

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, March 9, 2015**

Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons, Mark Fairbrother, Chris Boutwell (arrives at 7:26 PM), Mike Nelson; Town Administrator, Frank Abbondanzio , Executive Assistant, Wendy Bogusz

Nelson makes the motion to appoint Mark Fairbrother as acting Chair until Mr. Boutwell arrives. Seconded by Fairbrother, approved. Nelson – Aye, Fairbrother – Aye

Approve minutes of March 2, 2015

Nelson makes the motion to approve the minutes of March 2, 2015 . Seconded by Fairbrother, approved unanimously . Fairbrother – Aye, Nelson – Aye

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.

C. Collins asks if the Board has any comment regarding the Shea Board of Directors not going to submit an RFP Proposal for operation of the building. Fairbrother responds that he thinks they had been operating on that assumption for several weeks that they probably would not participate and it did not come as a big surprise

Kathleen Lynch, Request to be nominated to the Cable Advisory Committee

To be on agenda next week

Ashley Arthur, Five Eyed Fox, 37 Third Street, Turners Falls

Request Town adopt special legislation to increase quota of Section 12 (On-Premises) all alcohol liquor license under MGL Chapter 138

Arthur reads letter regarding hopes of obtaining all alcohol liquor license. Reasons: Since they opened, many customers ask when will they get a full liquor license because this license would compliment what they offer for food and improve their business. Their hopes would be that a full license would help them continue to grow. Hope the Selectboard and community recognize they are trying to present something new and interesting. Interested in presenting quality spirits in a comfortable atmosphere; they are not interested in being a sports bar or music venue. Interested in making classic and creative cocktails, not interested in cheap shots or long island iced teas. For us it would just be an increase to what we are already doing.

Nelson makes the motion to create a warrant article on town meeting to request town adopt special legislation to increase quota of Section 12 (On-Premises) all alcohol liquor license under MGL Chapter 138 for the Five Eyed Fox located at 37 Third Street, Turners Falls. Seconded by Fairbrother, approved. Nelson – Aye, Fairbrother – Aye

Kevin Hart, Broadband Committee, Progress report on broadband access in Montague

Hart goes over report submitted: The Broadband Committee was created by Town Meeting in 2013 with the express goals to identify un-served areas of town and craft a plan of action to obtain adequate broadband access for all residents and businesses in those areas. There are currently three appointed members and the town planner is the town hall liaison. Approximately 94% of Montague premises have access to Comcast cable (i.e. broadband). This leaves approximately 154 premises un-served out of 2,770.

The rational for adequate broadband access to 100% of Montague residents includes the following:

Will promote an increase the number of home-based businesses, particularly for tech and communications, financial, and creative industries.

- Will allow residents to work from home (less commuting, more time and money spent in Montague)
- Will retain existing jobs while increasing potential for quality employment opportunities because access to broadband is critical for most industrial, commercial, and tech operations.
- Will attract households with higher education
- Will enable a more participatory form of democracy
- Will increase quality of life for Montague citizens

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- Will increase property value of residential and commercial properties, especially the 154 unserved premises.
- Will enable students to complete coursework at home, rather than travel at night to facilities with access

Mass Broadband Institute- Middle Mile

In 2012, The Mass Broadband Institute brought “middle mile” fiber into Montague using a federal grant. It connected community „anchor” intuitions such as the Police Department, Town Hall, Millers Falls Library, Carnegie Library, Farren Care Center, Turners Falls High School, and the Franklin County Tech School to fiber. It however, failed to connect the Montague Center Library and Fire Station., which left the southern portion of town with limited or no broadband options.

Target Areas

After determining that a fiber- to the door system to 100% of Montague premises would be unfeasible at this time (similar to the system in Leverett), the Committee identified a preferred alternative strategy to “light up” un-served and underserved pockets of Montague using the best available connection.

There are approximately 154 premises (or 16.1 miles of road) that are un-served, in outlying areas of town where Comcast, the Town’s cable provider will not justify the expense of construction. These areas in general are Chestnut Hill, the southern portion of Taylor Hill Road, and Meadow Road. While some areas are un-served by Comcast, other areas are underserved. The “loop” of the Airport Industrial Park, which comprises seven businesses and two building lots, was one of the most drastically underserved areas.

Airport Industrial Park Loop

Challenge: Seven existing employers (300+ employees total) and two build-able lots did not have access to adequate internet for today’s business needs. Comcast service ended at a location before the Tech School.

Proposed Solution: The Broadband Committee explored a ½ mile fiber build out to be anchored from the Franklin Count Tech School’s fiber drop - installed in 2012 by the Mass Broadband Institute. The presence of underground conduit in the park was confirmed with assistance from the Committee.

RESOLUTION: After several fiber options were proposed to the committee, Comcast ultimately agreed to build out broadband to the loop at no expense to the Town. The selectmen gave permission to use the conduit in November 2014. Construction is completed and has service.

