BOARD OF SELECTMEN
MINUTES
September 1, 2010
Slade Building

Members present: Michael Stauder, Vice Chair
Ernest Newcomb, Clerk
Member absent: Matt Castriotta, Chair
Staff present: Jim Dunbar, Treasurer; Deb Roussel, Town Administrator; Joyce Green, Town Clerk; Lyn Gauthier, Highway Superintendent
Others present: James Crystoff, Vincent Ritchie, Caleb Langer, Planning Board; Peter Carmosino, Planning Board Associate Member; Lucinda Oates, Planning Board Clerk, Ed Blanchard, Chris Norcross, Finance Committee; Claudia Provencal, Council on Aging Chair, Bernard Cartier, David Cuthbertson, Walter Ducharme, Tom Howlett, Jean Paul Salamanca, Gardner News Reporter

Meeting opened at 6:02 pm.

Ms. Roussel announced the meeting was being digitally recorded.

Ms. Roussel requested the Board sign an **amendment to the agreement with P & P General Contractors, Inc.** of Dudley, MA, in order to extend the contract until September 30, 2010. Ms. Roussel reported the contractors will be finished tomorrow but the contract expired on August 27th and in order for Town Accountant to pay them from this warrant, the contract would need to be extended.
Motion: E. Newcomb **2nd: M. Stauder**
To amend the agreement with P & P General Contractors, Inc. through September 30, 2010
Vote: All in Favor

Mr. Dunbar presented a New State Aid Anticipation Note with UniBank for Savings for borrowing $305,956.46 at an annual interest rate of 1.15% from September 7, 2010 to March 7, 2011. The loan is for borrowing in anticipation of Chapter 90 Highway road work.
Motion M. Stauder **2nd: E. Newcomb**
To approve borrowing $305,956.46 for Chapter 90 road work **Vote: All in Favor**

Mr. Newcomb invoked the Rule of Necessity to allow the Board to obtain a quorum noting his conflict as a Highway Department employee as the payroll is included in the warrant.
Motion: M. Stauder **2nd:E. Newcomb**
To approve Warrant #6 in the amount of $820,004.98 **Vote: All in Favor**

Planning Board Failure to Elect
Ms. Roussel announced the Planning Board members were present to mutually appoint to the Planning Board position that experienced a failure to elect in accordance with MGL Chapter 41, section 10. Mr. Ritchie reported the Planning Board had notified the Board of the vacancy within the 30 day time frame following the election. Planning Board member Caleb Langer entered the meeting.
Motion: M. Stauder **2nd:E. Newcomb**
To appoint Peter Carmosino to the Planning Board with a term to expire at the 2011 Annual Election **Mr. Newcomb- yes, Mr. Stauder-yes**
Mr. Ritchie- yes, Mr. Crystoff- yes, Mr. Langer- yes

Planning Board Chair Ritchie stated the Planning Board was happy to nominate Peter Carmosino to the Planning Board. He stated Mr. Carmosino has been participating as an Associate Member over the past

two years and will be a great asset to the Board. Mr. Ritchie also acknowledged and thanked resigned member John Harden for his years of service on the Planning Board.

Ms. Roussel reported the Town has received a request from the Town of Templeton to place a truck exclusion on the section of Pitcherville Road joining Shady Lane in Templeton. She asked the Planning Board if it were possible to address the request while permitting gravel pit operations. Mr. Ritchie asked for a copy of the Templeton correspondence to have on record. He stated it was timely as a gravel pit owner was coming in tonight to address the gravel removal bylaw and other than gravel pit owner Jeff Hakala coming to the Planning Board, none of the other gravel pit owners had presented to the Planning Board. Planning Board Clerk Oates interjected that the gravel pit owners had cancelled due to a death in the family last evening. Mr. Ritchie also reported the Town was not exempt from the gravel removal bylaw if and when the Attorney General approves it, so the Town will need to develop a transition plan as well. Mr. Ritchie thanked the Board and the Planning Board members exited the meeting.

