BOARD OF SELECTMEN
MINUTES
September 12, 2011
Slade Building

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

Staff present: Brian Bullock, Town Administrator; Elaine Peterson, Town Secretary; James Dunbar, Treasurer; Karen Chick, Accountant;
Caleb Langer, Fire Lieutenant

Others present: Walter Ducharme, Tom Howlett, Peter DeBlois, Tanya Campbell, Melanson Heath, PC; Carol Whitney, Mary Taylor, Danielle Murray,
Michael Dunphy, Leslie Grenier, Katie Klein, Kopelman & Paige, PC, Ken Dobie, National Grid; Mike Tucker

Finance Committee members: Ben Prentiss, Chris Norcross, Faye Zukowski, Leslie Greiner, Patrick Girouard

Meeting opened at 6:39 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.

Open Agenda

Fire Department Grant Authorizations
Lieutenant Langer presented two FEMA grant applications on behalf of Fire Chief Hayes who is out sick today.
The first grant- **Assistance to Firefighters Grant Program – Vehicle Acquisition,** would award $315,000.00 with a required matching amount of $63,000.00. This would replace the 1989 Engine 4, Ford 4 wheel drive pumper engine, in need of a $50,000 mechanical refurbishment. This engine is used for off road firefighting when the other larger fire engine cannot get to and for smaller residential driveways. This grant would eliminate the need for the refurbishment.
The second grant- **Assistance to Firefighters Grant Program – Operations & Safety,** would award $42,000.00 with a required matching amount of $2125.00. This would equip nine newly recruited firefighters with NFPA compliant turnout gear and purchase two thermal imaging cameras to equip Engine 1 and 3. Mr. Bullock requested a timeline for notification of the award as he is concerned about the matching funds. Lt. Langer reported notification is sometime in spring 2012.

Motion: M. Stauder 2nd:E. Newcomb
To approve the FEMA grant applications and authorize Fire Chief Hayes to sign the grant applications electronically
Vote: All in Favor

Lt. Langer thanked the Board and exited the meeting.

Warrant # 6

Motion: M. Stauder 2nd:E. Newcomb
To approve Warrant #6 in the amount of $145,063.76 Vote: All in Favor

Ms. Peterson presented the Commonwealth of Massachusetts State Aid Anticipation Notes/New Money on behalf of Treasurer Dunbar in the amount of $250,000.00 with an interest charge of .95 per cent per annum. This is borrowing in anticipation of Chapter 90 road construction for New Templeton Road and drainage work on Route 68.
Mr. Newcomb invoked the Rule of Necessity and stated he had no financial gain from the borrowing.
Motion: M. Stauder 2nd:E. Newcomb
To approve borrowing in the amount of $250.000.00 for road construction this year
Vote: All in Favor

Mr. Bullock presented letters from the Board for signatures to Senator Stephen Brewer and Representative Kimberly Ferguson. The letter explained a copy of the FY 2012 application, in hard copy and electronic version, was being sent in order for them to understand the need and justification for approval for award of the grant. Mr. Bullock thanked Ms. Peterson for her assistance in assembling the grant application materials.

Finance Committee Appointment
Ms. Peterson reported the Board would be the appointing authority for the vacancy as the notification period from the Finance Committee had expired. Raeanne Seigel had responded to the notice on the town website for the vacancy and forwarded her resume. Ms. Seigel has been working in the financial field for over twelve years and believed her experience could be an asset to the committee.
Motion: M. Stauder 2nd:E. Newcomb
To appoint Raeanne Siegel to the Finance Committee with a term to expire with the next election Vote: All in Favor

Three applicants for the **Open Space Committee** vacancy, Danielle Murray, Michael Dunphy and Peter DeBlois introduced themselves. Mr. Stauder thanked all three for volunteering. Danielle Murray of Healdville Road has been attending some of the Open Space Committee meetings and had the opportunity to explore some of the trails at the Mt. Jefferson Conservation Area. Michael Dunphy has been living in Hubbardston for three years and lives on Healdville Road. He enjoys outdoor activities and believes open space is a valuable resource to the Town. Peter DeBlois has lived in town for about a year. He works at Memorial Hospital and has done volunteer work in his capacity as a

plant engineer and thought the committee may be able to use his skills. Mr. Stauder thanked all three applicants for volunteering but unfortunately there is only one opening. Mr. Newcomb encouraged those who are not appointed to continue to attend the Open Space Committee meetings.
Motion: M. Stauder 2nd:E. Newcomb
To appoint Peter DeBlois to the Open Space Committee with a term to expire June 30, 2014 Vote: All in Favor

