

**BOARD OF SELECTMEN  
MINUTES  
NOVEMBER 21, 2011  
Slade Building**

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

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

**Others present:** Tom Howlett, Walter Ducharme, Jamie Pitney, Ed Blanchard, Dave Simmerer, Peter Jefts, Barre Gazette,  
Representative Kim Ferguson, Representative Ann Gobi, Paul Flint,  
Tom Larson, John Hume, MRPC, Steve Pederson, Mike Paulin,  
Faye Zukowski, Dan Galante, Bob Davis, Detective Hans Carlson

Meeting opened at 6:30 pm.

Board members signed letters of thanks to Senator Stephen Brewer and Representatives Anne Gobi and Kimberly Ferguson for their support in the STRAP grant application process.

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.

<b>Warrant # 11</b>
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**Motion: M. Stauder**

**2<sup>nd</sup>: E. Newcomb**

**To approve Warrant # 11 in the amount of \$1,008,066.97**

**Vote: Mr. Newcomb- yes, Mr. Stauder- yes, Mr. Castriotta- absent**

Mr. Bullock stated this meeting had a unique situation tonight having two Representatives present tonight; Ann Gobi and Kim Ferguson. He stated it was fitting to thank both tonight for writing letters of support for the STRAP grant. Mr. Newcomb and Mr. Stauder echoed his thanks as well. Ms. Ferguson stated the grant application was exceptional and Mr. Bullock should congratulate himself. Ms. Gobi stated she looked forward to serving Hubbardston in the future and thanked Ms. Ferguson for her assistance during the transition period. Both representatives exited the meeting.

Matt Castriotta entered the meeting.

**Burial/Tomb Permit**

Mr. Stauder invited Paul Flint to the meeting table. Mr. Bullock reported he had met with Board of Health Chair Larson and Town Counsel this morning regarding Mr. Flint's request to bury his son at his property on Pitcherville Road. He explained the permit

process for a tomb, technically a temporary structure as long as the recipient of the permit chooses to make it. Mr. Flint will still need to go to Town Meeting for permanent resolution. Mr. Flint stated he disagreed with Town Counsel's opinion and he had called other towns' Boards of Health and the Department of Environmental Protection and no other town has required town meeting approval to bury someone on private property. Mr. Flint stated Hubbardston has never had a town meeting vote to bury Ron Burton Jr. on Morgan Road. Mr. Castriotta corrected Mr. Flint stating that Hubbardston had gone to Town Meeting to request private burial for Ron Burton Jr. and stated he was sorry for Mr. Flint's loss but he was opposed to private burial personally and philosophically. He believes it should go to Town Meeting. Mr. Bullock requested the Board encourage the Board of Health to take the final step and issue a tomb permit. Mr. Newcomb stated as a Cemetery Commissioner he is not opposed to private burial, but would like Mr. Flint to consider creating a trust fund for the grave site for future care. He questioned who would carry the burden of paying for disinterment if not approved at Town Meeting. What is the town's financial liability if this should occur? Mr. Bullock stated it is on private property and the town would not be involved. Mr. Stauder reminded that the Selectboard has no authority on this. It is a Board of Health decision.

**Motion: M. Stauder**

**2<sup>nd</sup>: E. Newcomb**

**To encourage the Board of Health make a final decision tomorrow night at their meeting regarding Mr. Flint's request with the creation of a tomb permit**

Mr. Newcomb asked for discussion.

Mr. Bob Davis wanted to encourage the Board of Selectmen to think like small town folks and in terms of practicality and do the right thing. Jamie Pitney recommended establishing a formal policy for this for the future. Mr. Stauder agreed setting policy was a good suggestion.

**Vote: Mr. Stauder – yes, Mr. Newcomb – yes, Mr. Castriotta – no**

No one else was present for Open Agenda.

### **Seasonal Help Hire**

Ms. Peterson reported Highway Superintendent Lyn Gauthier has recommended hiring George Tucker as a seasonal snow plow driver with a wage rate varying from \$15.00 to \$16.00 per hour depending on equipment being operated.