Ms. Roussel presented five copies of the September 14, 2010 State Primary Election Warrant for signatures.

Motion: E. Newcomb **2nd: M. Stauder**
To authorize the September 14, 2010 State Primary Election Warrant **Vote: All in Favor**

Discussion ensued regarding the Municipal Relief Act Local Option, similar to what Town Meeting put forth as a Home Rule Petition in terms of notifying voters of an election ballot question, yet to be approved by the legislature. The topic will be on the next Selectboard agenda. Ms. Roussel will meet with Town Clerk Green to review both options and timelines. Ms. Green stated the local option is similar but one difference is the state version requires notification by mail to voters where the town version informs voters where to obtain more information regarding the question(s). The Board of Selectmen would opt for the local option rather than it requiring a Town Meeting vote.

Mr. Blanchard asked for confirmation on the triboard meeting date. Ms. Roussel reported the Finance Committee had recommended the date of September 9th and the Capital Improvement Planning Committee had indicated if they could that date, however she had not received a response from any Board member. Mr. Stauder stated he assumed it was notice not requiring a response. The September 9 meeting at 6:00 pm was agreed upon.

Council on Aging Chair Provencal presented to update the Senior Center Design Committee's progress. The grant requires land be in place for the Senior Center. Ms. Provencal stated the Town owns property on Ragged Hill Road and after looking at other lots, this area looks the most desirable. She reported senior citizens that she talked to are not adverse to the location as they are used to travelling around town roads having lived here for many years. Mr. Newcomb asked if the grant specifies if the building could be used only for a Senior Center. He suggested 20 years from now if sewer and water were in place in the center, it might be decided to move the Senior Center closer to the center thereby using the building for other municipal use. Ms. Provencal stated she would check with Shelly Hatch of MRPC regarding the terms of the grant. Ms. Roussel reminded the Board that the first grant round was for the design only and the Town would have to apply for a construction grant next year, if approved for the design grant. Ms. Provencal stated this evening the Senior Design committee was seeking approval from the Board on the site.

Motion: E. Newcomb **2nd: M. Stauder**
To approve the Ragged Hill Road location as a site for the Senior Center

Mr. Stauder asked for discussion. Ms. Roussel reported Chair Castriotta, who was not present this evening, had asked Ms. Roussel to share his opposition to use of the site noting he was in favor of a

senior center, but not in favor of the Ragged Hill location, as it was too far out of town and the road condition was not the best. Mr. Blanchard concurred it was not an ideal location. Ms. Roussel stated Mr. Castriotta would like to see the Town pursue a master plan for all municipal locations and needs. Mr. Newcomb stated October 1st is coming up soon. Mr. Stauder stated he echoed Mr. Castriotta's opinion, he believed in the long term, the Ragged Hill Road site was not the best location. Mr. Newcomb stated one could go via New Templeton Road and Cross Road to access Ragged Hill Road, which is not in as bad condition. Mr. Blanchard stated he was talking to the Homans who owned 5 acres on Main Street beside the post office. Ms. Provencal stated she had spoken with owner Kathy Homans earlier and she was not interested in selling. Mr. Blanchard suggested another site opportunity would be to buy 1 Main Street and raze both buildings. Ms. Provencal stated the committee did not want to incur more cost to the Town by purchasing property. Discussion on the possibility of a land swap ensued. Ms. Provencal stated Dolores Ordway had 5 acres on High Street for sale. Ms. Roussel stated a land swap was not allowed under MGL. Mr. Blanchard suggested obtaining clarification on the terms of the grant regarding land at the Senior Design meeting tomorrow night. Mr. Ducharme suggested considering the Pinecrest Barn on Bemis Road.

Vote: Mr. Stauder- yes, Mr. Newcomb- yes

Ms. Provencal exited the meeting.

Ms. Roussel reported Ginny Allaby has submitted her resignation as Animal Inspector effective September 1, due to a career change.

