

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
WEDNESDAY, APRIL 6, 2016**

Meeting was opened at 5:17 PM in the Upstairs Meeting Room. Present were Selectpersons Chris Boutwell, Mike Nelson, and Rich Kuklewicz, Town Administrator Frank Abbondanzio, Executive Assistant Wendy Bogusz (absent), and Town Accountant Carolyn Olsen

Kuklewicz makes the motion to approve and execute the May 7, 2016 Special Town Meeting Warrant: Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye

**SPECIAL TOWN MEETING
TOWN OF MONTAGUE
COMMONWEALTH OF MASSACHUSETTS
May 7, 2016**

ARTICLE 1. To see if the Town will vote to amend the vote taken under Article #20 of the October 1, 2015 special town meeting, which authorized the Board of Selectmen to enter into a lease for the regional dog shelter, by replacing the words “not to exceed ten (10) years” with the words “not to exceed thirty (30) years”, or pass any vote or votes in relation thereto.

Board of Selectmen Request

ARTICLE 2. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$8,000, or any other amount, for the purpose of increasing the Fiscal Year 2016 Reserve Fund, or to pass any vote or votes in relation thereto.

Finance Committee Request

ARTICLE 3. To see if the Town will vote to accept Massachusetts General Law Chapter 44 Section 53F3/4, for the purpose of establishing a special revenue account known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services or oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2017, which begins on July 1, 2016, or to pass any vote or votes in relation thereto.

Town Accountant Request

ARTICLE 4. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$12,500, or any other amount, for the purpose of purchasing and installing a compactor for cardboard and paper recyclables at the Town's transfer station, including the payment of all costs incidental or related thereto, or to pass any vote or votes in relation thereto.

DPW Request

ARTICLE 5. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$6,500, or any other amount, for the purpose of purchasing and installing a software and database package for the Selectmen's and the Town Clerk's offices, including the payment of all costs incidental or related thereto, or to pass any vote or votes in relation thereto.

Town Clerk Request

ARTICLE 6. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$26,000, or any other amount, for the purpose of increasing the Fiscal Year 2016 Police Department budget, or to pass any vote or votes in relation thereto.

Police Department Request

ARTICLE 7. To see if the Town will conduct the second vote to authorize the Board of Selectmen to take all necessary and appropriate action to establish and to maintain, in accordance with the provisions of Chapter 164 of the General Laws and in accordance with the rules, regulations and orders of the Department of Public Utilities and the Department of Telecommunications & Cable, a municipal lighting plant for all purposes allowable under the laws of the Commonwealth, including without limitation the operation of a telecommunications system, construction of a fiber optic network, and any related services, or pass any vote or votes in relation thereto.

Broadband Committee Request

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*Kuklewicz makes the motion to approve and execute the May 7, 2016 Annual Town Meeting Warrant:
Seconded by Nelson, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz - Aye*

**ANNUAL TOWN MEETING
TOWN OF MONTAGUE
COMMONWEALTH OF MASSACHUSETTS
May 7, 2016**

ARTICLE 1: To see if the Town will vote to receive and act upon the reports of the Officers of the Town and to receive the report of any committees and act thereon.

ARTICLE 2: To see if the Town will vote to authorize the Board of Selectmen, or other Town departments with the approval of the Board of Selectmen, to apply for and accept grants from the Federal Government, Commonwealth of Massachusetts, or any other source, and to expend the same for purposes received without further appropriation, or pass any vote or votes in relation thereto.
(Board of Selectmen Request)

ARTICLE 3: To see if the Town will vote in accordance with Massachusetts General Law Chapter 44, Section 53E ½, as amended, to reauthorize a revolving fund for the Hazardous Materials Response Planning Committee (a.k.a. the SARA Title III Committee) into which fund will be placed the fees collected from individuals responsible for oil and hazardous material spills, and to further authorize the SARA Title III Committee to expend up to a maximum of \$7,500 for the fiscal year beginning July 1, 2016 from the Revolving Fund for the purpose of cleaning up oil and hazardous material spills, or pass any vote or votes in relation thereto.
(Emergency Management Director Request)

ARTICLE 4: To see if the Town will vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2016, or pass any vote or votes in relation thereto.

ARTICLE 5: To see if the Town will vote to fix the salaries of all appointed officials as required by law for the fiscal year beginning July 1, 2016, or pass any vote or votes in relation thereto.

