

**BOARD OF SELECTMEN
MINUTES
August 29, 2011
Slade Building**

Members present: Ernest Newcomb, Chair
Michael Stauder, Vice Chair

Member absent: Matthew Castriotta, Clerk

Staff present: Brian Bullock, Interim Town Administrator; Elaine Peterson, Town Secretary

Others present: Tom Howlett, Walter Ducharme

Meeting commenced at 6:35 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 conflict 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 #5

Motion: M. Stauder

2nd: E. Newcomb

To approve Warrant #5 in the amount of \$767,653.02

Vote: All in Favor

Small Town Rural Assistance Program (STRAP) Grant

Mr. Bullock presented two documents; a letter of endorsement for the grant application and another certified copy of the vote to authorize the Town Administrator to file the STRAP grant. He reported the projected cost of 8.14 miles of road is estimated to be about \$2.9 million. The grant amount has changed to \$1,000,000.00 rather than \$500,000.00, which lessens the amount of grants being awarded. He requested Mr. Stauder sign both as he was not present at the last meeting. Mr. Bullock reported seven letters of support will be accompanying the application, including the Board's. The other letters are from Police Chief Perron, Gardner Mayor Mark Hawke, Senator Stephen Brewer, Representative Kim Ferguson, Hubbardston Business Association President Rick Green, and QRSD Superintendent Maureen Marshall. Mr. Bullock appeared optimistic and believed the application was substantial.

The grant if awarded would be for construction in 2012 and 2013.

Appointments

Ms. Peterson reported Jassy Bratko had requested a resident be appointed to Open Space but that person had not returned her request form in time for this evening's meeting. This

is to replace the vacancy created by Catherine Galbreath's resignation. Mr. Stauder believed it would be worthwhile to advertise for one week before appointing. The Board decided to wait for the appointment request before appointing to the committee.

Ms. Peterson stated she would be also advertising for the Finance Committee vacancy created by Dave Simmerer's resignation.

Ms. Peterson reported two more residents have applied to be appointed to the 250th Anniversary Committee.

Motion: M. Stauder

2nd: E. Newcomb

To appoint Kenneth Green and Martha Holgerson to the 250th Anniversary Committee with a term to expire June 30, 2012

Vote: All in Favor

Ms. Peterson reported Chairman Newcomb had signed the FY'12 Elder Affairs Formula Grant application off meeting due to an overdue deadline.

She requested the Board vote to authorize his signature.

Motion: M. Stauder

2nd: E. Newcomb

To authorize the Chair to sign the FY' 12 Elders Affair Grant application on behalf of the Town

Vote: All in Favor

Equitable Sharing Agreement and Certification

Ms. Peterson reported Police Chief Perron has requested the Chair sign the Equitable Sharing Agreement and Certification for funds amounting \$325.35 seized approximately eight years ago as a result of drug forfeiture. This is an annual report for filing with the Department of Justice.

Motion: M. Stauder

2nd: E. Newcomb

To authorize the Chair to sign the equitable sharing agreement and certification for the Police Department

Vote: All in Favor

GreenCycle L.L.C. Agreement for Recycling Center

Ms. Peterson presented the agreement for recycling services from GreenCycle, LLC, that had been approved at the last meeting after discussion with the Board of Health. Mr. Bullock suggested the Board of Health Chair review the agreement before returning it to the vendor.

Motion: M. Stauder

2nd: E. Newcomb

To authorize the Chair to sign the agreement with GreenCycle, L. L.C. of 198 Tremont St. Boston and the Town for recycling services

Vote: All in Favor

Ms. Peterson reported MART Van driver Bill Fernekees had requested to schedule a trip to the Christmas Tree Shop in Shrewsbury on a Saturday. Saturday trips had previously discouraged due to lack of support if the van had engine trouble. Mr. Fernekees had volunteered his time to drive the van and had spoken with the Gardner MART Dispatcher and received emergency phone numbers in case of a breakdown. Mr. Fernekees stated the group would be back to Hubbardston by 3:30 pm at the latest. Ms. Peterson stated she told Mr. Fernekees each Saturday trip request would be considered individually.

Heating Oil Bid Awards

Mr. Bullock reported on the bid process. The Town had requested a locked in price quote and locked in margin quote (the margin above the quote on the given day you receive oil). R.J. McDonald had bid the lowest amount at \$3.3390 per gallon on the locked in price. The previous year's price was \$2.458 per gallon, a difference of eight-eight cents per gallon.

Motion: E. Newcomb

2nd: M. Stauder

To award the heating oil service to R. J. McDonald at the locked in price of \$3.3390 per gallon

Vote: All in Favor

Hurricane Irene

Mr. Bullock wanted to thank Emergency Management Planning Director Dennis O'Donnell for coming in this weekend during Hurricane Irene. There is a tree in wires on Williamsville Road and Halfrey Road. There is still power out on Bickford Pond Road. Mr. Bullock also thanked the Highway Superintendent and his crew for their work this weekend.

Kopelman & Paige PC fixed-fee retainer

According to the letter sent by Kopelman & Paige, PC, they will bill the lower of time charges, or \$14,000.00 as an annual cap. The retainer includes all meetings with the Board, town boards, and Town Administrator; all opinion letters and general emails; all general telephone calls, review of warrants for Town Meetings and attendance at Town Meetings, workshops; Memoranda to Municipal Clients; bylaw drafting and review, drafting and reviewing miscellaneous documents, licensing, procurement and contracts, conflict of interest issues; and zoning and other land use matters. Excluded are labor, trial matters, and real estate transactions. Also excluded would be items for which the applicant is requested to pay, such as land-use applications and tax collection where the tax payer reimburses the Town. Kopelman & Paige has been Hubbardston's Town Counsel for more than twenty years.

Motion: M. Stauder

2nd: E. Newcomb

To appoint Kopelman & Paige PC as legal counsel with a term to expire June 30, 2012

Vote: All in Favor

Disclosure of Financial Interest by Special Municipal Employee

Ms. Peterson presented the form required by MGL Chapter 268A, section 20(c) & 20(d) as Chris Norcross is a Finance Committee member, Park Commissioner, and Cemetery Commissioner and also employed by the Town to mow during the spring and summer season.

Motion: M. Stauder

2nd: E. Newcomb

To approve the disclosure of financial interest by special municipal employee and approval of exemption statement for Chris Norcross

Vote: All in Favor

Motion: E. Newcomb

2nd: M. Stauder

To enter into Executive Session to discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against a public officer, employee, staff member or individual and to reconvene to open session for the purposes of adjournment

Vote: Mr.

Stauder- yes, Mr. Newcomb- yes

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

Motion: M. Stauder

2nd: E. Newcomb

To adjourn at 7:31 pm

Vote: All in Favor

Respectfully submitted,


Elaine M. Peterson

Approved: September 12, 2011.