Motion: E. Newcomb **2nd: M. Stauder**
To accept Ms. Allaby's resignation effective September 1, 2010 **Vote: All in Favor**

Ms. Roussel reported the Department of Revenue has sent Schedule A and Recap paperwork to the Board of Assessors and the Town Accountant and she will be meeting with the Financial Team to set the timeline for the tax rate schedule.

Ms. Roussel presented the assessing services contract for authorization, pending appropriation at Special Town Meeting for funding.

Motion: E. Newcomb **2nd: M. Stauder**
To sign the agreement for assessing services with Regional Resource Group, Inc. of Leominster, MA **Vote: All in Favor**

Ms. Roussel reported she received a complaint today from a resident who had filed FY'09 and FY'10 Veteran Abatements and is now receiving demand notices for FY'10. She stated the resident has not received his abatement for FY'09 and has had to file the same paperwork three times. She reported the resident indicated he would be contacting Senator Brewer's office and Veteran's Services to file a complaint, but she attempted to ensure him on behalf of the Board of Selectmen that the situation would be corrected. Ms. Roussel reported the Assessor's office was still working to catch up on abatement applications, going as far back as April 2010. Ms. Roussel presented an affidavit for **Equitable Sharing Agreement (Annual Certification Report)** which accounts for justice funds previously awarded to the Police Department in the amount of $325.35.

Motion: E. Newcomb
To authorize Mr. Stauder to sign the Equitable Sharing Agreement and Certification
Mr. Stauder requested the Chief present and confirms and clarifies the document. **Motion failed.**

The surplus equipment declaration was postponed to the next meeting at Mr. Newcomb's request as he is a Highway employee.

Ms. Roussel presented a recommendation from Highway Superintendent Gauthier to award the **Winter Salt contract** to Eastern Minerals, Inc. of Lowell, Ma at a bid price of $63.30 per delivered ton. The price was obtained through the Town of Oxford consortium for salt contract.

Motion: E. Newcomb **2nd: M. Stauder**
To award the bid as recommended **Vote: All in Favor**

Heating Oil Bid Results/Award

Ms. Roussel reported bids had been received from four companies for procurement of 10,000 gallons of #2 heating oil.

Country Oil, Gardner, MA	$2.434 per gallon fixed/ .3145 markup per gallon over daily Boston Tank Car low price
R.J. McDonald, Inc. Barre, MA	$2.458 per gallon fixed
Huhtala Oil, Templeton, MA	$2.49 per gallon fixed/.35 markup per gallon over daily Boston Tank Car low price
People's Fuel, Gardner, MA	$2.58 per gallon fixed/.35 markup per gallon daily Boston Tank Car low price

Ms. Roussel recommended going with the low bid of Country Oil however left the decision to the Board as to whether to go with a fixed or markup price. Mr. Stauder recommended checking the U.S. Department of Energy website for recommendations as they have forecasted oil prices accurately over the past years. The Board moved on to other business in order to check the DOE site later in the evening.

Discussion of the Advisory Council Municipal Representative for Homeland Security was postponed until the next meeting.

Ms. Roussel reported the Tax Collector has requested the Board of Selectmen's approval to use a collection agency to pursue payment of delinquent personal property taxes. She will have to advertise for it. There is no cost to the Town as delinquent taxpayers cover the cost of the collection.
Currently there is $1920.00 of outstanding taxes for FY'09, and $16, 735.54 of outstanding taxes for FY'10.

Motion: M. Stauder **2nd: E. Newcomb**
To support the Tax Collector's proposal to use a collection agency to collect delinquent personal property taxes **Vote: All in Favor**

Ms. Roussel reported the Conservation Commission is required according to bylaw to have a member participate on the Community Preservation Committee (CPC). The Conservation Committee member who was appointed is no longer able to participate on the CPC due to other commitments. She stated the CPC Clerk informed her that the committee has been unable to obtain a quorum and the Board of Selectmen was asked as the appointing authority, to send a letter to the Conservation Commission to remind them of their duty to serve on the CPC. Ms. Roussel presented a draft letter for review.