**Motion: M. Castriotta**

**2<sup>nd</sup>: M. Stauder**

**To hire George Tucker for winter seasonal snow plow driver with a wage rate of \$15.00 to \$16.00 per hour depending on the vehicle being operated** **Vote: Mr. Stauder- yes, Mr. Castriotta- yes, Mr. Newcomb- abstained**

### **29.10 Remote Participation in Public Meetings**

Ms. Peterson reported this was approved by the Attorney General effective November 11, 2011, and allows remote participation under certain permissible reasons. The Board would have to vote to approve as defined in MGL Chapter 4, section 7 to allow remote participation in accordance with the regulation requirements. Ms. Peterson stated Town Clerk Green does not recommend. The Board took it under advisement.

### **Town Charter Discussion**

Mr. Newcomb opened the discussion by repeating what he had stated at the November 7<sup>th</sup> meeting. The Town Charter Committee was appointed by the Board of Selectmen as an ad hoc committee. Town Meeting should determine if there is support amongst residents for a new charter. The draft charter and management letter could be distributed at Annual Town Meeting where there is a substantial turnout of residents. Town Meeting would then choose the makeup of the Town Charter Committee. Mr. Newcomb stated spending more money at this time may be unwarranted if there isn't enough interest in a new charter. He stated he was in favor of spending the money to have the UMass consultant come to Hubbardston and look at the possibility of a charter, but still believes it is being rushed into without knowing the feelings of the townspeople.

Mr. Blanchard stated the townspeople voted for the Selectboard to lead and guide the town and he didn't think when the town is looking to do changes a survey is needed to see if they want to see the Board to move forward. Mr. Blanchard stated he attended a Town Charter Committee meeting and the committee did a wonderful job with great guidance from the UMass Collins Center consultant. Mr. Blanchard stated every citizen has the opportunity to read the charter when it is mailed with the Town Meeting warrant. He added this has been publicized in the paper for over a year. He believes most people in town are aware of it and he has not heard any negativism regarding the process.

Mr. Newcomb stated the 45 page management report would not be mailed out and people need a chance to go over it. Mr. Newcomb stated he has heard people say the Selectboard has tried to slip something by them. Mr. Castriotta asked Mr. Newcomb if he had corrected those people. Mr. Newcomb stated no because he did believe that was going on and this is why he ran for office. Mr. Stauder stated he did not believe ATM was the place to address the Town Charter proposal. Mr. Newcomb corrected stating this is where the informational material would be distributed. Mr. Stauder stated it needs to be done as a Special Town Meeting and advertised as a Special Town Meeting and this would be the opportunity for anyone to make changes to the charter.

Mr. Blanchard asked what are people going to think when the Selectboard spends the funding to get the consultant, have a wonderful committee spend a lot of time putting it together and then say let's leave it. What's going to be different a year from now? Mr. Newcomb stated he wanted to see if there is sufficient support for the charter to move forward.

**Motion: M. Stauder**

**2<sup>nd</sup>: M. Castriotta**

**To support sending the town charter to legal counsel and move with recommendation for Special Town Meeting and amend the charter as needed**

Discussion: Mr. Pitney stated what Mr. Newcomb is suggesting is consistent with the process of a home rule charter where it starts at town meeting, the committee is formed by election and the election process and the sense of the town that you're seeking is a higher burden to meet from within the town. Mr. Pitney stated he believes the special act charter they have proposed has equal number of burdens; the formation of committee, the completion of the charter, approval by the Selectboard, Town Counsel, Town Meeting, Legislature, and then back for a town-wide ballot has an equal number of burdens as would a home rule charter.

