

**SELECTMEN'S MEETING MINUTES  
UPSTAIRS MEETING ROOM  
1 AVENUE A, TURNERS FALLS, MA  
MONDAY, January 13, 2014**

*Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons, Mark Fairbrother, Chris Boutwell, Mike Nelson; Town Administrator, Frank Abbondanzio, Administrative Secretary, Wendy Bogusz;*

Meeting being Taped

**Approve minutes of November 4, 18, 25 and December 2, 9 and 18, 2013, if available.**

Minutes not available at this time

**Approve Minutes of November 4, 18, 25, December 2, 9 and 18, January 6, 2013 if available**

*Boutwell makes the motion to approve minutes of November 4, 2013. Seconded by Nelson, approved unanimously.*

*Boutwell – Aye, Fairbrother – Aye, Nelson – Aye*

*Boutwell makes the motion to approve minutes of November 18, 2013. Seconded by Nelson, approved unanimously.*

*Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

*Boutwell makes the motion to approve minutes of November 25, 2013. Seconded by Nelson, approved unanimously.*

*Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**David Brule, Battlefield Grant Liaison, Review and Authorize 2014 American Battlefield Protection Program Grant Application and Request for Federal Assistance: Battle of Turners Falls**

Brule: Reminds Board about the grant objectives to inventory projects identifying likely locations of the battlefield and associated sites on both sides of the river, to examine documentary records and archeological collections that have accumulated in the last 300 years, to assemble multiple tribal and yankee oral histories, which I think is one of the innovative parts of this, to pull together not only recollections of the descendents of the militia and the oral histories here but also of the tribes who have extensive oral histories. We would like to use military terrain analysis to study the villages that were sited here, the battlefield approaches, withdrawals, counter attacks and all that. It would be a huge effort to pull all of this information together. I want to point out we address a number of the weaknesses that were presented to us by the Battlefield Protection Program, so we pulled out a strong coalition of strong local and native support.

Nelson asks what staff time in Town Hall would be. Walter Ramsey responds that he would be putting in an estimated 80 hours of his staff time over the course of the grant (1 year) and that would be the local match for the project.

Fairbrother asks who the final author of the grant is. Abbondanzio responds that him and Walter had final input into the grant but Paul Robinson (Historian at Rhode Island College) was the one who did the majority of the grant writing.

The only financial commitment from the Town for this grant is Walters 80 hours. Brule states there are other steps, but nothing would kick in without further Selectboard votes.

Abbondanzio: I think the assumption is the grant application is going result in the gathering of data and research and pulling in a lot of valuable information from the Native American Tribes that will be helpful in the development of the Native American Cultural Park concept which the Board did vote to endorse. That basically is a concept that would involve educating the public in terms of what the Native American Culture History and preserving that history and culture but also furthering the Towns economic development and the tribes economic development through native American cultural tourism. This is valuable to us in terms of the data that will be used in furthering the development of the concept.

Brule: To see the convergence of all of this interest and potential to get a full a story as we are ever going to get and to be able to perhaps have access to some of the private archeological collections of artifacts that people have found in their fields over the last couple hundred years.

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Fairbrother: This is an American Battlefield Protection Program application, and it is titled the Battle of Turners Falls (Wissatinnewag-Peskeompskut). Until last year when this came out, I had never heard of the battle of Turners Falls. I read this and it makes it sound like this grant is trying to say there was hand to hand combat on what is now Avenue A. It has been long established, all the fighting was someplace else, so I object to it being called the battle of Turners Falls, that is grossly misleading.

Issues on grant Fairbrother disagrees with include: Total size of historic battlefield? Answer: The project study area encompasses about 11,300 acres within the Towns of Deerfield, Greenfield, Gill and Montague. Fairbrother feels this is a non answer. The entire historic battlefield is in Gill, the answer is the project study area is the North Central Connecticut Valley as far as he can tell. That is misleading. How much of the battlefield remains relatively unchanged since the battle. Answer: Most of the approach and retreat routes and associate sights are undeveloped? I'd like to know who came up with that, because the approach and retreat sights, are in other towns, to say it is undeveloped is untrue. Associated Battlefield Sites? Again, the battlefield is in Gill, and we keep coming back to Montague. Location of associated sites as well as the core fighting area? Artifactual evidence of the battle encampments and associate sites will occur in the top foot or two of soils which of course are the most likely to have been disturbed in 300 years of cultivation, farming, construction and so on. Further comments made about the grant. Feels you have the battlefield core area which covers well up to Main Road in Gill, up the hill beyond Park Street and would like to know how much of the area hasn't been seriously constructed on filled, altered in some way since colonials got here.

