

**SELECTMEN'S MEETING  
MONDAY, DECEMBER 15, 2008  
UPSTAIRS MEETING ROOM**

**Tape #51-08**

**36**

Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons Allen Ross, Patricia Pruitt; Patricia Allen (absent), Town Administrator, Frank Abbondanzio; Administrative Secretary Wendy Bogusz; Ray Zukowski, Police Chief; Dan Laroche, Town Planner; Tom Bergeron, DPW Superintendent; Jon Dobosz, Park & Rec Director; David Jensen, Building Inspector; Arn Albertini, Greenfield Recorder; David Detmold, Montague Reporter; Hugh Massey, WHAI

**Approve minutes of December 8, 2008**

*Pruitt makes the motion to approve the minutes of December 8, 2008 with corrections. Seconded by Ross, approved unanimously. Pruitt – Aye, Ross - Aye*

**Informational Meeting for Bar and Restaurant Owners, Closing Hours**

Ross: Some of the previous motions were made on my misinformation. I since had communication with Ray Zukowski who has spoken with ABCC and there was a discrepancy to what I had heard.

Ross goes over motions that were made at a previous meeting.

Zukowski: Would like to see continuity with all the bars, I'd like to see these times on the licenses that are going to be issued that the last alcohol to be served at 12:50, all alcohol off the tables and bar by 1:10 AM and all the patrons out of the building by 1:15 AM. The staff can stay in there as long as they need to complete their cleanup etc. It is State law that managers and owners can stay on the premises as long as necessary to complete their work. If we remained open until 1:30, everyone from the neighboring Towns would rush into Montague knowing they could get a drink up until 1:00 AM and then order 2 or 3, stay in there until 1:30 AM. This would be a public safety issue as people would be rushing into Town to get the last drink. I don't believe it is hindering the clubs or bars at all, these are the times it has been forever.

Janke: Asks what time the last drink is served in Greenfield is?

Zukowski: The last drink in Greenfield is 15 minutes before the closing time which would be 12:45 AM. (Reads Greenfield by-law)

L. Collins: We are currently running what is being asked. Our main concern is getting our work done afterwards. Am I understanding that we are okay with that still?

Zukowski: There is no time limit on this. Bar managers and owners can stay on the premises until they get their work done. A courtesy call for something out of the ordinary would be appreciated. I just want continuity.

Faith Sawin: Asked whether any leniency could be given for parking in front of the bar after 1:00 AM if a list of license plates were given? Storm nights would be different

Zukowski feels something can be worked out.

Janke feels he is having less time than Greenfield to serve alcohol. Especially for a bar that is competing with people who are at bars that are open until 2:00 AM in Northampton and Springfield, it puts us at a competitive disadvantage in a recession which is not at all a comfortable place to be.

Zukowski said they are actually getting 5 extra minutes than Greenfield.

Ken Majka: Would request that you give patrons more time to get off the premises.

*Pruitt makes the motion to revise the last sale at 12:50 am, alcohol off tables and bars by 1:10 AM and patrons out of bar by 1:15 AM, and staff off premises when work is complete. Seconded by Ross, approved unanimously. Pruitt – Aye, Ross – Aye*

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*Pruitt makes the motion to approve all bars to be open until 2:00 AM on New Years Eve, December 31, 2008 and hereafter until further notice. Seconded by Ross, approved unanimously. Pruitt – Aye, Ross – Aye.*

**Informational Meeting with Skate Park Representatives**

Ruth Nervig: We currently do not have land or a lease for a skate park and would like a piece of Unity Park to be designated for this. If we had a skate park that was better looking it might draw more people to use the facility. We have ideas on how to do sustain and develop this, but we can't do it unless we have a piece of Town owned land.

Mithel McConnell: On nice days, likes to spend the day at the skate park. It keeps them out of trouble instead of sitting on the street. It's a good place for kids to go.

Jessica Harmon: Makes sense to have a space for young kids to go and hang out. Teenagers need a safe place for their kids to hang out.

Mica: Wants the skate park to continue, during the fall, went there every day, a good hang out place. There aren't a lot of places for us to hang out with out someone yelling at us. There is also biking and kids playing hacky sack at this location.

Fred Cassidy: Homeowner next to Unity Park, doesn't think there is interest to have a skate park in Unity Park. Doesn't feel like there is room for this. He is not in favor of a skate park in Unity. As a homeowner, the level of noise and disturbance wouldn't be good for this area.

