

**BOARD OF SELECTMEN
MINUTES
December 21, 2009
Slade Building**

Members present: Kristie Casey, Vice Chair
Ernest Newcomb, Clerk

Staff present: Deb Roussel, Town Administrator; Jim Dunbar, Treasurer; and Karen Chick, Accountant.

Others present: Ed Blanchard, Finance Committee Chair; Mark Valis, Highway Employee and Forester Mike Leonard.

Meeting commenced at 6:05 pm

As a result of disqualification of members due to conflicts of interests, the Board lacked a sufficient number of members necessary to take a valid vote and, as a last resort, those disqualified may now participate under the Rule of Necessity. Ernest Newcomb disclosed that approving payroll on the warrant, as an employee of the Town is the conflict of interest created.

Motion: E. Newcomb

To approve Warrant #13 in the amount of \$745,769.75.

2nd: K. Casey

Vote: Unanimous

Mike Leonard presented as the consulting forester for property owners John and Steven Cronholm regarding a cutting plan for 81 acres along Route 68. Mr. Leonard requested permission to obtain a temporary right of way across a small landlocked 4 acre parcel the town owns, which abuts the subject property to avoid a very difficult stream and wetland crossing within the Cronholm property. Mr. Leonard indicated he would be using Anderson Timber Harvesting, known as one of the best operators in the State. Mr. Blanchard indicated Anderson had done work for him and could confirm the reference. Mr. Newcomb questioned location of pumping station, pond and highway entrance on map provided. Ms. Roussel indicated she had forwarded notice to Town Counsel related to process necessary and had not heard back prior to the meeting. Board deferred the matter to the January 4, 2010 meeting date. Mr. Blanchard questioned liability insurance coverage. Ms. Roussel indicated certificate of insurance would be necessary. Ms. Casey indicated no need for Mr. Leonard to present at the next meeting, believing no issue with the grant, only question as to form. Mr. Leonard exited the meeting.

Mr. Blanchard came before the Board to report he would be leaving Wednesday and be gone for the months of January and February. In his absence, Dave Simmerer would assume Chair and Jamie Pitney, Vice Chair, however he will still be available by email and telephone and would stay very much involved, as much as he could. Mr. Blanchard presented a handout he would like to be made available at the January 7th joint meeting. Ms. Roussel questioned if the document was Mr. Blanchard's personal contribution or

that voted by the Finance Committee, for the record. Mr. Blanchard indicated he had drafted the documents and reviewed with the Finance Committee, but was not formally endorsed by the Finance Committee.

Mr. Blanchard informed the Board that he would be available via email for consultation on the Russo case involving the Zoning Board of Appeals, which he serves as Chair.

Mr. Blanchard submitted a letter to the Board requesting appeal of a decision by the Board of Assessors regarding a change in their street address from one East Comet Pond Road to 23 East Comet Pond Road. Mr. Blanchard noted he had been involved in this appeal for almost two years, having been before the Board of Assessors, the Planning Board for appeal and back to the Board of Assessors, without remedy. Mr. Blanchard presented a zoning map showing his property as the first residence on the street, with all state conservation land preceding his property entering the road from Route 68. Mr. Blanchard also presented a letter from the Planning Board that indicated while they had no authority to hear an appeal of the bylaw, felt it made sense to leave the residence as number 1, citing a statement from planning board member Caleb Langer as a member of the emergency response team, noting the numbering as recommended by the Assessors could cause confusion in an emergency. Mr. Blanchard pleaded the inconvenience and expense necessary in changing legal documents, business documents etc. Board members offered their sympathy and understanding, but noted as the bylaw is written they do not have authority to hear an appeal, only enforcement of the law as written. Board members agreed could speak with the Assessors on Mr. Blanchard's behalf, suggesting a stay of execution until an appeal process could be put in place by Town Meeting.

Motion. K. Casey

To draft a letter to the Board of Assessors requesting expedition of review of request for renumbering of East Comet Road failed for lack of a second.

Motion. E. Newcomb

2nd. K. Casey

To draft a letter requesting the Board of Assessors to reconsider the renumbering of Mr. Blanchard's residence, specifically ramifications for resident and further, to recommend to Town Meeting an amendment to include an appeal process. Ms. Casey seconded, but expressed reservations that the two segments of the motion while related were independent of each other and should be considered separately. Vote: Unanimous.

Mr. Blanchard wanted it noted for the record that the Finance Committee brought forth concerns from residents regarding expense associated with the personnel situation in the Fire Department. Ms. Casey noted the Board of Selectmen would like the situation resolved more than anyone, but that the payment was a requirement of a contract. Ms. Roussel noted that it was an ongoing personnel situation that the Board cannot address. Mr. Blanchard noted he had heard from the Senator that the issue had been resolved. Ms. Roussel was directed to contact the Senator in regard to the report.

Mr. Blanchard indicated he had been representing the Town at meetings to review regional agreement for Quabbin and was concerned in his absence that Hubbardston would not be represented. Mr. Blanchard indicated the group was approximately three-quarters of the way through and hoped to have a draft prepared for Annual Town Meeting. Donna Sands from Oakham serves as the point of contact for meeting dates. Mr. Blanchard indicated he will ask Mr. Simmerer to attend on behalf of the Finance Committee and Mr. Newcomb agreed to attend on behalf of the Board, as able.

Ms. Roussel brought forth need for Board to discuss recommendation for FY11 budget. Ms. Roussel recommended a level funded budget and further, to instruct department heads to include contingency plans for cutbacks of 5% and 10%. Mr. Blanchard agreed with need for conservative approach. Board directed Ms. Roussel to prepare notice for January 4, 2010 meeting for further discussion.