He stated "Why now?" is part of what the Charter Committee heard from the Selectboard in order to act on from the standpoint of our current Town Administrator's successor. The Committee heard clearly in their research that a solid charter with an expanded

Selectboard and very clear roles and responsibilities is going to suggest that the Town would get better candidates for the Board and the willingness to pay for an experienced Town Administrator. Mr. Newcomb stated as poorly as you think this form of town government is working; this is a town government that achieved the million dollar STRAP grant. Mr. Bullock did a wonderful job and is here on a part-time basis and on the home rule charter. He suggested maybe there will be some future Town Administrator retirees who want to work part-time for Hubbardston. It seems to be working for the Town now. Mr. Newcomb added these are pertinent points that need to be made for the Town as it functions now. Mr. Stauder restated he would like to see it brought to Special Town Meeting. Mr. Newcomb stated he was against it at this time and did not see a need for a rush. He would like to see the town government remain the same through the 250<sup>th</sup> anniversary of the town. Mr. Castriotta stated he does not agree with 100 percent of the recommendations but feels the committee did an outstanding job in their analysis and getting input from the town and commended the committee for it, stating it was long overdue. Mr. Castriotta believed this was long overdue and the committee had his support bringing this forward. Mr. Stauder asked Mr. Newcomb to move for a vote. No further discussion arose.

**Vote: Mr. Castriotta- yes, Mr. Stauder- yes, Mr. Newcomb- no**

Mr. Bullock will meet with Mr. Pitney for scheduling a timeline for Special Town Meeting and report back to the Board.

#### **Water & Sewer Feasibility Study:**

John Hume of MRPC introduced Steve Pederson and Mike Paulin of Weston and Sampson to present their feasibility study of placing town water and sewers along Main Street. They distributed a PowerPoint printout to the Board with a presentation outline. Mr. Hume stated last year the Town applied for free technical assistance through the Montachusett Regional Planning Commission. The program will be continued for another year. Hubbardston is free to apply for another round of assistance for the new funding year. Mr. Hume added that Hubbardston paid \$10,000.00 for the engineering study. Mr. Paulin reported the project area, specifically the Town Center, was predetermined by the Town before they started the project. It was extended as far north as the mini plaza containing Pizza Palace and as far south on Worcester Road as the Highway Department. It encompasses about 120 parcels, which includes some DCR land and unbuildable parcels. The first step in the process was determining what type of flows was involved. They used Title 5 guidelines for this arriving at a maximum of 68,800 gallons being discharged per day. This includes the potential for future growth. Wastewater options were decentralized water treatment and a centralized waste water system. Decentralized wastewater treatment is geared to small areas such as the Town Center that requires considering large areas of land for disposal, ownership and environmental impacts. The first site they considered is where the current septic system is located off Worcester Road. This was ruled out based on environmental factors such as the existence of wetlands nearby. The highway department across the street was considered due to the 6 acre lot and the presence of sand and gravel. This is recommended for the Town to further explore as a future site. Mr. Newcomb asked if they were aware that the old town landfill was located there.

They stated they did not. Mr. Newcomb stated there appear to be traces of petroleum in the water in the building there. Mr. Paulin stated it would need approximately an acre of land for the disposal system. Mr. Newcomb reported there is some land across from the Highway Department that is up for sale that was recommended by Capital Improvement Planning Committee member William Murray that could be considered for use also. Mr. Paulin reported the other alternative is a centralized wastewater system or to tie into another town's system such as Rutland. This distance to this is at least six miles away. He reported the need for a pump system in certain areas due to the distance as gravity flow would not be enough.

Title 5 repairs and upgrades in the area would cost approximately \$30,000 - \$40,000 per home. It is estimated if the entire project area were left to rely on Title 5 systems (133 properties), the overall capital cost to bring these systems into compliance would be approximately \$4,655,000.

The other option, a decentralized wastewater treatment collection system would cost approximately 3.4 million dollars. For the centralized wastewater system, the cost would be approximately 8.6 million dollars. Based on the above estimated cost summary, their recommendation is the decentralized waste water system. Mr. Bullock stated Route 68 from the Rutland town line to High Street is scheduled for construction by Mass Highway for 2015 and the Board should consider installing wastewater and water supply pipe trenches before or at the time of the road construction rather than digging into new road construction after it has been completed.

The discussion moved onto the drinking water study. Public groundwater supply source played the biggest role in selecting a site as well as soil studies. Land area required is not as extensive as for wastewater disposal. Criteria used for selecting a site were obtaining a minimum of ten acres in order to include protected area issues. Sand and gravel deposits showed the southern portion of the project area was the primary choice. Some vacant privately owned properties were their primary choice. Mr. Newcomb asked if they looked at aquifer area maps. They replied they did. They also looked at interconnecting with the City of Gardner but distance again was an issue. A conservative estimate of 4.1 million for a public water supply was given. Their recommendation was that a public groundwater supply was most cost effective. There are several state and federal funding options, such as economic development grants etc. as well as low interest loans. They referred the Board to the study for timeline details as well as other factors. Betterment options were discussed as well.