Evan: Came to town a year ago, the skate park allowed him to meet people in town. Was a good thing for him and would hate to see it go away.

Nervig: Wanted to clarify the spot they were really interested in at Unity Park was right next to the Parks and Rec Building where there would not be any neighbors.

?? Met so many kids at the skate park and think it is awesome and should stay.

Ellen Spring: New to Town and the mother of a pre-teen. Is delighted her son is going to the park and she has joined the steering committee to save the skate park because she is impressed that despite the lack of clear oversight, standards and structure, the kids have gotten the park up and going, and have kept it not always so great, but have kept it going. There is a strong investment in this town to keep doing healthy things. In my opinion the Town is growing and you want to attract more folks that are going to come with children. As a resident of the Cutlery building the activity beside the Shea and Colle has increased in terms of skateboarders since the park shut down. I feel strongly the Town has a responsibility to this group of kids to make sure skateboarding happens.

Jessica Harmon: Feels by default Unity Park could become a hangout place and it would deteriorate fast if the kids have nothing to do.

Ross: There other things in town we don't have that would be great, such as a swimming pool. I think a skate park fits into this category at this time. It is an activity that has swept the country that involves a lot of kids that might not be into baseball or football. It can be a very constructive and creative way to make friends and stay very active. What is the geographic perimeter that would attract kids to the skate park as an alternate location (size and location)?

?: ½ mile to ¾ mile radius away with a size of 10,000 sq. feet.

Abbondanzio: Jim Capen is still open to talking to us about using his space on Avenue A and Eleventh Street. He would like to sit down with people and hear what they are thinking. It seems like a good option, at least in the interim. Unity Park is a long way down the road.

Ross asks about the management side of the skate park.

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Nervig: We have a steering committee and I've been talking with people who could run fundraisers. Our real intention is to build a nice skate park. If we could get in on a grant to build a better skate park we could build a concrete park that people would respect. A fence is needed for a park.

Christine Bates: Would like to see the town embrace a skate park that is run by the P & R. Would like to see it at Unity Park.

Dobosz: At this time the commission and myself have concerns in regards to having a park being developed in Unity Park, space concerns. We do need additional parking for the events that are held and that is the area that is being looked at. Just because it looks like there is space to put something doesn't mean it is the right space to put it. There is the rivers act to consider and you cannot put anything within 200' of the river. We are seeing our resources depleted as well, we are anticipating a lower budget than last year and nothing is indestructible. When we were in charge of the skate park I found myself out there addressing discipline issues, vandalism issues and cleanliness issues. That is a concern as well.

Jensen: There are two locations that are being overlooked. The town owns the Butler building which is a thought. The town owns property on the other side of Williams Way, that perhaps Mr. deChristopher might be interested in, maybe that is a discussion that would be worth having.

deChristopher: I don't want to deny the kids a place they use a lot, and I can see it is vitally important to them. I am open to some creative thinking about how to cut a deal with the town or whomever is going to be the entity. To be honest, it is the best place in Town. I don't want to take it away from the kids. My problem has gotten to be that I can't really afford it. I also carry insurance on it even though the Town carries insurance, for some sort of peace of mind, which is almost equal to the taxes. It hasn't exactly been a freebee for me. I've also put in a fair amount of work myself to maintain the place, I've hired crews to do cutting, leaf work, fence work etc. The kids don't take care of the property. There is always junk being thrown over the fence. The reality of what the kids need and the reality of what the neighbors need

Ross: This session has been real helpful. There are some key things here: funding, supervision, the relationship to Parks & Rec because the reality of the finances of the Town look even skinnier for next year. What's important is the immersing group has become a force in town to mobilize young people in town to express specifically what they want to really work for them and how we can work together.

Pruitt: The skaters at last night meeting recognized the need to be responsible for the park. It may be a learning curve, but if there is a dependable space, you might see that kind of orient take place and self monitoring go on here.

Detmold: In terms of the fence that was just erected, I hope there is definition of ownership of it so it will be kept by the Brickhouse. I think a lot of the problems was there was no clear structure set up by the Town to run it after Parks & Rec said this is beyond our capacity with the current budget crunch that the Parks & Rec had to recon with. I'm very encouraged to see a structure has been set up that includes skaters, homeowners and adults. The group can look after the maintenance issues that everyone is talking about. Thinks the best bet is the CDBG Grant coming down the road.