Abbondanzio: There is no question a lot of it has, but there is a lot that hasn't.

Fairbrother would argue that over 95% of it has at one point or another.

Abbondanzio: With the encampments being on both sides of the river and extending down towards the rapids down by Cabot Woods, probably Cabot Woods had some involvement. We do not know that is why we are doing the study. It was a tragic event overall

Fairbrother: In the fall I asked Mr. Harris why he was here and not in Gill, and Mr. Harris responded that we got the name. If this battlefield grant was titled Battle of the Great Falls/Gill Riverside that would be more accurate. I think all the good work that has been done, all the good coordination and all the good pulling together can still be used and possibly successfully made for a grant, I suggest this grant be taken to where it should have been taken in the first place which is Town of Gill. If they think it's such a good idea I'm sure they will jump right on it.

Brule: We are talking about your interpretation of this valley's history. Clearly, 1676 there was no Town of Montague, Gill, Greenfield and a Pocumtuk settlement in Deerfield. It's very challenging to say this is where the lines need to be drawn. We know there were encampments on both sides of the river, therefore it is likely under the water of Barton Cove there may be some evidence of this battle, part of it is underwater, and part is in people's back yards. Your right about artifacts being found, just under the surface, it still happens all the times in people's yards. My point is there are different ways of interpreting this whole thing; the grant intends to, that is why we brought in all four towns, there is land and retreat routes, approach routes and counter attack routes in all four towns. Doug Harriss's statement also which you didn't mention, the Tribes signed an agreement of reconciliation with this Town and the ceremony was held on this side of the river back in 2004. I do know that carries a lot of weight with the participants and for the Town. This is why this was the starting point.

Discussion about location

Fairbrother does not buy that this town is morally, and certainly not legally responsible, we are basically being guilt tripped and held responsible for something that didn't happen here.

Singleton asks questions relating to last grant application

Howard ?? gives overview of history of the area and states a lot of the area is still intact.

Nelson asks about changing name of document

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Joe Graveline comments that this area was one of the most powerful gathering places for national resources on the river for thousands of years. This gathering place has been handed down through oral history for thousands of years as having no boundaries. Turner sent out men to the north to cut across the river to try and slow down the onslaught of the tribes that were gathering in their canoes to come back across. There was real fighting on both sides of this river. It is a very ancient locational entity into its own that predates any kind of colonial sense of drawing lines on a map and separating it up to create an argument that you're on the wrong side of the river to talk about this battle. This is a great opportunity to get energy going.

Fairbrother: I'd like to make it clear, I don't disagree with hardly anything you just said, especially about the value of this area to the Native Americans for thousands of years. It isn't being debated by me. I don't want this town to spend its tax dollars on something like this that is being spun to make this town look more important than it was. I don't want the Town to spend its tax dollars to do this with these constant references to the reconciliation ceremony and I don't want the town to spend its tax dollars to assist a group of people, and by a group of people I say the specific tribal leaders (3 or 4 people) not a whole culture, 3 or 4 people who have seriously financially damaged this town for the last 10 years because of their actions at the Turners Falls Airport and the damage done at the Airport is going to continue no matter what happens for years to come. Had things gone differently, that airport probably would not have been a burden on the taxpayers of this town.

Nelson: I agree there is funding not coming in there that could or should be but I have to agree with Ms. Allen, at some point you have to put it behind you and move on. Seeing this is a relatively small amount of staff time, I'm not opposed to it.