Motion: M. Stauder **2nd: E. Newcomb**
To send draft letter to Conservation Commission **Vote: All in Favor**

Ms. Roussel presented the Fire Chief wage authorization of a salary of $66.340.00 for Robert Hayes, Jr. She informed the Board that the statute quoted by Chief Hayes regarding setting the Fire Chief salary was not accepted by the Town as a local option and therefore was not applicable for setting the pay. She stated she had informed Chief Hayes also. Ms. Roussel reported Mr. Castriotta, who was not present this evening, had suggested authorizing the pay for the three year appointment without an opportunity for an annual increase. After discussion, the Board signed the wage authorization for the three year appointment.

Ms. Roussel presented a wage authorization for a temporary clerk to fill in for Building Department Clerk Carol Burke who will be out indeterminately due to medical reasons.

Motion: M. Stauder **2nd: E. Newcomb**

To authorize the wage authorization for Lucinda Oates as temporary Building Department Clerk at $13.76 per hour **Vote: All in Favor**

Ms. Roussel reviewed the **draft boot drive policy** with the Board.

Motion: M. Stauder **2nd: E. Newcomb**

To approve the boot drive policy as amended **Vote: All in Favor**

Ms. Roussel presented a **boot drive request** from the Quabbin Regional High School Field Hockey team to raise funds for a non-profit group, Lucy's Love Bus who had provided alternative therapies for a student with leukemia. The team wanted to hold the boot drive on Saturday, September 11th which is also Field Day. Ms. Roussel reported concerns from Chair Castriotta and Police Chief Perron regarding heavy traffic due to the events at the field. The Board denied the request with a suggestion to contact the Lions Club and reserve a table at Field Day to collect donations.

Ms. Roussel presented a draft letter per request from the Board regarding **signatory authority** for department heads, stating any documents requiring endorsement on behalf of departments which bind the Town in any form, should come before the Board for approval.

Motion: E. Newcomb **2nd: M. Stauder**

To accept the letter as presented **Vote: All in Favor**

Ms. Roussel presented an agreement between the Town and the Central Massachusetts Regional Planning Commission (CMRPC) **to transfer ownership of a SMC3000 Custom Mini Message Board SN#0810M587,** purchased with Massachusetts Homeland Security funds and received through the Executive Office of Public Safety.

Motion: E. Newcomb **2nd: M. Stauder**

To authorize Mr. Stauder to sign the agreement between the Town of Hubbardston and the Central Massachusetts Regional Planning Commission **Vote: All in Favor**

Ms. Roussel requested the Board appoint a **Library RFQ Review Committee** as required by the designer selection law consisting of Library Trustees Judi McArthur, Josephine Amato, and Laura Foley, Librarian Jayne Arata and herself, acting as Chief Procurement Officer/ Town Administrator. The committee will review and follow grading criteria to recommend awarding a contract.

Motion: E. Newcomb **2nd: M. Stauder**

To appoint the Library RFQ Review Committee as recommended **Vote: All in Favor**

Plumbing/Gas Inspector Tom Monfreda presented to discuss **raising fees for plumbing and gas permits.** Mr. Monfreda reported fees have not been raised since August of 2008 and he wanted to raise the rates to be comparable to surrounding towns.

Motion: M. Stauder **2nd: E. Newcomb**

To approve the plumbing/gas permit fee increase to be effective as of October 1, 2010

Vote: All in Favor

Mr. Monfreda thanked the Board and exited.

Ms. Roussel presented the agreement between the Town and Brown's Trucking & Excavating, Inc. to provide winter sand. The bid was previously awarded.

Motion: E. Newcomb **2nd: M. Stauder**

To sign the agreement with Brown's Trucking and Excavating, Inc. of 530 Valley Road, Barre, MA,

for approximately 5,000 yards of delivered screened sand at $4.90/cubic yard and a trade in allowance of $2.00 per cubic yard **Vote: All in Favor**

Providence and Worcester Railroad

Bernie Cartier and David Cuthbertson of Providence and Worcester Railroad presented to discuss the proposed closing of the Old Princeton Road highway/railroad grade crossing (#871 860Y) in Hubbardston. The Board had received notice from the railroad in March. Old Princeton Road has not been used by through traffic since the bridge closing on the Princeton side and there are no town services being provided beyond the railroad crossing.

