

**Board of Selectmen
Minutes
November 8, 2010
Slade Building**

Members present: Matt Castriotta, Chair
Michael Stauder, Vice Chair
Ernest Newcomb, Clerk

Staff present: Karen Chick, Town Accountant; Elaine Peterson, Town Secretary; Debra Roussel, Town Administrator; Larry Brandt, Building Commissioner and Police Chief Dennis Perron

Others present: Jassy Bratko, Leslie Grenier, Mary Taylor, Walter Ducharme, Tom Howlett, Paul Hale and Finance Committee members Ed Blanchard and Chris Norcross

Meeting opened at 6:00 PM

Mr. Newcomb invoked the Rule of Necessity stating his conflict as a Highway Department employee and payroll being part of the warrant. 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 that all those disqualified may now participate under the Rule of Necessity.

Warrant #11

Motion: E. Newcomb

To approve Warrant #11 in the amount of \$176, 281.56

2nd: M. Castriotta

Vote: All in Favor

Ms. Roussel reported that Free Cash in the amount of \$258,375.00 has been approved by the Department of Revenue. Mr. Castriotta requested a breakdown for STM in case anyone inquires about it. Ms. Roussel reported free cash combined with the three stabilization accounts (general, property update and capital) total \$755,238.59. Ms. Roussel stated she has heard dim forecasts regarding local aid for fiscal years 2012 and 2013 and to expect more state budget cuts as well.

Mr. Stauder entered the meeting at 6:15 pm. Mr. Blanchard thanked Ms. Chick for her work. Ms. Chick stated it was a collaborative effort. Ms. Chick exited the meeting.

A meeting was set for Wednesday, November 17 at 6:00 PM for capital spending discussion. Ms. Roussel will also invite the pertinent department heads in for discussion regarding a new land clerk position at 7:00 PM.

Ms. Roussel reported MIAA has awarded a loss control grant to the Town for a security system for the Slade Building administrative offices, and cameras and a DVR system for the entrances to the Senior Center and administrative offices. The amount of the grant is \$3,448.00.

Ms. Roussel reported Ms. Peterson had read about a Village Center Sewer District feasibility study was being conducted in Ashby under the District Local Technical Assistance (DLTA) Program through MRPC. Ms. Roussel advised she had spoken with John Hume of MRPC and believes our project would be eligible; recommending the Town apply for a similar study for

Hubbardston. She recommended keeping Article #17 on the Special Town Meeting warrant in case the grant is not approved by MRPC.

Motion: M. Stauder

2nd: E. Newcomb

To approve the grant application for feasibility study for a town center water treatment system

Vote: All in Favor

The Board reviewed the Special Town Meeting warrant and articles were assigned to each member in case of questions. Mr. Blanchard reported the Finance Committee has also assigned articles to members and they have created a handout for distribution.

Building Commissioner Brandt came in to update the Board on two **Class II license holders** whose licenses has lapsed. Mr. Brandt reported he went to Jon's Auto located at 60 Gardner Road, owned by Jon Jonsson, in July and everything was closed and all locked up. Mr. Brandt counted the vehicles on the property and it was at 58. He is concerned about junk cars being left over in the case the license is not renewed. He added the only way to control this is to keep the vehicle limit down if further licensing should occur. Mr. Brandt sent a letter to Mr. Jonsson dated July 6, advising him of three issues that should be addressed to demonstrate to the Board and Town his commitment to his business. They were to eliminate all the "part" vehicles that look like a junk heap, finish construction of an entryway in the front of the building, and remove the large boat and metal structure erected between the house and garage. Ms. Roussel asked about zoning bylaws being violated since the license has lapsed. Mr. Brandt stated the business still exists as Mr. Jonsson still does vehicle repairs. Mr. Brandt suggested using the special permit/site plan approval could be a way to obtain cleanup of the cars Mr. Jonsson is using for repairs. He suggested notifying the owner with a final letter that he has thirty days to clear out cars other than the ones he uses for repairs or site plan approval would be revoked. Mr. Brandt will draft the letter.

In regards to Second Shift Garage located at 107 Gardner Road, Mr. Brandt stated Mr. LaJoie has increased his vehicle limit over the years but has never followed through on keeping the site orderly. The owner now has no right to have the vehicles there because he no longer holds the dealer license. Ms. Roussel asked about zoning as it relates to unregistered vehicles; only one is allowed in residential zones. Mr. Stauder asked if the Board of Health has any purview over the situation. Mr. Brandt said there might be. Mr. Brandt advised the Board to send a letter stating since Mr. LaJoie lost his dealer license on July 1, 2010 he is no longer allowed to have that many vehicles on his property and needs to remove them.

