

**BOARD OF SELECTMEN
MINUTES
July 6, 2009
Slade Building**

Members present: Kristie Casey, Chair
Matt Castriotta, Vice Chair

Member not present: Ernest Newcomb, Clerk

Staff present: Elaine Peterson, Town Secretary; Debra Roussel, Town Administrator;
Karen Chick, Town Accountant; Jim Dunbar, Treasurer

Others present: Ed Blanchard

Meeting commenced at 6:01 PM

Warrant #28 and Warrant #1

Motion: M. Castriotta **2nd:K. Casey**
To approve Warrant #28 in the amount of \$97,207.83 **Vote: All in Favor**

Motion: M. Castriotta **2nd:K. Casey**
To approve Warrant #1 in the amount of \$958,861.40 **Vote: All in Favor**

Financial Clerk Hiring/Wage Authorization

Motion: M. Castriotta **2nd:K. Casey**
To appoint Debra Chamberlain as Financial Clerk at \$12.83/hour for 7 hours per week through June 30, 2010 **Vote: All in Favor**

Motion: M. Castriotta **2nd:K. Casey**
To amend hours for Sandra Gochis from 7 to 14 hours per week and Debra Chamberlain to 20 hours per week as Police Department Clerk on the blanket wage authorization **Vote: All in Favor**

Motion: M. Castriotta **2nd:K. Casey**
To approve minutes of April 27, May 11, May 26, June 8, and June 15, 2009 as presented with amendment **Vote: All in Favor**

Highway Department Contracts

Ms. Casey and Mr. Castriotta signed Mass Broken Stone Co., P.J. Keating Co., Poirier Guidelines and All States Asphalt Inc. contracts for services previously awarded at the June 22, 2009 meeting.

Ms. Peterson reminded the Board of the meeting tomorrow, July 7, at 6:00 pm with the Cemetery Commission to jointly elect to fill the vacant commission seat until the 2010 election.

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District Local Technical Assistance (DLTA) Program Amendment to Agreement

Ms. Peterson presented an amendment by and between the Town and Montachusett Regional Planning Commission (MRPC) to extend the deadline of the scope of services from May 31, 2009 to July 31, 2009 for the District Local Technical Assistance (DLTA) Program. It will allow MRPC time to process the draft Inter-Municipal Agreement edits from Town Counsel and deliver a final version to the Town for approval.

Motion: M. Castriotta

2nd: K. Casey

To authorize Ms. Casey to sign the amendment between the Town & MRPC to extend the deadline

Vote: All in Favor

Mass Pallet Special Permit

Mr. Castriotta inquired about Mass Pallet special permit application. Ms. Roussel reported she was informed they have withdrawn their application for special permit, as they had not fulfilled all requirements.

Library Road Race

Ms. Peterson presented a request from Sue Motta on behalf of the Hubbardston Public Library to conduct the Annual Road Race on September 12, Rain or Shine. They have Fire and Police support lined up for the date as well.

Motion: M. Castriotta

2nd: K. Casey

To approve the Library Road Race date of Saturday, September 12, 2009

Vote: All in Favor

EMS Service Zone Plan Application

Ms. Roussel reported Acting Fire Chief Hayes had a need to present the application to Ms. Casey to authorize in order to meet the deadline for submission. The plan details whom in Town to contact during emergencies and how the Town emergency services and departments would respond to them.

Motion: M. Castriotta

2nd: K. Casey

To authorize Ms. Casey to sign Service Zone Plan application on behalf of the full Board the Town of Hubbardston

Vote: All in Favor

Other Business:

Ms. Peterson reported the Open Space Committee is requesting permission to use town gravel to fill in the foundation holes at the Malone Road property. The Board approved the use of gravel from the town pit for filling in where needed at Malone Road conditional on Highway Superintendent Gauthier's approval and requested they use any surplus remaining from screening, if available.

Debris Project Manager

Ms. Roussel presented an agreement with Kurt Leslie for Debris Project Manager until September 1, 2009. She reported Mr. Leslie would like to be reimbursed for time in attendance at a FEMA seminar.

Motion: M. Castriotta

2nd: K. Casey

To approve the agreement with Kurt Leslie at an hourly rate of \$25.00 per hour for work performed from June 22 to September 1, 2009 while acting in accordance with

the duties and responsibilities of debris project manager and approve payment of time spent in seminar attendance **Vote: All in Favor**

Debris Removal Contract

Ms. Roussel presented an agreement with J.M. Cook Company Inc. for debris removal services consisting of removal of debris along roadways, unsafe hanging limbs, hazardous trees and stumps remaining from the ice storm of December 11, 2008. Ms. Roussel reported there had been a lower bid submitted, but they failed to meet minimum qualifications.

Motion: M. Castriotta

2nd: K. Casey

To approve the contract with J.M. Cook Company Inc., 252 Milford Street, Upton, MA for debris removal services with compensation at \$317,480.00 and shall be effect July 6 through September 1, 2009

Vote: All in Favor

Annual Appointments

Ms. Peterson requested the Board reappoint the Acting Fire Chief, Police Chief and Highway Superintendent. Discussion ensued if it was necessary to appoint these positions if employment contracts exist. Ms. Roussel reported she had spoken with Town Clerk and according to MGL Chapter 41, Section 97A, Police Chief appointments shall be made annually or for a term not exceeding three years.