*Nelson makes the motion to approve the 2014 American Battlefield Protection Grant Program Application and request Federal assistance under the name the Battle of Great Falls (Mr. Ramsey asked to change name throughout document where necessary) and authorize the Town Administrator/Town Planner to submit it when appropriate. Seconded by Boutwell. Approved. Boutwell – Aye, Nelson – Aye, Fairbrother - Nay*

**Karen Latka, Library Board of Trustees, Appoint Steve Winters to vacant Library Trustee seat until next Town Election**

*Nelson makes the motion to appoint Steve Winters to the vacant Library Trustee seat until the next 2014 Town Election. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**Town Administrators Report, Votes may be taken**

**Request for 3 year extension beginning July 1, 2014 through June 30, 2017 with a 2 year option at the towns sole discretion thereafter from Bruce Stanas, Republic Services, Solid Waste Disposal**

*Nelson makes the motion to approve the three year extension as presented to Republic Services, Solid Waste Disposal beginning July 1, 2014 through June 30, 2017 with a 2 year option at the Towns sole discretion thereafter. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**To approve and execute draft warrant for Special Town Meeting on January 30, 2014, attached hereto**

*Nelson makes the motion to put Article 1 as amended on the Special Town Meeting Warrant of January 30, 2014. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**ARTICLE 1.** To see if the town will vote to amend Sections 2, and 5.2, and add a new section 7.10 to the Zoning Bylaws, as follows:

- A. **Under SECTION 2 (Definitions), add the following new definition in alphabetical order**  
REGISTERED MARIJUANA DISPENSARY (RMD): A Medical Marijuana Treatment Center as defined in 105 CMR 725.004 and regulated in 105 CMR 725.100.
- B. **Under SECTION 5.2 (Permitted Uses and Special Permits) add a new land use to the list of uses to be permitted by Special Permit from the Zoning Board of Appeals in the following four zoning districts:**

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(General Business)	Section 5.2.5 (b) Uses allowed on Special Permit from Board of Appeals, after "Public Utility" insert: "Registered Marijuana Dispensary, in accordance with Section 7.10"
(Industrial)	Section 5.2.6(b) Uses allowed on Special Permit from Board of Appeals, after "Public Utility" insert: "Registered Marijuana Dispensary, in accordance with Section 7.10"
(Central Business)	Section 5.2.11(b) Uses allowed on Special Permit from Board of Appeals, after "Drive-through or loading dock" insert: "Registered Marijuana Dispensary, in accordance with Section 7.10"
(Historic Industrial)	Section 5.2.12(b) Uses allowed on Special Permit from Board of Appeals, after "Demolition of an Existing Structure" insert: "Registered Marijuana Dispensary, in accordance with Section 7.10"

**C. Under Section 7 (Special Uses), add a new section 7.10 as follows:**

7.10 Registered Marijuana Dispensaries

7.10.1 Purpose

The purpose of this Section is to provide for the orderly placement of Registered Marijuana Dispensaries (RMDs) in areas where such a facility is not inconsistent with the neighborhood character.

7.10.2 General

RMDs may be allowed by special permit and site plan review from the Board of Appeals pursuant to Section 5.2, Section 7.10, and Section 8.

7.10.3 Standards

A) The special permit may be limited to the current applicant and to provide that the permit shall lapse if the applicant ceases operating the RMD or if the applicant's registration with the Massachusetts Department of Public Health expires or is terminated;

B) The Board shall consider the design of buildings, setbacks, visual impacts, lighting, security issues, hours of operation, traffic circulation, and consistency with current and abutting land uses;

C) The Board may require additional conditions and set standards for performance and maintenance upon finding that such action is reasonably necessary to meet the purpose and intent of the Zoning Bylaws;

Or to pass any vote or votes in relation thereto.

*Boutwell makes the motion to put Article 2 on the Special Town Meeting Warrant of January 30, 2014. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**ARTICLE 2.** To see if the town will vote to expand the scope of Article 1 of the Special Town Meeting of May 5, 2012 to allow the existing appropriation to be used for the purpose of demolishing the building at 38 Avenue A, or to pass any vote or votes in relation thereto.