Mr. Brandt stated he has time constraints due to reduced hours on what he can accomplish for the Town as he currently has two legal issues with the dog kennel situation and an allegedly illegal dumping operation with a gravel pit. He is waiting to hear back from the Board of Health regarding a Department of Environmental Protection license, but the gravel pit owner still needs zoning approval from the Town. The gravel pit owner has not approached Mr. Brandt to date.

Discussion then turned to a request to have a private fence removed from town property on Route 68 going north from the corner of Route 62. Mass Highway had surveyed the area for road construction and letters have been sent to the owner requesting they remove the fence. The Town has not received any response from the owner. Mr. Brandt suggested informing the owner via certified letter that they have 14 days to remove it and if it is not removed by the owner, the Town will remove it. The Town will need to ensure the survey is accurate before proceeding.

Mr. Brandt reported on the dog kennel issue on Old Princeton Road. Mr. Brandt reported the owner is not in compliance and is not doing anything because she doesn't have to. He stated Kopelman & Paige have requested to review the entire file.

Mr. Brandt was invited to a November 17 meeting with the Board of Selectmen at 7 pm regarding discussion of formation of a Land Clerk position.

Mr. Castriotta thanked Mr. Brandt and asked him to return in one month for an update on the above.

Police Department

Police Chief Perron presented a resignation from Part-time Patrolman Sean McNamara effective this evening. Officer McNamara has accepted a position with the Berlin Police Department. Chief Perron stated Officer McNamara was an asset to the department.

Motion: E. Newcomb

2nd: M. Stauder

To accept the resignation of Sean McNamara effective November 8, 2010 with regret

Vote: All in Favor

Chief Perron requested to hire Thomas Perry Jr. of Winchendon and Nicholas Malnati of Hubbardston as part-time officers effective November 9, 2010.

Motion: E. Newcomb

2nd: M. Stauder

To hire Thomas Perry Jr. and Nicholas Malnati as part-time police officers with a wage rate of \$15.00 per hour and to allow Chief Perron to hire a replacement for Officer McNamara

Vote: All in Favor

Chief Perron stated he would return to the next Board meeting with a recommendation for hiring an officer. Chief Perron exited the meeting.

Open Space Committee

Leslie Grenier and Jassy Bratko, Open Space Committee members, stated they had spoken to the Town Accountant as to what was necessary to open a donation account for the Open Space Committee. They presented earmarked checks in the amount of \$75.00 for deposit into the account which were donated for use at the discretion of the Open Space Committee

Motion: M. Stauder

2nd: E. Newcomb

To accept the donations to the Open Space committee for the purpose as intended

Vote: All in Favor

Ms. Bratko asked if the Open Space Committee conducted a fundraiser could they deposit funds into the donation account. Ms. Roussel informed them they would have to form a non-profit organization or piggyback under an established non-profit agency.

Ms. Bratko stated the committee is also requesting to use \$4,500.00 from the Fund for Hubbardston Preservation in order to improve the picnic area at Mt. Jefferson Conservation area and make it accessible for the town's all-terrain wheelchair. Specifically, the committee would like to:

- clear around, inside and outside of the foundation to remove saplings, brush, trash and big rocks
- install boulders on the exposed side of the foundation to prevent falling into the area
- cut down damaged and other selected trees, chip wood, brush and flushing stumps
- clear the remaining area of brush

- grade the area to level
- seed or cover with bark chips as appropriate
- install field stone trail head sign holder to house present signs in addition to a new trail
- map sign
- make a new trail head map

The Open Space Committee will also be meeting with the Parks Commission on Wednesday night to get their approval for the Fund for Hubbardston Preservation which is necessary prior to approval from the Board. Ms. Bratko stated the committee realizes the amount requested may not be sufficient to complete all the work listed and they intend to engage volunteers whenever possible.

Motion: E. Newcomb **2nd: M. Stauder**
To approve Open Space Committee use of \$4,500.00 from the Fund for Hubbardston Preservation for use at Mt. Jefferson Conservation area pending approval from the Parks Commission **Vote: All in Favor**

Ms. Bratko and Ms. Grenier exited the meeting. A support letter from the Board for the Town's joint grant application with the Town of Westminster was presented for signatures. If awarded, the grant will fund housing rehabilitation and allow design of a senior center in both towns.

Minutes Approval

Motion: E. Newcomb **2nd: M. Stauder**
To approve minutes of August 2, September 27, and Oct. 18, 2010 as written **Vote: All in Favor**

Motion: M. Stauder **2nd: E. Newcomb**
To approve minutes of October 12, 2010 as written **Vote: All in Favor**

Release of Minutes

Mr. Stauder requested reopening the discussion on prompt release of minutes to the public. Ms. Roussel pointed out the Board meets every two weeks and if a Board member is absent on that evening, approval is further delayed. A suggestion was made to post bulleted highlights of the meeting to the website. The Town Administrator's report could be posted with a bolded line indicating if action was taken. Mr. Howlett complimented Ms. Roussel on her factual postings on the Telegram and Gazette "On the Common" blog. Mr. Castriotta recommended posting a recommendation on the blog to view information on the town website. No action was taken.