Motion: M. Castriotta

2nd: K. Casey

To appoint Robert Hayes as Acting Fire Chief, Dennis Perron as Police Chief, and Lyn Gauthier as Highway Superintendent with terms to expire June 30, 2010

Vote: All in Favor

Charter Communications Inc. Restructuring

Ms. Roussel reported Charter Communications Inc. has filed a pre-arranged financial restructuring under Chapter 11 of the Bankruptcy Code (Reorganization). Charter is requesting the Town either adopt a resolution consenting to the Reorganization or let Charter know the Town intends to take no action. Ms. Casey stated since she does not believe the Board to be capable of determining whether or not the reorganization process is in their best interest, the Board should take no action. Ms. Peterson presented a no action letter for Ms. Casey to sign.

Motion: M. Castriotta

2nd: K. Casey

To authorize Chair Casey to sign the letter indicating the Town will take no action

Vote: All in Favor

Ms. Roussel reminded the Board of their appointment times with the Department of Revenue on July 7, 2009.

Mr. Blanchard exited the meeting at 7:10 pm.

Pre-employment Physicals

Ms. Roussel reported Acting Fire Chief Hayes has inquired if the hiring freeze was lifted now that we had begun a new fiscal year. He would like to hire an individual. Ms. Roussel recommended pre-employment physicals for Firefighters and Police Officers be

done to provide a baseline should there be a claim for disability. The cost is approximately \$419.00 per individual and was not been budgeted into Insurance budget. Ms. Roussel recommended the Board request Fire and Police departments fund the pre-employment physicals out of their department budgets. Ms. Casey added placing the burden on each department for training and physicals ensures department heads are aware of the costs.

Swimming Instructors appointments:

Ms. Roussel reported the Board needs to confirm the appointments of Theresa and Danielle Griffis as swimming instructors. Mr. Castriotta stated he and Ms. Peterson met with Danielle Griffis and her father earlier today, and based on the conversation with her, he would like to recommend the Board appoint. Ms. Peterson stepped away from the meeting briefly and returned to report a positive reference check on Danielle Griffis via telephone has been performed. Mr. Castriotta stated since Ms. Griffis provided additional information as was requested in the July 2, 2009 letter, the Board should confirm the appointment.

Motion: M. Castriotta **2nd: K. Casey**
To hire Theresa Griffis and Danielle Griffis as swimming instructors
Vote: All in Favor

Motion: M. Castriotta **2nd: K. Casey**
To enter into Executive Session to discuss strategy with respect to conducting contract negotiations with non-union personnel and to return to Open session at the conclusion
Mr. Castriotta- yes, Ms. Casey-yes

*******Executive Session Minutes are Separate*******

Meeting resumed at 7:38 pm

First Parish Unitarian Church Transfer of Deed

Ms. Roussel reported Attorney Katherine Klein of Kopelman & Paige, PC, did not support the Church's legal counsel suggested process of transferring the deed through land court. Ms. Klein could not in good conscience generate a statement of adverse possession, as there is no evidence in support. Ms. Roussel recommended a meeting between the attorneys and representatives from the church and Board for resolution.

Williamsville Chapel

Ms. Roussel reported the Hubbardston Historical Society is concerned about the breadth of the draft document for the deed restriction for the Williamsville Chapel CPA grant, believing the First Parish Unitarian Church's document was shorter. Discussion determined the documents to which they were referring, was in fact MA Historical's restriction and the Unitarian Church has agreed to the same document.

10 Gardner Road

Ms. Roussel informed the Board that the Collector's title attorney has advised the Town to not contact the owner, Mr. Beauvais, directly after the bankruptcy filing.

Conversations with the bankruptcy trustee indicated it was unlikely the bank would allow the Town to lease the property given the level of outstanding debt, however, indicated the Town could meet with Mr. Beauvais to make an offer to purchase. A meeting was scheduled with Mr. Beauvais at which time he reported to Ms. Casey and Ms. Roussel that he had a buyer for the property and was sorry the Town had not come forth sooner. Contact with bank representatives to advise them of our continued interest discovered Mr. Beauvais had withdrawn the bankruptcy filing.

Wiring Inspection Office Support

Ms. Roussel reported Wiring Inspector Darrell Sweeney had approached her concerning processing of electrical permits and reported he believed no more than 15 minutes per permit was needed and the work did not require two hours a week as had been reported to him. Ms. Roussel reported the Building Department Clerk Burke was disappointed, believing the percentage granted the Town would be for the processing. Ms. Roussel explained the processing included other direct costs, processing deposits and checks etc. Ms. Roussel had confirmed with her that ½ hour per week was sufficient for processing electrical permits. Ms. Burke stated she would consider accepting the work. Ms. Roussel believed the clerical positions should include support for the building, plumbing and electrical inspectors and suggested the language for the job description be revised to reflect. The Board members agreed.

MART Advisory Board Vacancy:

Ms. Peterson reported MART Advisory meetings were taking place during the day. No one from this Board would be able to fill the vacancy. Ms. Peterson recommended advertising to the community to see if anyone wanted to volunteer. The Board approved.

Ms. Roussel reported to the Board that she and Ms. Peterson were trying to resolve a disagreement about job responsibilities related to Ms. Peterson's position. After discussion, the Board determined Ms. Roussel would receive all Board of Selectmen mail, review and return to Ms. Peterson for distribution. Ms. Roussel will only correct factual errors in the meeting minutes.

**Motion: M. Castriotta
To adjourn the meeting at 8:25 PM**

**2nd: K. Casey
Vote: All in Favor**

Respectfully submitted,

Elaine M. Peterson
Town Secretary

Approved: August 31, 2009.