebody who believes in a particular spiritual heritage. I think that is a totally separate issue, and I find that a lot of the information that I have received and read from the Airport Commission has been evasive. It was protective of what they perceived to be, I think, their self interest and in some ways contradicting various things as subsequent information was revealed. So I am not prepared to draw a conclusion about what kind of results I think this whole episode will lead us to, but I am interested in people's comments. I find it disturbing and will wait for more comments to be made.

Allen: I would say my understanding from the reason that people didn't bring forward the name of the individual is because this is somebody who had nothing to do with the Airport Commission or the Committee to save the Airport or the State. I think that the feeling was that they felt this was a retired individual, just a private citizen and they were just actually trying to be sort of gracious that way and unfortunately all that has done, is continued to fan the flames.

Mr. Graveline: I would like to request a copy of the letters that you received and a copy of the minutes from this meeting. Letter from Mr. Graveline read into the record.

Howard Clark: Read his letter into the record.addressed to: To Whom It May Concern:

David Detmold: First of all I want to give you a copy of my notes from the day, April 4, 2008, when one of your Select Board members, Allen Ross, invited me to come to a meeting between Executive Director Robert Welch of the Mass Aeronautics Commission and the local Airport Commission, here in Turners Falls. At the bottom of that page, you will see very clear notes taken, everything being said there, is being said by Director Welch, unless it is otherwise attributed. At the bottom it says we are ready to go with construction, you are ready to go with construction, the only thing holding things up are those "tree hugging Indians". This remark was stunning to me and I noted it down very carefully. It was made by Director Robert Welch, Executive Director of the Massachusetts Aeronautics Commission. That was not in dispute with the local Airport Commissioners as late as Tuesday, April 15th, 2008, when at a Turners Falls Fire District Meeting, I went up to the Chair of the local Airport Commission, Peter Golrick, and I asked him what his thoughts were regarding Director Welch's comments about Native Americans and he said they were unfortunate. I asked him who he thought had made the comment in response, and he said it was not Mark Fairbrother. Mark Fairbrother was too busy wincing at Director Welch's comment. If Director Welch had said that someone was a tree-hugger, that would not have caused anyone to wince. There has been an evolution of a cover up story here, is what I am trying to tell you. I know Mark Fairbrother very well and I was standing across the room from him when he made the comment that I quoted him accurately as making. That comment is also in my notes. Further comments made by Mr. Detmold

Discussion

An Executive Session will be needed to continue the discussion

Mark Fairbrother reads statement into the record.

Ross: When I knew that Mr. Welch was coming to settle some issues at the Airport, especially this access road and other issues where there were very different opinions between the Committee to Save the Airport and the local Airport Commission; I also thought it would be useful that the Montague Reporter come and I also called the Greenfield Recorder. My sense for inviting them other than having news reporters was to hopefully objectify the

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interactions of Mr. Welch's visit. I just want to be clear that that was my motivation inviting David Detmold, and somebody from the Recorder. I also hope that we can all learn from this event and hopefully the reconciliation effort that we participated in can ultimately be strengthened by the outcome of this.

Pruitt: If the person who said this is now identified as Mr. Caldwell, how hard is that to verify? Certainly the rest of the Commission can say who said what, privy at this point, right? Can't we, because you are all sure that it wasn't Mark.

Peter Golrick: I was present in the room but I had my back to the group that was in that discussion. This was an after the meeting kind of thing, where sometimes, as happens here, several groups gather afterwards to talk. I happened to have my back to the event so I could tell you the direction, but I can't tell you who said it. At the Airport Commission Meeting on April 14th, I asked each and every Commissioner face to face, individually, if they were the person responsible for making the comments, and with full eye contact with each of them, they all assured me that they were not. As Chairman of the Airport Commission, I didn't feel I could respond for the entire Town or speak on behalf of anyone other than myself and the Airport Commission, which is what I framed the apology letter in terms of. None of the comments reflect the Airport Commission's thoughts.