*Boutwell makes the motion to put Article 3 on the Special Town Meeting Warrant of January 30, 2014. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**ARTICLE 3.** To see if the town will vote to raise and appropriate or transfer from available funds the sum of \$5,000, or any other amount, for the purpose of funding legal expenses associated with the negotiation of the town's cable contract with Comcast, or to pass any vote or votes in relation thereto.

*Nelson makes the motion to put Article 4 on the Special Town Meeting Warrant of January 30, 2014. Seconded by Boutwell approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**ARTICLE 4.** To see if the town will vote to raise and appropriate or transfer from available funds the sum of \$15,000, or any other amount, for the purpose of refurbishing and making handicap accessible the Unity Park Field House rest rooms, or pass any vote or votes in relation thereto.

*Nelson makes the motion to put Article 4 on the Special Town Meeting Warrant of January 30, 2014. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*

**ARTICLE 5.** To see if the town will vote to raise and appropriate or transfer from available funds the sum of \$20,000 for the purpose of supplementing the Fiscal Year 2014 Police Department budget, or to pass any vote or votes in relation thereto.

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**Town Priorities, Votes may be taken**

Withdrawn as topic is too vague

**F.C. Regional Dog Kennel, Updates and Discussion**

Fairbrother: At the end of November this Board voted to have an MOU with the Sheriff's Department for the next 3 years and to see if we could move that chipper out of that bay to someplace else which was determined shortly afterwards to be possible. Sheriff Donelan emailed me last week and said they have not received an MOU for signing, the garage has not been cleaned out and basically they are fed up with the Town of Montague's treatment of them at this point and they are seriously trying to move elsewhere and will let us know when that happens. Since the Board voted to make this happen I want to know why it hasn't happened.

Abbondanzio: There are a couple issue here, right of the bat there was some discussion that Tom had with the Sheriff's Dept. whether there was room in the butler building for moving equipment.

Bergeron: Following that meeting, I met with Mark at the Butler building; we went over products we can just get rid of with permission and other stuff we are storing there. We have made some room, the weather turned on us, so it wasn't on our priority list. We did have a water break up there that seemed to become very chaotic. The water line needs to be replaced but won't happen until spring. The garage can be cleaned out, but the other thing I have concern with is we have our fuse boxes and breaker boxes inside the garage on Sandy Lane. If we lose power we have an old generator that will run our fuel pumps; there needs to be some consideration for that. We are not getting answers from the Sheriffs Dept.

Abbondanzio: The original agreement came from the Sheriffs Dept. so I was never under any impression we would write the follow up agreement and I haven't had any calls asking me to do that from the Sheriffs Dept. The details had to be worked out with the DPW in particular because there were a lot of issues still up in the air when we had that meeting.

Ramsey: I would ask that the time lapse between when this MOU is agreed to be signed and now, I'm worried about this dragging on longer and longer, the longer we have an MOU in place the longer it keeps the Town from being able to build the Industrial Park which we have invested a lot of time and money into over the last couple of years; well over \$100,000 worth of planning and it's just into preliminary design stage right now.

Abbondanzio: They were granted a two year extension. There was nothing stopping them from moving forward, there was a gentlemen's agreement in place because they got the green light.

Nelson: Sounds like it was just a very vague communication lapse from both sides; so let's just get together and make it happen.

Discussion about water main break and repair of the water line

**Other:**

- Water Main break today on Highland Avenue in Millers Falls and there was one on Edward Avenue last week during the snow storm and another one prior to this one. There is one being watched by the Strathmore that is cracked.
- Abbondanzio: I am suggesting you consider, to tie it in with the budget process I tried to emphasize whatever goals and objectives they have into the Town wide goals and objectives and made some assumptions that were articulated in the master plan were ones that we were in favor of moving forward with and those suggest other things. I will be articulating town wide goals and department goals. I might suggest a list of things you want to consider and you may want to add some things you want to add. That might be one way to get to the Town wide goals and objectives.

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*Nelson makes the motion to adjourn the meeting at 8:22PM. Seconded by Boutwell, approved unanimously.  
Boutwell – Aye, Fairbrother – Aye, Nelson - Aye*