250th Anniversary Committee
Ms. Peterson presented a request from Dennis O'Donnell to be appointed to the committee.
Motion: M. Stauder 2nd:E. Newcomb
To appoint Dennis O'Donnell to the 250th Anniversary Committee with a term to expire June 30, 2012 Vote: All in Favor

Minutes Approval
Motion: M. Stauder 2nd:E. Newcomb
To approve the minutes of August 29, 2011 as written Vote: All in Favor

The Board took no action on the request for a burial at 64 Pitcherville Road as they preferred to wait for legal counsel and Board of Health approval.

Ms. Peterson asked if anyone else was present for Open Agenda. Leslie Greiner of Mt. Jefferson Road requested her road be placed on the list of roads needing improvements (particularly the previously paved portion where Cross Road ends) due to the poor condition. She added it is especially bad in the winter. Mr. Stauder stated there is no official list as all Hubbardston roads need attention but it will certainly be considered. An independent engineering firm will be making final recommendations on roads to be addressed at the outset. Ms. Grenier requested a contact person to keep her posted on the road determinations. Mr. Bullock volunteered and asked her to send him his email. Ms. Grenier exited the meeting.

Mr. Bullock reported the radio tower special permit for Mt. Jefferson Road was appealed and administration is in the process of reviewing it.

Melanson & Heath Audit
Tanya Campbell, Melanson Heath & Company, PC representative, reviewed the Management Letter for the year ended June 30, 2010, with the Board. Ms. Campbell reported they are required to report weaknesses or serious deficiencies in internal control. She added there were no serious deficiencies. Comments are just recommendations to improve internal controls that they noticed on the audit.

1) **Improve procedures over Community Preservation Fund Activity-**
   Ms. Campbell pointed out everything is recorded just not in a concise manner - this has to do with how the account is set up, some adjustments are needed in order to comply with accounting principles and state guidelines. Ms. Campbell added the letter did not mention this but the town's software is outdated and

recommended an upgrade. It is the oldest software they have ever seen. She recommended BudgetSense or Softwrite Sumeria for software, estimating the cost to be around $15,000.00

2) **Improve Controls over Invoice Documentation**- in detail testing of 25 vendor invoices, they noted three exceptions, one instance of a payment on a statement not accompanied by supporting documentation and two instances in which payments were made on a copy or fax rather than an original invoice. Mr. Dunbar stated he discussed this situation with the Accountant and the financial Clerk Deb Chamberlain and it was thought that the financial clerk initially might have mailed the original invoice (instead of the copy of the invoice) back with payment to the vendor. The clerk has been instructed to keep the original invoice for the town files. Ms. Campbell suggested calling the company to confirm the invoice has not been paid and make a dated notation on the voucher.

Accountant Karen Chick entered the meeting.

Mr. Stauder brought up about the biweekly warrant review and stated that it was cumbersome to go through all the individual vouchers. Ms.

Chick reported that almost all departments are providing cover sheets for their departments, effective this fiscal year, so the Board could refer to

the various individual cover sheets provided versus the individual vouchers. Cover sheets provide the vendor and the dollar amount.

3) **Improve Departmental Receipt Procedures**- specifically it was noted some departmental turnovers do not always provide a breakdown of cash versus checks. Ms. Chick has contacted all departments regarding this procedure.
4) **New Accounting Standard** – an informational recommendation only. Governmental Accounting Standards Board (GASB) Statement 54. The Town does not have to do much as the auditors will perform this during the next audit. Stabilization fund will be combined with the General Fund. Classifications of reserved, designated and unreserved funds will be replaced with new classifications of nonspendable, restricted, committed, assigned and unassigned fund balances.

Prior Year Issues:

5) **Improve Procedures over Ambulance Receivables**- to enhance internal controls, Melanson Heath recommends the Accountant monthly compare turnovers provided to the Treasurer to billing company reports to ensure receipts were remitted and posted timely and intact. This will allow Reconciliation between amounts received and the outside billing company's monthly report.
6) **Improve Controls over Software Security**- the town should have offsite backup of financial and other computer software.