ARTICLE 6: To see if the Town will vote to establish the position of Police Lieutenant within the Classification Plan, at Grade G+8.5 with a Lieutenant not to be hired below step 6 (\$34.78-\$ 37.68 per hour), with such benefits as are awarded to other non-union management personnel, as well as sick leave, longevity, and educational incentives, and clothing, uniform and cleaning allowance, afforded to police personnel; or take any other action thereto.
(Police Chief Request)

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$8,769,783, or any other amount, for the maintenance of the several departments of the Town and for any other necessary changes, or pass any vote or votes in relation thereto.

ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$2,331,733 or any other amount, for the purpose of operating the Water Pollution Control Facility and associated pumping stations, or pass any vote or votes in relation thereto.
(Water Pollution Control Facility Request)

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$102,150, or any other amount, for the purpose of funding the operations, maintenance, and debt service of the Colle Building, or pass any vote or votes in relation thereto.
(Board of Selectmen Request)

ARTICLE 10: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$48,812, or any other amount, for the purpose of operating the Turners Falls Airport, or pass any vote or votes in relation thereto.
(Airport Commission Request)

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ARTICLE 11: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$8,350, or any other amount, for the purpose of providing the town share of a federal grant for an Airport Planning Project, wherein said project may include a Master plan Update and/or an Airport Layout plan Update, or pass any vote or votes in relation thereto.

(Airport Commission Request)

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$659,356, or any other amount, for the purpose of paying the Franklin County Technical School District for Montague's share of the assessment for the yearly operation of the Franklin County Technical School, or pass any vote or votes in relation thereto.

(Franklin County Technical School Request)

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$8,852,114, or any other amount, for the purpose of paying the Gill-Montague Regional School District for Montague's share of the assessment for the yearly operation of the Gill-Montague Regional Schools, or pass any vote or votes in relation thereto.

(Gill-Montague Regional School District Request)

ARTICLE 14: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$10,000, or any other amount, for the purpose of repair/replace leaking pipes in access tunnel at Hillcrest Elementary School, or to pass any vote or votes in relation thereto.

(Gill-Montague Regional School District Request)

ARTICLE 15: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$24,000, or any other amount, for the purpose of funding information technology equipment, parts, accessories, software and installations, or pass any vote or votes in relation thereto.

(Computer Administrator Request)

ARTICLE 16: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$100,000, or any other amount, for the purpose of purchasing, equipping, and making major repairs to DPW vehicles and equipment, including any and all incidental and related costs, or pass any vote or votes in relation thereto.

(Department of Public Works Request)

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$43,325, or any other amount, for the purpose of funding FY 2017 principal and interest payments due on the Six Wheel Dump Truck authorized for lease at the May 5, 2012 Town Meeting, or pass any vote or votes in relation thereto.

(Department of Public Works Request)

ARTICLE 18: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$44,700, or any other amount, for pre-development assessments for a Department of Public Works Facility at Sandy Lane, or pass any vote or votes in relation thereto.

(Department of Public Works Facility Planning Committee)

ARTICLE 19: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$100,000, or any other amount, for the purpose of upgrading and/or replacing the primary sludge pumps and equipment, including any and all incidental and related costs, or pass any vote or votes in relation thereto.

(WPCF Request)

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ARTICLE 20: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$200,000, or any other amount, for the purpose of increasing the WPCF Capital Stabilization Fund, or to pass any vote or votes in relation thereto.

(WPCF Request)

ARTICLE 21: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$20,000, or any other amount, for the purpose of purchasing and equipping and making major repairs to WPCF vehicles and equipment, including any and all incidental and related costs, or pass any vote or votes in relation thereto.

(WPCF Request)

ARTICLE 22: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$1,000,000 for the purpose of funding the following water pollution abatement facility project: engineering, design, bidding, construction and any other costs pertinent thereto, in connection with the repair or replacement of the combined sanitary sewer overflow and storm drain system running from Avenue A under the canal to the Connecticut River, including without limitation, the payment of all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; and to meet with appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow under General Laws under Chapter 44, Sections 7 and 8, or any other lawful enabling authorities, which amount may be borrowed through the Rural Development Administration or the Massachusetts Water Pollution Abatement Trust or otherwise; ; and further to authorize the Board of Selectmen to apply for, accept, and expend grants for such purpose; and that the Board of Selectmen be authorized to take all actions as may be necessary to meet the purposes of this article; or to pass any vote or votes in relation thereto.

(DPW & WPCF Request)

ARTICLE 23: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$14,000, or any other amount, for the purpose of repairing two sections of roofing at the Carnegie Library, or to pass any vote or votes in relation thereto.

