

**Board of Selectmen Minutes  
Meeting – December 5, 2012**

**Present:** Selectmen: Mark Gilmore, Carolyn Shores Ness, Elizabeth Clarke  
Town Administrator: Bernie Kubiak

**Minutes:** Minutes of the meetings held on September 26, October 10, November 7, and 14 were approved in a motion made by Ms. Clarke and seconded by Ms. Ness.

**Public Comments:** none

**Selectmen's Comments/ Announcements:** Open positions - 1. Persons interested in filling the open position on the Personnel Committee should submit a letter of interest/ resume to the Selectmen. 2. Anyone interested in filling the open position on the Capital Improvements Committee should send a letter of interest/resume to the Moderator c/o the Selectmen's office.

Toys for Tots – New unwrapped toys can be left in the lobby at town hall until December 18<sup>th</sup>, when the Marines will pick them up. The lobby is open 24 hours per day.

**Board of Health Comments/ Announcements:** Ms. Ness reminded everyone to get his flu shot. There is still vaccine available.

**Appearance before the Board/ Hearings:**

**Energy Committee:** Present: MA Swedlund, and Christine Clark

Ms. Swedlund was pleased to report on the 12/12 campaign. She explained the numbers that appear on the sign on the library lawn. The sign, which changes monthly, shows what the average household use of electricity is and the percentage below last year's usage. She also had information about getting energy audits.

On the street light front, the concern is safety, not security. The recommendation from the Police Department is that 46 lights can be turned out without jeopardizing public safety. Once provided with the list, WMECO will turn them off for 30 days, as a trial period. There is no fee to turn off the lights, but there will be a fee for any that the town determines should be turned back on. The energy committee will work on publicity to advise people about the streets where lights will be shut off. Mr. Kubiak will work with WMECO on this. He recommended that the issue of lights to be shut off at midnight be addressed soon, as grant money will be needed to cover that cost.

Ms. Swedlund described the need for getting the re-roofing of the elementary school project moving. Money has been voted for an engineering study; Bob Lesko, the facilities manager, needs to be given a nudge to get moving.

For 2013, the energy committee plans to concentrate on solar projects such as the Solarize Massachusetts program in which the Town of Montague is participating.

**Discussion/ Decision Items:**

**Remote Participation Policy (940 CMR 29.10):** Mr. Kubiak reported that Jay Wallace, Chair of the Personnel Committee has inquired about a policy that would permit persons to participate at committee meetings remotely. For example, a person who was ill and could not be physically present might participate by phone or by in some other manner. It might make the difference of having a quorum or not. The Board was receptive to the possibility but felt the Town should have a policy in place before initiating the practice. Ms. Clarke offered to prepare a draft policy for the Board to review.

**Liquor License Renewals:** Notification has been received that the Conway Road Neighbors has recently been found in violation for selling tobacco products to underage persons. This puts the renewal of the store's liquor license in jeopardy, as it has also been called before the Board for sale of alcoholic beverages to minors. The owners will be invited to the December 19<sup>th</sup> Board meeting to discuss the matter. The Board would like to hear about a credible plan to ensure compliance with age restrictions for sales of restricted products. The other liquor license holder who may have experienced a tobacco sting is Garden City Market. This will be verified with the Health Agent and the owners contacted, if this is found to be accurate. **A motion was then made by Ms. Ness, seconded by Ms. Clarke, and unanimously voted, to approve the list of liquor license renewals, with the exception of Conway Road Neighbors.** There was some concern that the Garden City Market may have also failed a tobacco products sting. This needs to be verified with the Health Inspector.

**Railroad Crossings:** At the streetscape charrette which was recently held, a safety concern was raised about the railroad crossing on Pleasant Street (near the Elementary school). One suggestion made was that the Conway Street crossing be reopened and the Pleasant Street crossing be closed. Mr. Kubiak has contacted Tim Dougherty at MassDOT with the concerns. Mr. Gilmore shared some background on the crossings. It was thought that now that there is federal money and control over the railbeds, in anticipation of improved rail capacity, the will to address safety issues might get the attention it deserves. The Board was in favor of Mr. Kubiak pursuing this further. He said he has also been in contact with the fire and emergency departments because the proposed change would affect the pattern of emergency response for those departments.

**Oxford property:** Mr. Kubiak presented a draft RFP prepared by Ann Burke for the Board's review. He suggested after the Board has had a chance to review it, a meeting be scheduled, including the Oxford Committee, to discuss the future of the site. He said some decisions about how much of the property the Town wishes to sell need to be made. He said that the final report from the Complete Streets charrette will be helpful, as there was a lot of interest in this property. He was also working on obtaining data from Western Mass CDC on comparable properties.

**Police Union Contract:** The Board discussed holding a meeting to initiate the process of a succession union agreement. Mr. Kubiak will attempt to arrange something for a time (5 pm) just prior to the December 19<sup>th</sup> meeting or possibly on Friday, the 21<sup>st</sup>.

**Open Items List:** The Open Items list was reviewed, item by item, and updated. A number of tasks were found to be completed and removed from the list. Among items discussed was continued diligence in reminding the appropriate agencies that the Stillwater Bridge is a critical piece of infrastructure. There hasn't been anything new on the Piggery situation; however the suggestion was made that future documented problems could mean permits for the piggery could be pulled. It was suggested that a list of positions that need to be filled on Town committees and commissions be added to the end of the Open Items List.

Following this the motion was made, seconded, and voted to adjourn the meeting with the singing of the warrant.

Respectfully submitted,  
Priscilla Phelps

Attachments: Approved Liquor license renewal list  
Updated Open Items List