The Board thanked Mr. Paulin and Mr. Pederson for their presentation. Mr. Hume, Mr. Paulin and Mr. Pederson exited the meeting.

### **Appointments**

**Motion: M. Castriotta**

**2<sup>nd</sup>: M. Stauder**

**To appoint Scott Janssens to Zoning Board of Appeals with a term ending June 30, 2015 Vote: All in Favor**

**Motion: M. Castriotta**

**2<sup>nd</sup>: M. Stauder**

**To appoint Jim Dunbar to the ad hoc Health Insurance Committee with a term to expire June 30, 2012 Vote: All in Favor**

<b>Minutes Approval</b>
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**Motion: M. Castriotta**

**2<sup>nd</sup>:E. Newcomb**

**To approve the minutes of November 14, 2011 as written**

**Vote: Mr. Stauder-abstained, Mr. Castriotta –yes, Mr. Newcomb- yes**

Ms. Peterson will amend the November 7, 2011 minutes and bring back for approval at the next meeting.

**Lapsed Class II Auto Dealer license**

Ray LaJoie, owner of Second Shift Garage, was invited to the meeting table. Mr. Newcomb stated sending a letter to Mr. LaJoie listing the bylaw violations and daily fines was to get Mr. LaJoie to comply with town zoning requirements/bylaws due to his lapsed Class II Auto Dealer license. Mr. Newcomb asked if Mr. LaJoie was going to take some action. The Board would like to stimulate more action towards compliance. Mr. Newcomb explained Mr. LaJoie would have to come into compliance before getting another Class II auto dealer license and the Board needs to see some action on Mr. LaJoie's part.

Mr. LaJoie stated he could probably start moving things out this week. Mr. Stauder stated it was not just moving cars to the back of the property at this point but removing them from the property to be in compliance with town bylaws. He asked Mr. LaJoie is there some issue that is preventing the vehicles from being moved.

Mr. LaJoie stated moving the vehicles from the property would be pretty difficult. Mr. Castriotta suggested sending out Building Inspector Brandt to the property to meet with Mr. LaJoie to clarify what needs to be done in order to come into compliance. When that is met Mr. LaJoie can return to the Board. Mr. Stauder stated he would prefer to put a deadline on this to come into compliance. If a certain portion of that is not met, he suggested assessing a portion of the fine to Mr. LaJoie. He stated this has been an ongoing issue since he has been on the Board and the Board needs to see some effort on Mr. LaJoie's side. Mr. LaJoie asked if the Board sees some progress would they work with him on getting his Class II license back. Mr. Stauder stated absolutely. Mr. Newcomb stated the Board needs to see some action from Mr. LaJoie. Mr. Bullock asked for clarification on what is actually going to be done. Mr. Newcomb stated he would not like to set a timeline before meeting with the other lapsed Class II Auto Dealer.

**Motion: M. Stauder**

**A minimum of fifty percent of the vehicles shall be removed or the Town will assess ten percent of the fine. No second to the motion was made.**

Mr. Castriotta asked Mr. LaJoie how many vehicles he is allowed to have on the property. Mr. LaJoie stated 25. Ms. Peterson corrected stating now none as the license has lapsed. Mr. Newcomb stated Mr. LaJoie has several antique cars on the property. Mr. Castriotta suggested Mr. Newcomb accompany Mr. Brandt on the site visit. Mr. Newcomb asked Mr. LaJoie if he was okay with that. Mr. Stauder reiterated this will not solve the violation issues. The violations are there with another inspection or not, there has been no compliance to date. Mr. Castriotta stated he was seeking an inventory and action plan. The Board will rediscuss at next meeting. Mr. Bullock stated just to clarify moving the vehicles to the back is not the issue. Mr. LaJoie exited the meeting. Mr.



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NOVEMBER 21, 2011