(Libraries Request)

ARTICLE 24: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$20,000, or any other amount, for the purpose of repairing slate roofing at the Montague Center Library, or to pass any vote or votes in relation thereto.

(Libraries Request)

ARTICLE 25: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$14,000, or any other amount, for the purpose of repairing and re-pointing masonry work at the Carnegie and Montague Center Libraries, or to pass any vote or votes in relation thereto.

(Libraries Request)

ARTICLE 26: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$35,000, or any other amount, for the purpose of upgrading the Police Department radio system, including any and all incidental and related costs, or pass any vote or votes in relation thereto.

(Police Department Request)

ARTICLE 27: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$132,000, or any other amount, for the purpose of purchasing Map 17 Lot 58 (7.8887 acres) by exercising authority in the restrictive covenants of the Airport Industrial Park, or pass any vote or votes in relation thereto.

(Economic Development and Industrial Corporation Request)

ARTICLE 28: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$385,000, or any other amount, for the purpose of abating hazardous and asbestos containing materials within the Strathmore Mill Complex, 20 Canal Road, including any and all incidental and related costs, or pass any vote or votes in relation thereto.

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(Town Planner Request)**

ARTICLE 29: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$6,500, or any other amount, for the purpose of paying the costs of a feasibility study for segmented demolition and identification of probable demolition costs by a structural engineer within the Strathmore Mill Complex, 20 Canal Road, including any and all incidental and related costs, or pass any vote or votes in relation thereto.

(Town Planner Request)

ARTICLE 30: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$50,574, or any other amount, for the purpose of increasing the Town OPEB Trust Fund, or to pass any vote or votes in relation thereto.

(Finance Committee Request)

ARTICLE 31: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$26,068, or any other amount, for the purpose of increasing the FCTS Stabilization Fund, or to pass any vote or votes in relation thereto.

(Finance Committee Request)

ARTICLE 32: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$50,000, or any other amount, for the purpose of repairing or replacing the HVAC system at the Shea Theater, and any and all costs incidental or related thereto; or to pass any vote or votes in relation thereto.

(Board of Selectmen Request)

ARTICLE 33: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$50,000, or any other amount, to continue Montague's participation in DPU docket 15-178 (or any succeeding docket number), concerning a proposed contract by Berkshire Gas Company to purchase transportation on the proposed Northeast Energy Direct (NED) pipeline, and to participate in any appeals, consolidations of cases, or related regulatory or legal proceedings at the state or Federal level, or to pass any vote or votes in relation thereto. Funds appropriated in this Article shall be spent at the discretion of the Board of Selectmen. Funds appropriated in this Article may fund or help to fund actions undertaken by the Town alone and/or in conjunction with actions taken by any other municipality, coalition, or organization engaging in such regulatory or legal action.

(Board of Selectmen Request)

ARTICLE 34: To see if the Town will vote in accordance with MGL Chapter 40, section 15 to authorize the Board of Selectmen to convey on terms and conditions as determined by the Board of Selectmen, an interest in the parcel of land containing .745 acres identified on the Town Assessor's Maps as Map 3, Lot 89, described in a deed recorded with the Franklin County Registry of Deeds in Plan Book 6614 Lot 119, but also known as 15 Power Street, including all land and buildings thereon, or to pass any vote or votes in relation thereto.

(Board of Selectmen Request)

ARTICLE 35: To see if the Town will vote, in accordance with Town Bylaw Article 4 Section 1, to rename the segment of the public way known as Greenfield Road from its intersection with Turners Falls Road to the Pan-AM Railway in Montague Center to "Old Greenfield Road", or to pass any vote or votes in relation thereto.

(Board of Selectmen Request)

ARTICLE 36: To see if the Town will vote to amend the Montague Zoning Bylaws pertaining to Section 6.3.3 (Vehicular Egress/Access to a Lot) in the following manner, or pass any vote or votes in relation thereto.

Strike text from section 6.3.3 and replace it with the following text:

"6.3.3 For Residences with a setback of 500 feet or more from an accepted way, a driveway for such residence must have a grade of no greater than 10%, a curve radius not less than 30 feet, **passing turnouts with a width of**

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20 feet and length of 35 feet that are spaced no more than 300 feet between turnouts or terminus of the driveway, a turnaround area with a minimum 30 foot turn around radius and that the driveway be no less than 16 feet in width over its entire length. The Planning Board may issue a Special Permit to allow relief for any of the requirements in this section.” or to pass any vote or votes in relation thereto.