Center School chorus and parents entered the meeting and sang Jingle Bells, inviting the Board to sing along. The Board thanked them for their contribution on such a cold night.

Motion: K. Casey

2nd: E. Newcomb

To revise the rate for reimbursement of mileage as established by the Internal Revenue Service, to fifty cents per mile, effective January 1, 2010.

Vote: Unanimous.

Board reviewed request from Capital Planning Committee for ten year capital facilities plan. Ms. Roussel cited concerns regarding expertise necessary to design a capital improvements plan for town buildings and noted while the energy performance process will address items to increase energy efficiency, improvements with either an ineffective payback period or essential for other reasons are not available. Ms. Roussel believed to address the request a comprehensive study of Town buildings is needed. Ms. Casey indicated while the Board certainly appreciates the need for planning, the Town does not have the resources to address at present.

Motion: K. Casey

2nd: E. Newcomb

To recommend suspension of a facilities plan for Town buildings until such time as financing is available for a comprehensive study.

Vote: Unanimous

Board reviewed and signed certificates of commendation for Police Sergeant Robert Forte, Detective Hans Carlson and Officer Ronald Flynn for outstanding performance and dedication to duty on October 5, 2009. The officers were publically recognized at the Special Town Meeting of December 10, 2009.

Board reviewed letter from Building Inspector Larry Brandt regarding zoning enforcement issues at 60 Gardner Road in Hubbardston. Mr. Brandt noted despite numerous attempts to communicate with property owner Jon Jonsson regarding violations including constructing a building without a permit and operating in violation of his special permit have been ignored. The letter indicated intent to serve Mr. Jonsson notice of court action after the holidays if he continues to refuse to communicate, seeking the Board's input prior to taking action.

Motion: K. Casey

2nd: E. Newcomb

To support the Building Inspector in whatever action is necessary to ensure property owner of 60 Gardner Road is in compliance with local zoning law(s). Vote: Unanimous

Ms. Roussel presented letter from Highway Department Employees Mark Valis, Ernest Newcomb, Jim Dickie and Al Blanchard intimating that the night shift consisting of a single employee working from 11 p.m. to 7 a.m. creates a serious and unsafe policy, further stating if someone ever got injured, there could be serious repercussions. Ms. Roussel indicated the letter was discovered late this afternoon, too late to obtain comment from Highway Superintendent. Board deferred further discussion until January 4, 2010 meeting date to allow comment from Highway Superintendent.

Board reviewed and approved Chapter 90 reimbursement request submitted in the amount of \$333,473.84 for New Templeton/Cross Roads project.

Motion: K. Casey

2nd: E. Newcomb

To accept a gift from Hubbardston Lions Club for funding cost of electricity for holiday lighting at Town Park.

Vote: Unanimous.

Motion: K. Casey

2nd: E. Newcomb

To authorize a Common Victualer License at 32 Main Street for Keven Jackson doing business as PJ's Diner. Ms. Roussel noted the Collector has indicated outstanding taxes; however the Treasurer indicated a payment agreement is in place and current. Vote: Unanimous.

Motion: K. Casey

2nd: E. Newcomb

To accept Chapter 183 of the Acts of 2009 on behalf of the Town of Hubbardston to extend the time for mailing the actual tax bills for fiscal year 2010 until January 30, 2010. Vote: Unanimous

Motion: K. Casey

2nd: E. Newcomb

To permit the Tax Collector to include a separate notice with the tax bill mailing regarding the change, in accordance with MGL c60 §3A, as long as it does not increase the cost of postage.

Vote: Unanimous

Board reviewed request from Community Preservation Commission to hire a paid clerk for four to eight hours per month, utilizing the job description created for Municipal Office Clerk 1, and further, to allow advertising of position on town website, cable channel and post in town offices with funding to support from CPC Administrative Expense Account. Ms. Roussel noted agreement with need for position, for continuity and management of information. Ms. Casey questioned reporting requirement, citing a need to review reporting for all part-time clerks, believing there is a way to better manage pool of staff available with ebb and flow of cycle of work.

Motion: K. Casey

2nd: E. Newcomb

To direct Ms. Roussel to speak with CPC Committee Chair to review job description, supervision and return with proposal. Vote: Unanimous

Board reviewed notice from Massachusetts Municipal Association for voting at the annual meeting in Boston in January. Members deferred discussion until January 4, 2010 meeting.

Board reviewed request for benefits for part-time positions. Ms. Casey indicated corporate belief that part-time employees are not entitled to paid time off; preferring flex time that currently is being utilized, which seems to be working well. Mr. Newcomb suggested some sort of incentive bonus or recognition award for cemetery and parks workers who volunteer many hours of service within scope of duties. Concern surfaced surrounding paid holidays, if certain positions didn't normally work a holiday, do they receive the pay regardless? While no hard costs, soft costs involving loss of work at issue. Ms. Roussel suggested a benefit to retaining good part-time employees and may afford increased efforts in exchange for recognition.

Motion: K. Casey

2nd: E. Newcomb

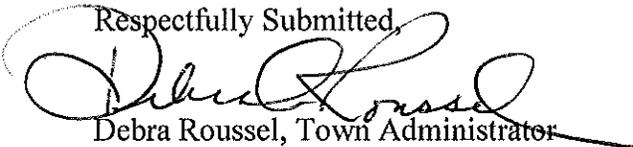
To provide pro-rated paid vacation for part-time employees, but no other paid time off.

Vote: Unanimous.

Ms. Roussel distributed the tax rate schedule updated by the Deputy Assessor.

Meeting Adjourned 7:20 p.m.

Respectfully Submitted,


Debra Roussel, Town Administrator

Approved: January 4, 2010.