Matt Castriotta entered the meeting.

7) **Consider Documenting Components of Internal Control**- this recommendation to document the policies, procedures, and controls over key financial transactions could be used by departments as guidance to help safeguard assets, properly record transactions and provide a basis for continuing operations in the event of turnover in key financial departments. Ms. Chick reported the

Town's accounting policies have been distributed to every department and sign off on receipt.

8) **Utilize Tailings Account –** the outstanding checks list for the Town's checking accounts includes outdated (stale) checks totaling over $15,506 that is over a year old, with some dating back as far as 2000. Melanson Heath recommends establishing a tailings account and add these stale checks to the account. This will show the true available cash balance for the Town.
9) **Improve Internal Controls -Building Inspector Office –** improvements could be made by pre-numbering building permits in order to provide an adequate audit trail, departmental receipt activity is not regularly reconciled to the general ledger, receipts are received by the same individual who maintains the receipt log and prepares the departmental turnover. Building Inspector Larry Brandt responded to the permit pre-numbering recommendations via letter, stating the permit format is in the clerk's computer and must be completed by the clerk inputting the information into two different sites and numbering is then logged into a separate site for monthly reports. The current numbering system starts every year on January 1, and he is not sure how this would make the system more secure.

Mr. Bullock thanked Ms. Chick and Mr. Dunbar for their work in lieu of no serious deficiencies being found during the audit. He also thanked the auditors for their efficient process. Ms. Chick, Mr. Dunbar and Ms. Campbell exited the meeting. The Board thanked Ms. Campbell for coming out this evening.

Town Common Partition/ Right of First Refusal

Mr. Bullock presented the Finance Committee recommendations, Attorney Katie Klein's letter regarding Town Common Partition/Right of First Refusal and the Unitarian Universalist Association's (UUA) Bylaws and Rules to the Board.

Katie Klein of Kopelman & Paige, PC, reported regarding the question posed as what happens to the church building in the event the First Parish Unitarian Church of Hubbardston is dissolved. Ms. Klein stated she has examined the bylaws, national organization's rules as well as articles of incorporation that state in the event the local church dissolves any property that is held must go to the national organization. Ms. Klein further stated the town would have a right of first refusal.

Ms. Klein has recommended the Town require a waiver, in recordable form, of the reversion of the Parish property to the association upon dissolution of the parish. This may or may not be possible. In addition, the local parish should be required to amend its Articles of Incorporation to reflect the possible disposition of the parish property to the Town.

Ms. Klein has spoken to the local church's legal counsel, Jeff Aveni and he was going to speak to the church representatives. She has not heard back from him in that regard. She added the Town can also make the decision that it's okay that the property goes to the national organization.

Mr. Stauder stated he agrees with the Finance Committee recommendations that Lot 2 include a thirty foot piece surrounding the church building as was agreed per the Historic Preservation Agreement. Church member Carol Whitney stated the thirty foot piece is not big enough space to do anything with. Church member Mary Taylor disputed Ms. Klein's interpretation and referred to Article III, Section C-3.1 Member Congregations. Ms. Klein referred to Section C.3.3.5 F, "....the assets of the congregation will be transferred upon dissolution to the Association." Ms. Klein stated the Town does run a risk that the property could end up in someone else's possession other than the parish that the Town is dealing with today with the way the bylaws are written presently. Ms. Peterson presented a copy of Ms. Klein's letter dated September 8, 2011 regarding her recommendations.

Mr. Bullock and Mr. Castriotta recommended Ms. Klein speak to the Unitarian Universalist Association's attorney. It was recommended Ms. Taylor should contact the association first. Ms. Taylor stated Attorney Aveni believed the local membership is autonomous and self governing and there is no need to contact the Association. Ms. Klein said it is possible that Mr. Aveni is correct but she sees it as a possible risk to the Town. Ms. Klein has not heard from Mr. Aveni since last Thursday, who said he would contact UUA upon approval from the local church members. Ms. Taylor said she would contact Mr. Aveni on how to approach the UUA.

Finance Committee Vice Chair Ben Prentiss stated the committee believes the Town is in jeopardy of trying to buy back its own town common which we are giving up for no apparent reason. Ms. Taylor stated that is not entirely true as it was agreed a credit will be applied upon appraisal(s) of the property.