Streeter and Mile Road Snow Plowing Award

Highway Superintendent Gauthier has recommended Michael Macaruso of 24 Mayo Road, Hubbardston, to be awarded the plowing and sanding contract for Mile and Streeter roads. He was the low bidder of \$1,200.00 for Streeter Road and \$1800.00 for Mile Road.

Motion: M. Stauder **2nd: M. Stauder**
To award the contract to Michael Macaruso for plowing and sanding of Streeter and Mile Roads beginning on December 1, 2010 through March 31, 2011
Vote: Mr. Stauder- yes, Mr. Castriotta- yes, Mr. Newcomb- abstained

Resignations and Appointment:

Ms. Peterson reported William Fernekees is resigning from the Zoning Board of Appeals (ZBA) in order to allow ZBA Alternate Member Andrew Baum to take his position. Mr. Fernekees

believes Mr. Baum is more informed regarding laws and issues. Mr. Fernekees has indicated he would be happy to fill the Alternate position left vacant by Mr. Baum.

Motion: M. Stauder

2nd: E. Newcomb

To accept the resignation of William Fernekees from the Zoning Board of Appeals effective November 8, 2010, and appoint Andrew Baum to ZBA with a term to expire June 30, 2012 and appoint Mr. Fernekees as Alternate to ZBA with a term to expire June 30, 2011

Vote: All in Favor

Ms. Peterson presented an agreement between the Town and Cartographic Associates, Inc. for professional mapping services (\$2,200.00) and to provide GIS Services (\$500.00) for the Board of Assessors

Motion: M. Stauder

2nd: E. Newcomb

To authorize the contract between the Town and Cartographic Services, 11 Pleasant Street, Littleton, NH, for professional mapping services (\$2,200.00) and to provide GIS Services (\$500.00)

Vote: All in Favor

Affordable Housing Plan

Ms. Roussel reported she had spoken with consultant Karen Sunnarborg, who drafted the Housing Plan and Housing Committee Chair Judie O'Donnell regarding designating town owned properties suitable for an affordable housing trust. Ms. Roussel had asked if the town designates land, is the Town committed to use that land for affordable housing. Ms. O'Donnell had indicated that a listing of properties and projected dates is all that is required for the plan and it would be used as a starting point if an affordable housing trust is developed. It was also suggested the affordable housing committee should work with other town committees to review other lots.

Motion: M. Stauder

2nd: E. Newcomb

To look into the suitability of various town owned lots on Ragged Hill Road, Mile Road and Pitcherville Road as possible parcels on which to site affordable housing

Vote: All in Favor

Ms. Roussel reported Senator Brewer's office has indicated the Special Act approved by Town Meeting regarding providing information to voters was put before the Governor for final approval. Ms. Roussel contacted Town Counsel and was informed the Town must wait three years before rescinding the act. In the meanwhile, the Town has already accepted the State Act which supersedes the Town's. The only option for the Town is to have the Board pass another act and place an article before Town Meeting requesting permission to file special legislation to allow rescinding the vote earlier than three years. The Board took no action.

Ms. Roussel reported abatements related to appeals filed on gravel pit valuations will total over \$100,000.00. One has been released for \$80,000.00 and another was refused as taxes are owed.

Ms. Roussel asked the Board if they want department head reports posted on the website. The Board does. The Board requested the reports for the next meeting in order to review for any additional items they would like to see included. The Board also requested quarterly department meetings at the beginning of the budget planning season.

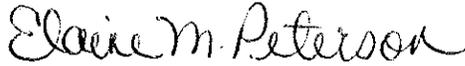
Ms. Roussel reported the Town was notified of a Supreme Court Justice decision, making evergreen clauses, used for extension of contracts, invalid in municipal collective bargaining agreements. She informed the Board that the Police and Highway union contracts expire in June of Fiscal Year 2012. Ms. Roussel was unsure whether this applied to individual contracts as well.

Ms. Peterson reported a MART Van driver had requested the other van driver voluntarily drive some seniors after regular hours on a Monday night to attend a Thanksgiving Dinner in Westminster and also take the van on Veteran's Day for shopping. She added MART discourages the vans being used when their garage is closed in case of a breakdown. The Board agreed the van should not be used on days the Town offices and MART garage is closed.

Motion: M. Stauder
To adjourn the meeting at 8:10 PM

2nd: E. Newcomb
Vote: All in Favor

Respectfully submitted,



Elaine M. Peterson
Town Secretary

Approved: November 22, 2010