Ann Jemmes: If there is any way to look at this from different angles, ideally I would love to see the skate park in Unity Park. I think something positive would come of this having it in Unity Park, it would have a ripple effect.

Abbondanzio: There is a very narrow window of opportunity for the CDBG grant. The Master Planning process has already started; the Landscape Architect has a very tight schedule to do a conceptual plan with cost estimates that will go to the Dept. of Housing and Comm. Development for a design grant that will design the park with all the improvements recommended in the Master Plan. If your not part of that master plan your not going to get a cost estimate. I thought at the last meeting the Board had voted to include the consideration of at least studying whether it is a feasible alternative to the park. This needs to be studied as part of the master plan.

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Pruitt: We did make that vote and I think that is still a preferred option if it can be worked out and get included. It is clearly a long-range plan in terms of realizing a skate park out of this. We need two plans in place. We need a plan for right now and at that point.

deChristopher: The current skate park is roughly 6600 square feet.

The skaters feel this is an adequate size although it is on the smaller size.

Abbondanzio goes over process for block grant application

**Other**

Discussion about motion that was made last week regarding the skate park being included in the master plan. Pruitt is concerned that the people who are meeting on Thursday do not have any specifics about the skate park. Who is going to bring the information to the meeting?

Abbondanzio: That is why I am hoping there is representation there from the Skateboard steering committee to make the case

Laroche: I will be at that meeting, and I can certainly talk about some of those issues and the space. We are talking about cement structures at Unity Park and they take up more space.

Abbondanzio: I talked about a possible swap with Mr. deChristopher and he is willing to sit down and talk about this.

**Town Administrators Report**

There is a special selectmen's meeting on Wednesday at 4:00 PM to discuss Strathmore.

**Request from WPCF**

*Pruitt makes the motion to change the holiday time for the WPCF to Thursday and Friday, December 25 and 26, 2008. Seconded by Ross. Approved unanimously. Pruitt – Aye, Ross – Aye.*

**Other**

Change in recycling will be as per handout due to the holidays

School committee would like the BOS to attend their meeting on Tuesday, January 13, 2008 at 6:30 PM to meet with Jeff Wulfson who will be discussion the DESE fiscal oversight for the FY09 and FY10 budgets.

Mechanics Lodge Building Association is requesting a meeting with the Board regarding placing a bench in honor of Charles Hazelton on land they own along the bike path in Montague City.

**R. R. Salvage Update**

Jensen: Back in court for Kosudaville, a motion by his attorney to withdraw from the case. We opposed it, the judge did grant the motion with the condition that Kosudaville has to have adequate representation prior to the withdrawal of his current attorney, which is good for us because it could have prevented the receiver from moving forward because the court has reserved review of any significant change in ownership the property may have. That decision was handed to us at that hearing. I think this is what the receiver was waiting for, it empowers the receiver to mortgage or sell the property pending a court hearing, but he can enter into agreements prior to the courts action. The last tie that bound him is probably useless at this time. There have been a number of inquiries through my office to speak to him about the property and there have been a couple of serious inquiries. One of the things holding back the receiver from entering into serious negotiations was the judges order, which has sort of been holding in limbo for a couple of weeks.

Ross asks about responsibilities of the receiver and would like a progress report.

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Jensen: The receiver is an attorney who has been empowered to act on behalf of the new LLC to remedy the problem the town has for the judgment, which is essentially, make the place safe. What we sought was to take the decision-making away from Mr. Kosuda and place it in the hands of a responsible party. Mr. Kosuda was supposed to fund the receiver for \$90,000 but he defaulted on that, now the Receiver can use whatever value the property may hold and there are no liens on it. His job is to manage the property and is responsible to the court. All the orders that were not followed through on by Mr. Kosuda, have to be followed up on. A couple of offers have been made to the receiver for acquisition of the property under certain conditions. He is responsible to us only to meet our orders.

**Other**

Abbondanzio: The Mass Taxpayers Foundation just forecast drops in revenue for FY2009/2010 totaling \$2.3 billion. We will start seeing numbers soon and if there is going to be mid-year cuts for local aid and what it translates to for next year.

Laroche is to carry the news to the Park & Rec Commission about what the board would like to see included in the master plan.

*Pruitt makes the motion to adjourn the meeting at 9:01 PM. Seconded by Ross, approved unanimously. Pruitt – Aye, Ross – Aye.*