Mr. Stauder echoed the concerns of the Finance Committee that this matter might have to return to town meeting as the wording for the vote has changed from eminent domain taking that includes a reversion clause to an option of adverse possession with a right of first refusal. Ms. Klein advised even though the Town Meeting voted to proceed in one manner, if the local church takes the adverse possession option and a land court lawsuit is filed, an out of court settlement could be reached. This was advised by Attorney Aveni. Ms. Klein added the authority of the Board of Selectmen in a land court settlement would be broader than the town meeting vote.
Motion: M. Stauder 2nd: M. Castriotta
To request Town counsel to speak with the UUA regarding the waiver by October 1, 2011 Vote: All in Favor

<u>Pole Petition Barre Road</u>
Mr. Newcomb read the public hearing notice for the Barre Road pole petition.

"In conformity with the requirements of Section 22 of Chapter 166 of the General Laws (Ter. Ed.), you are hereby notified that a public hearing will be held at the Office of the Board of Selectmen, 7A Main Street (Slade Building) of the Town of Hubbardston, Massachusetts on Monday, September 12, 2011; 8:00 PM, upon petition of National Grid & Verizon New England, Inc. for permission to erect or construct, and a location for, a line of wires, poles and such other fixtures as may be necessary to sustain or protect the

wires of the line, for the transmission of electricity, upon, along, across, or under the following public ways of said Town: To install a Jointly Owned Pole 56-2 Barre Road, approximately 1500 feet north of intersection of Old Boston Turnpike Road."

Ken Dobie of National Grid stated they would like to place a service pole for a new home being built on Barre Road. Ms. Peterson reported the Highway Superintendent has moved the markers slightly for the pole location to where he would like the pole placed.
Motion: M. Stauder 2nd: M. Castriotta
To approve the pole petition for Barre Road to install a JO owned pole 56-2 Barre Road, approximately 1500 feet north of Old Boston Turnpike Road Vote: All in Favor

Mr. Dobie stated he was not present this evening for the New Templeton Road pole petition and had no knowledge of it. Mr. Dobie said there have been a lot of changes in the company recently and there is a new system in place.

Mr. Stauder read the hearing notice for the pole petition.
"In conformity with the requirements of Section 22 of Chapter 166 of the General Laws (Ter. Ed.), you are hereby notified that a public hearing will be held at the Office of the Board of Selectmen, 7A Main Street (Slade Building) of the Town of Hubbardston, Massachusetts on Monday, September 12, 2011; 8:15 PM, upon petition of National Grid & Verizon New England, Inc. for permission to erect or construct, and a location for, a line of wires, poles and such other fixtures as may be necessary to sustain or protect the wires of the line, for the transmission of electricity, upon, along, across, or under the following public ways of said Town: To install one stub pole #5- 84 on the public way to give support to Pole # 5 located outside 8 New Templeton Road."
Motion: M. Stauder 2nd: M. Castriotta
To approve the pole petition for New Templeton Road to install one stub pole #5- 84 on the public way to give support to Pole # 5 located outside 8 New Templeton Road Vote: All in Favor

<u>Minutes Approved</u>
Motion: M. Castriotta 2nd: E. Newcomb
To approve the minutes of August 15, 2011 as written Vote: All in Favor

Ms. Peterson reported that she had contacted Monty Tech for assistance with the cracked concrete on the ramp into the Slade Building and for construction of protective covers for the air conditioning units and generator outside the building. Mr. Newcomb requested they look at the area over the Senior Center stairs as well as there is ice falling from the roof there also.

Ms. Peterson reported the details of the agreement for haying at Malone Road have been finalized. Open Space Committee Chair Jassy Bratko has supplied a map of the area designated for haying. Mr. Laine has provided proof of insurance coverage for the Mt. Jefferson Conservation Area hayfields as requested by Ms. Peterson. The agreement should be ready for signing at the next meeting.

Mr. Bullock reported an executive session will be scheduled for the September 26th meeting due to a grievance from a police officer.

Motion: M. Castriotta 2nd: M. Stauder
To adjourn the meeting at 8:24 pm Vote: All in Favor

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

Approved: September 26, 2011.