Taylor Hill/ Old Sunderland Road/ Meadow Road Area

Challenge: Comcast will not justify extending service based on low population density. 41 Premises over 12 miles, including Red Fire Farm- one of the largest businesses in Montague Center.

Proposed Solution: Encourage Comcast to focus on extending service in this area of Town. Concurrently, consider including this area into the Matrix fiber to home proposal (see below).

Chestnut Hill Target Area

Challenge: 66 households, 16 businesses over 5.8 miles. Comcast will not extend service based on low population density, and Comcast has no license to access Chestnut Hill through Leverett, which is the only route to this section of town. Adjacent sections of Leverett will have fiber under the Leverett Municipal Fiber system. Closest fiber drop is in Leverett or Montague Police Department.

Proposed Solution: Initially, the Committee explored a fiber build out to connect with Leverett’s Municipal Broadband. It was discovered by the committee that there was two ways to fund the project. The first being the town financing the cost of the build out through a tax increase of all property owners, which was deemed unfeasible. The second was to create a District Improvement utilizing MA 40 Q. The district/s would be defined and those households falling within such district would have an additional assessment to property taxes. The assessment would

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be a percentage and the increase would not be equal as the value of homes vary. The end result would have some residents paying for unwanted service.

Ultimately a better alternative emerged. The Broadband Committee was approached by Matrix Design Group a division of Millenium Communications who is building Leverett's Municipal Network. Their proposal is to build, own and manage a fiber plant in the unserved areas of Montague. They would connect into a Massachusetts Broadband (MBI) connection called a Community Anchor Institution (CAI) and provide Internet and Telephone service. Households who subscribe to the service will pay a one-time (1 x) fee of \$500 to connect from the road to the home and have optical equipment attached. If a household does not want the service at that time they can pass but to attach at a later date it would cost approximately \$1,500. The remainder of the build out would be assessed in monthly fees.

Build out of the network (monthly)	\$35.00
Internet and Telephone	\$55.00
Maintenance, Insurance and fees	<u>\$35.00</u>
	\$120.00 per month

At the conclusion of a 20 year period the town could take control of the network for \$1.00 and form a Municipal Lighting Plant (MLP) or hire a private company to maintain network from Millennium or an alternative vendor. The town would be responsible for the "Make-Ready" costs. The "Make-Ready" involves paying the various utilities that own the various poles (WMECO, Verizon) to make sure the poles are ready to support fiber optic cable. The average cost for make ready in Leverett was \$350 per pole. The process can take up to 1 year to complete. The information is valuable to the town in the event it decides to build out the remainder of the community. Initially MBI contemplated to build out the middle mile to a CAI at the Montague Center Fire Department (MCFD) and had that location listed on their website as a CAI until recently. That location was not built. In 2010, the Town Planner sent a letter to MBI urging them to reconsider as this is the only location in Montague that is close to the unserved homes, but MBI refused to amend their plans. As a result the nearest access point to the MBI middle mile is the Public Safety Complex in Turners Falls. Due to this oversight on the part of MBI, The Town would need to pay the following costs:

Make Ready from MCFD to Public Safety Complex	\$42,000
Fiber build from MCFD to Public Safety Complex	\$83,000

Strategy: We strongly urge the Selectboard and the town leaders to reach out to our legislators to convince Mass Broadband Institute to extend middle-mile fiber to the Montague Center Library and Fire Station and/or seek subsidy from MBI for last mile broadband build out. Getting fiber to Montague Center is key to any broadband build out strategy. Cost of "Make Ready" not including above amount is estimated at \$132,000. MBI has received \$55,000,000 to build out last miles. \$5,000,000 has been set aside for towns like ours. Initial reports were a 50/50 split between town and state of investment. It has become less and less clear whether there will be any reimbursement. It has been a struggle for our committee to get an answer. We ask the Selectboard to get involved to seek reimbursement from the state for the "Make-Ready" costs. The remainder of the project will be absorbed by the subscribers.

Brief discussion about difference of speed between DSL and broadband

Ramsey: We have gone down several different paths over the last few years and this is the best option available. It makes the most of the opportunity that's there

Abbondanzio states Capital Improvements Committee and the Finance Committee needs to hear the presentation still

Fairbrother: The hope is the Town would get most of this money back from MBI, and Hart states correct.

Nelson makes the motion to put the Broadband committee's request of \$175,000 for the make ready and fiber build out from the Montague Center Fire Station to the Public Safety Complex on the warrant and in the coming months something will happen. The Broadband Committee will meet with the Finance Committee and Capital

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Improvements Committee for their recommendations before Town Meeting. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother- Aye, Nelson – Aye

Nelson makes the motion to appoint Fairbrother to remain as Chair for rest of the meeting. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Abstain

Robert Trombley, WPCF Superintendent, Wastewater Pumping Station Replacements, First Street and Poplar Street, Bob Button and Paul Gilbert, CDM Smith

Sign letter of request for authorization to award to Steven McCurdy, MassDEP

Bob Button: Bids came in below engineers estimates which is good for the town, we continue to make good progress to get as much done with money that is available. We are moving through the DEP process which requires a number of steps that I've explained to the Board in the past. In December 2014 we had approval from DEP of plans for the pump station. We advertised bids, received good bids in, made recommendation to the Town dated March 3, 2015 we evaluated bids of 3 lowest bidders. The lowest bid was Baltazar Contractors, Inc. at \$1,431,485. Based on this recommendation letter the town has developed a letter to MassDEP requesting permission to award the contract. There is a series of submittals we make to DEP then they will issue permission to award letter which needs to be issued before April 1 deadline. We will be back before the board of March 30 with a full packet for you to sign.