Mr. Cartier had met with Highway Superintendent Gauthier in March 2010 regarding the closing. Initial plans to install a raised berm on the west side of the crossing to provide a barrier have been changed to install a turnaround for snow plow trucks per Mr. Gauthier's request. Ms. Roussel reported Mr. Gauthier has since sent an email to the Board regarding the proposed 120 foot cul-de-sac turnaround. Mr. Gauthier wrote he was concerned the cul-de-sac might not be big enough for the grader to turn around and it could be difficult for plow trucks to pull out during icy conditions due to the road incline. Mr. Gauthier also had concerns about people parking in the cul-de-sac while pursuing outdoor recreational activities thereby preventing trucks from turning around. Mr. Cartier suggested placing no parking signs in the cul-de-sac and indicated another section on the road that could be used for parking. Mr. Stauder recommended asking Mr. Gauthier in to join the discussion. Mr. Cartier stated according to the Manual on Uniform Traffic Control Devices, any highway rail grade crossing that cannot be justified should be eliminated. The Federal Railroad Administration also mandates a reduction in railroad crossings in an effort to reduce train automobile accidents. Mr. Cuthbertson stated the railroad has concerns about the proximity of two railroad crossings in that area as they do not currently meet federal criteria. He stated the railroad has to take special precautions such as almost coming to a complete stop as it is not a gated crossing while approaching and that uses more fuel and creates wear on train equipment. Mr. Gauthier entered the meeting. Mr. Gauthier stated he had reconsidered closing the crossing after looking at the area. It would be easier to stay on course with the grader with the road as it is now. He stated it would be difficult for plow trucks to turn around on the cul-de-sac during icy conditions due to the road incline. Mr. Cuthbertson stated the railroad has the opinion the crossing is a safety concern and to keep the crossing open due to inconvenience for the Highway Department is minor. Ms. Roussel suggested conducting a traffic count to see how many residents actually use the road.

Mr. Cuthbertson stated a person would have to count cars over a 24 hour period as road conditions could not handle a traffic counter. Mr. Stauder asked if the Town could designate that section of the road as inactive thereby eliminating use. Ms. Roussel indicated there is a formal process for closing a road and recommended contacting the Town of Princeton regarding their side of the crossing. Mr. Gauthier stated Princeton was researching installing a walking bridge in the area. Mr. Stauder asked about paving the section of the road. Mr. Cuthbertson stated he was not open to paving such a small section of the road due to the cost. Mr. Stauder suggested coming back with another plan to address the Highway Superintendent's concerns.

Mr. Cuthbertson stated he *had* met with Mr. Gauthier and they had designed the cul-de-sac according to Mr. Gauthier's criteria. Mr. Gauthier stated he had taken the grader out to that road last week and reconsidered. He stated if the road was paved he would not need to take the grader down there. Mr. Cuthbertson stated he would reexamine the area. Mr. Cartier and Mr. Cuthbertson exited the meeting.

Ms. Roussel reported she had spoken with the Chief regarding the Equitable Sharing Agreement. The $325.35 was drug force funding remaining from the late 1990's. No funds have been spent since as the criteria are specific on what it can be spent on.

Motion: M. Stauder **2nd: E. Newcomb**

To authorize Chair Castriotta to sign the agreement on behalf of the Board **Vote: All in Favor**

Ms. Roussel presented the DOE energy forecast. The average oil retail price for the winter of 2011 is projected to be $3.14.00.

Motion: M. Stauder **2nd: E. Newcomb**
To award the #2 heating oil bid to Country Oil of Gardner, MA at a fixed price of $2.434/ gallon
Vote: All in Favor

Motion: M. Stauder **2nd: E. Newcomb**
To adjourn the meeting at 8:10 PM **Vote: All in Favor**

Respectfully submitted,
Elaine M. Peterson
Elaine M. Peterson
Town Secretary

Approved: October 12, 2010