(Planning Board Request)

ARTICLE 37: To see if the Town will vote to amend the Montague Zoning Bylaws pertaining to Solar Energy Facilities in the General Business District in sections 5.2.5 (b) and 7.9.4(a) in the following manner:

Strike text from section 5.2.5(b) (Uses allowed on Special Permit from the Board of Appeals in General Business District) and replace it with the following text:

5.2.5(b) Uses allowed on Special Permit from the Board of Appeals:

- One family dwellings
- Two family dwelling
- Motel or hotel
- Retail sales and services that involve construction or alteration of over 5,000 square feet of floor area or the development of over 130,680 square feet (3 acres) of land.
- Business office or professional office that involve construction or alteration of over 5,000 square feet of floor area or the development of over 130,680 square feet (3 acres) of land.
- Lodging House
- Earth removal
- Open recreational enterprise
- Multi-family dwelling
- Public Utility
- Registered Marijuana Dispensary, in accordance with Section 7.10
- Solar Energy Facility, in accordance with Section 7.9**
- Other non-industrial uses if similar to the above in externally observable attributes.

Strike text from section 7.9.4 and replace it with the following text:

7.9.4 Solar Energy Facilities

Solar Energy Facilities are allowed in the ID..Industrial Districts and are permitted in the HI..Historic Industrial, RE..Recreation Education, UN..Unrestricted, **and GB..General Business Districts** by Special Permit, subject to the following requirements:

(a) Conditions of Approval:

1. A plan shall be provided for the general procedures of operation and maintenance of the installation including security measures, maintenance of emergency access and the clear and available means of shutting down the facility in the event of an emergency;
2. A fully inclusive estimate of the costs associated with removal and site restoration, prepared by a qualified engineer;
3. Notice of Public Hearing shall be provided to the utility company that operates the electrical grid where the facility is proposed;
4. Adequate access and parking, shall be provided for service and emergency vehicles;
5. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the facility or as otherwise prescribed by applicable laws, regulations, and bylaws;
6. An 8 foot security fence shall be installed no closer to a property line than the setback required for a principal building. In addition, the site and its fencing shall be screened by buffering vegetation from general view from the surrounding ground level unless the Board determines that there is no public benefit from such screening;
7. To the extent feasible, all network interconnections and power lines, to and from the facility, shall be via underground lines;
8. Drainage from impervious surfaces shall be fully accommodated onsite;
9. No array shall be floodlit;

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10. Owners and successors in title shall provide a satisfactory form of surety, either through escrow account, bond or otherwise, to cover the cost of removal and restoration of the landscape, in an amount determined to be reasonable by the Board, but in no event to exceed more than 125 percent of the cost of removal. Such surety may be waived for municipally or state owned facilities.
11. **The permit may be subject to a time limitation of 20 years in the General Business District** (Planning Board Request)

ARTICLE 38: That the Town will vote to establish a study committee to investigate the potential of a Town wide municipally owned fiber optic cable system to meet the town wide needs and to develop a plan to implement this technology in the area of telecommunications.

(Petitioned Article)

ARTICLE 39: "The 2016 annual town meeting directs its Finance Committee to encourage and help organize a discussion of the Chapter 70 education formula, the mechanism for distributing the largest form of state aid to cities and towns. This discussion should 1) allow and encourage diverse opinions on the strengths and weaknesses of the formula 2) attempt to develop a consensus political strategy to reform the formula and 3) involve outreach to other towns and cities in the region and state."

(Petitioned Article)

Other items not known within 48 hours:

Mr. Abbondanzio shared the 1914 covenant between the Turners Falls Power Company and the Town, providing that the power company would be responsible for cleaning the sewer drain and siphon under the canal as it is lower than the adjacent line. Mr. Kuklewicz asked if they would also be responsible for any repairs needed as a result of cleaning the drain. The portion of the project budget for cleaning is about \$140,000.

Mr. Nelson has received open meeting law complaints dated March 3rd and March 31st. They were not received until April 4th. Given the tight turnaround time for responding, Mr. Nelson entertained a motion for Mr. Nelson to work with Town Counsel to respond the complaints.

Kuklewicz moved that Mr. Nelson be authorized to work with Town Counsel to respond the complaints. Boutwell seconded, Kuklewicz- aye, Nelson - aye, Boutwell - aye

The meeting for April 18th will be postponed to April 19th or cancelled, depending on the agenda.

Mr. Kuklewicz suggested discussing the proposed reorganization of the WPCF at next week's meeting's executive session.

Motion to adjourn at 5:30 PM. Kuklewicz moved, someone seconded.

List of Documents and Exhibits:

- Draft STM and ATM Warrant