Pruitt: Are you saying that there is no one on the Airport Commission who can say for a fact, who it was, who said that?

Peter Golrick: It would have to be someone who was closer to that situation, so that would have to be, perhaps Mr. Sweeney, and I am not sure if either of the other two Commissioners were in the room at the time. I think one had already gone for an appointment and one was on his way back with someone else. I am not sure, of who else, on the Airport Commission was present.

Allen: Were there other people in the room as well?

Peter Golrick: Yes, there were other people in the room.

Allen: I think maybe we can try to follow up on this more.

Pruitt: This is a very serious situation for a couple of reasons. We have our newspaper editor here and reporter, who has, I think, a pretty solid record of accuracy, and if he has made mistakes, he immediately is willing to make a correction. That is my experience, as a reader of the paper, and as someone who writes sometimes in that paper. His credibility is on the line and that is worth a lot to him, and to us who read his paper. Mr. Fairbrother represents the Town on the Airport Commission. He has a responsibility as all the Commissioners due to the Town. His reputation and his credibility are also on the line here. I am a little bothered by the eleventh hour resurrection of the name to put this on the person who is not here and as far as I know it sounds like he knows nothing of this whole situation, for all we know. He may never come forward unless someone calls him in here, I suppose. So, we are in a very difficult situation. We are not legal detectives here. We count on the veracity and the credibility and the good will of the people who come before us and tell the truth. That is the only fabric that holds the community together and holds us together in a situation like this. I guess we do need an Executive Session because I don't see where else we can go. I think everybody here has expressed a very strong position. I feel as though this Airport Commission has kind of presented itself as a problem child here for quite a while, and some of the things are fair, and some are problems that any Commission would have, and some of them seem to be because of poor judgment. I am just concerned about this because this is like the last straw in my way of thinking. I am really eager to get this resolved.

Allen: I think we are going to move along at this point. Thank you very much to everybody. We will continue on with this at a later date.

Other

Jean Golrick: I sent in an application for a Landfill Committee. Now that we have a full Board in front of us, I would like to know the result of my written application for the Landfill Committee. There was an error in "The Reporter" to my recollection of last week's meeting. I do not believe this Board voted to pay a fire bill of \$1,250. I think that they agreed that they were going to look into it. That they had bills and that they were going to write back

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to the Fire Department. The last "Reporter" said that the Board approved that bill and it is directly in contrast to what I observed at that meeting. Detmold wasn't even here at that meeting. So, please be aware that the media is not always correct.

Pruitt: I didn't say that Detmold was correct.

Abbondanzio: There was an issue as to whether the Town Highway Dept. has done the work gratis for the Fire District, you know, shoveling, plowing snow and sanding. That is something that would have to go back before the Financial Committee.

Ross: I think there was also questions about some of the other things that were on the bill, that might not be the Town's responsibility.

Abbondanzio: Right, the Discovery Center's part of the bill should have gone to the State.

David: I couldn't be at both the School Committee Meeting and the Select Board Meeting, so I watched the Select Board Meeting on TV and rewound it a couple times on the part about the fire alarm bill, which as I understood from the tape, you had recommended that the Finance Committee take it from reserves and pay it. I thought it was resolved.

Jean Golrick: No, it was not voted that way to my recollection. I am a taxpayer.

Allen: The Landfill Committee, as I understand it, is not yet full. We haven't dealt with anybody else who has applied at this point.

Jean Golrick: That is what they said last week.

Allen: I was under the impression that we are actually looking for people who had specific experience in different areas at this point.

Abbondanzio: Someone who had done traffic engineering, obviously that would be a big help.

Allen: I think we are actually looking for a person with technical expertise. There is no Executive Session meeting tonight.

Ross made a motion to adjourn the meeting. Seconded by Pruitt. Approved unanimously. Pruitt – Aye, Ross, Aye, Allen – Aye.