Nelson asks if we have to award bid to lowest bidder and Button responds that without a strong case it will be very hard to throw out the low bidder without being in a protest which will most likely not allow us to make the deadline.

Fairbrother asks if the construction oversight will be stronger. Button responds there will be full time oversight of the construction by their inspectors as well as monthly reviews by DEP.

Discussion

Nelson makes the motion to sign letter of request to Steven McCurdy at the MASS Department of Environmental Protection as presented. Seconded by Boutwell. Boutwell – Aye, Fairbrother – Aye, Nelson – Nay (does not want to give Baltazar another nickel)

Sign letter of intent to award to Dinis Baltazar, Baltazar Contractors Inc.

Nelson makes the motion to sign the letter of intent to Dinis Baltazar, Baltazar Contractors, Incorporated as presented. Seconded by Boutwell, approved. Boutwell – Aye, Fairbrother – Aye. Nelson - Nay

Sign revised project cost estimate summary sheet

Nelson makes the motion to sign the revised project cost estimate summary sheet as presented regarding the Wastewater pumping station replacements. Seconded by Boutwell, approved. Boutwell – Aye; Fairbrother – Aye, Nelson - Nay

Request to amend under the Master Services Agreement between the Town of Montague and Camp Dresser McKee Smith, the engineering services portion of Task 2, \$12,500

Boutwell makes the motion that the Board authorize the additional \$12,500 for task order 2A, Canal siphon Cleaning inspection to Master Services agreement between Town of Montague and CDM Smith, Inc. Seconded by Nelson, approved. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

Walter Ramsey, Town Planner and Conservation Agent

Recommendation to award consultant services contract to Bales Energy Associates for up to \$9,990 to develop technical performance specifications for Shea Theater HVAC system efficiency upgrade project. To be funded from FY14 Green Community Grant

Cancelled

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**Award Avenue A Streetscape Improvements Project bidding and lighting design, Phase One and Two:
\$22,750 total contract**

Nelson makes the motion to approve \$22,750 for the Avenue A Streetscape Improvements Project for bidding and lighting design, phase I and phase II to Berkshire Design Group. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson – Aye

**MJ Adams, FCRHRA, Director of Community Development
Sign Extension of 2013 Montague Budget and Program Revision**

Boutwell makes the motion to sign the letter to Patricia Dervan to transfer \$5,000 from Planning Activities to Social Service Activities and to extend the grant until the end of June. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Authorization to Disburse – No. 4, Invoice #2014003-4, Senior Center Planning Study in the amount of \$7,200

Nelson makes the motion to authorize disbursement – No. 4, in the amount of \$7,200 to Catlin & Petrovich Architects, PC. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Town Administrators Report, Set fee for Brewery/winery pouring permit

Nelson makes the motion to approve the Brewery/Winery pouring permit based on seating capacity as follows: Seating under 50: \$100; Seating 51 – 99: \$200; Seating over 100: \$500. Seconded by Boutwell. Approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye

Rodney Madison, dba Madison on the Avenue, 104 Avenue A, Turners Falls, Certificate of Liability Insurance

Fairbrother: Last fall this board voted 3 licenses/permits for putting stuff from his business on Town property as with every other request that comes in, you have to have insurance. At the time he had insurance. In January we were notified his insurance policy was no longer in effect, so he no longer has insurance. He requested we put this off until tonight and as far as we know we have not heard he has any insurance.

Nelson confirmed with current insurance carrier that Mr. Madison had not renewed his insurance policy.

Fairbrother: I think it would be safe and prudent for this board to go on the assumption that he does not have insurance as required by the town for all such things and therefore I think the permits should be revoked.

Nelson makes the motion to revoke the permit issued to Rodney Madison, 104 Avenue A, doing business as Madison on the Avenue in Turners Falls Mass, the three permits include permits issued in Fall of 2014 regarding private use of public right of way, with installation of store material, the revocation is due to cancellation of nonpayment which was a requirements of the permits. Mr. Madison has 30 days to remove all items off the public right of way and this extended amount of time is given as a courtesy due to the excessive amount of snow on the ground Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother – Aye

Letter to be drafted.

Boutwell makes the motion to adjourn the meeting at 8:42 PM. Seconded by Nelson, approved unanimously. Boutwell – Aye, Fairbrother – Aye, Nelson - Aye