

**BOARD OF SELECTMEN
MINUTES
MAY 5, 2014
SLADE BUILDING**

Members present: Matthew Castriotta, Chairman
Michael Stauder, Vice Chairman
Daniel Galante
Jeffrey Williams

Staff Present: Anita Scheipers, Town Administrator; Elaine Peterson, Town Secretary; Claudia Provencal, COA Director; Tim Kilhart, DPW Director, Jayne Arata, Library Director; Fire Chief Bob Hayes, Jr.; Joyce Green, Town Clerk; Jeannette Elsevier, Assessors' Clerk

Others present: John Nason, Flo Pervier, Tom Larson, Richard Hackett, Bonnie Cunningham, Dick Cunningham, Tony Coppola, Mark Wigler, Deb Pettirossi, Al Afonso, Walter Scott, Sanda Barry, Judi Mc Arthur, Ed Blanchard, Raeanne Siegel, Pat Girouard, Phil Churchill, Cathy Hansgate, Vincent Ritchie, Jassy Bratko, Tom Bratko, Paul Hale, Joe Cataldo, Jane Turcotte, Robert Filleul, Joanne Filleul, Jamie Haddad

Meeting was called to order at 6:30 p.m.

Open Session:

Resident Deb Pettirossi informed the meeting that May is Lyme Disease Awareness month. She has had Lyme Diseases as well as her children. One action they have taken is to place green ribbons on the tree trunks around the school to remind people. Center School students would like to place more green ribbons on the Town Common, Curtis Recreation field, and the Millenium Info Park (by the Main Street Fire Station). Ms. Scheipers suggested checking with Park Commissioner Sanda Barry about where to place at the recreation field. Some other events are an informational bulletin board at Center School created by the school nurse and educating the students about protection against ticks and how to recognize the symptoms of Lyme Disease. She would like to make a quick presentation at the annual town meeting also. She is also contacting the local veterinarian tomorrow about information on pets and Lyme Disease.

Motion: D. Galante

2nd: J. Williams

To allow the placing of ribbons on the town properties mentioned above

Vote: All in Favor

Ms. Scheipers advised Ms. Pettirossi to check with Town Moderator Ed Leonard if she would like to present at the town meeting in June. The Board thanked her for coming in.

Annual Election Ballot Question

Ms. Scheipers reported the Selectboard has received a request from the Board of Assessors to place a question on the annual election ballot to have the town cease assessing the farm animal

and equipment excise tax. The Assessors previously reported the impact to the town would only be a loss of \$200 in tax revenue per year.

Motion: M. Stauder **2nd: J. Williams**

To approve and place the excise tax question on the annual election ballot

Vote: All in Favor

Ms. Scheipers noted the pros and con explanations will not be printed on the actual ballot. These will be printed and distributed via postal mail along with the town meeting warrant.

Minutes Approved

Motion: J. Williams

2nd: D. Galante

To approve the minutes of April 28, 2014 as presented

Vote: Mr. Castriotta-yes, Mr. Galante- yes, Mr. Williams –yes, Mr. Stauder-abstains

Motion: M. Stauder

2nd: D. Galante

To approve the minutes of April 14, 2014 as presented

Vote: Mr. Stauder-yes, Mr. Galante- yes, Mr. Williams –yes, Mr. Castriotta-abstains

Resignation from Council on Aging

Motion: J Williams

2nd: D. Galante

To accept the resignation of Richard Hackett effective immediately

Vote: All in Favor

Appointment to Council on Aging

Motion: D. Galante

2nd: J. Williams

To appoint Richard Student to the Council on Aging with a term to expire June 30, 2016

Vote: All in Favor

Animal Inspector Appointment/Change to Wage Authorizations

Ms. Peterson presented a wage authorization for newly appointed Animal Inspector Marcel Chartier.

Motion: M. Stauder

2nd: D. Galante

To confirm the appointment of Marcel Chartier as Animal Inspector **Vote: All in Favor**

Ms. Scheipers reported there are two wage changes due to the police union contract.

Motion: J. Williams

2nd: D. Galante

To confirm the wage authorizations for Officers Chatigny & Kusz **Vote: All in Favor**

Multi-Board Meeting-

Mr. Castriotta welcomed all present for the multi-board meeting. Ms. Scheipers thanked everyone for coming in this evening. She wanted to briefly review the warrant articles while everyone was present. The Annual Town Meeting articles were reviewed first. One citizen petition article was removed due to lack of the required number of registered voters' signatures. The special town meeting articles were then reviewed. The warrants will go to the printer on the 13th and be mailed on the 20th. Ms. Scheipers reminded newly appointed members of committees to be sworn in and also to complete Conflict of Interest training if not completed yet.

COA Director Provencal reported there are 1087 residents over the age of 50 in town. She expressed seniors' concerns that the senior center will be pushed aside in the process of the long range facilities planning. Mr. Hale stated the committee is evaluating all buildings guided by the study done in 2012 by Lamaroux and Pagano. There is an informational meeting at Center School on May 27th at Center School. Many deficiencies will be highlighted and a plan will be made. Current facilities are deficient as far as ADA requirements, and various other needs. This will be to get feedback from the community regarding what they want. Mr. Williams confirmed there was no discussion at the long range facility planning committee meetings that pushes the seniors aside to make room for others' needs. The focus is putting together a presentation for the residents that in fact something has to be done. We cannot continue to let the buildings degrade.

Tom Bratko stated the Selectboard recently changed their agenda policy and not providing opportunity to speak at Selectboard meetings. Mr. Castriotta stated this is not true, citizens are allowed to speak but there are times that outside appointments are invited in and there is a need to stay on schedule.

Jassy Bratko asked about zoning enforcement. In the past there has been a lack of enforcement of town zoning bylaws. Certain people/residents are not conforming to the bylaws. What sort of support is the Building Commissioner getting to ensure bylaws are enforced? Mr. Galante stated the zoning enforcement committee's has recommended initiating a pilot program with funding of \$5000 to assist him with additional manpower and a citation and hearing process to enforce the existing bylaws. Mr. Ritchie stated the enforcement subcommittee was productive. Further discussion ensued on the fine and enforcement structure. There will be a priority list of issues created that the town needs to address.

Vincent Ritchie reported on the Planning Board- they are in need of an alternate member on the Planning Board. This person serves in case of conflict of interest or lack of quorum. There is also a need for an additional member. There are three solar farms in progress in town, one is active; the other two are pending. He requested feedback from other boards and departments regarding their dealings with the solar farms. He requested they send their reports and dealings with the solar farms. He suggested before we go on with any other solar farms the town should negotiate for electrical supply for town buildings. Mr. Stauder that had been researched and it was not lucrative. Mr. Ritchie reported the Planning Board has looked over the medical marijuana bylaw, however in the meantime the state has issued all of its available licenses. He asked for any information regarding the recent auction of a gravel pit. Ms. Peterson and Ms. Green reported someone had called for Planning Board hours and information on a particular gravel pit. He asked any departments to copy the Planning Board if it pertains to any issues they could address. They have hired a consultant for affordable housing research. The Planning Board is seeking info on subsidized housing in town so they can add pertinent data into their affordable housing acreage quota.

Quabbin School committee member Mark Wigler reported on the QRSD budget. He stated some technology and staff (some due to retirements) were reduced to meet budget. He believes once the QRSD agreement is amended, a consolidation of resources will be needed. The revised budget is on the QRSD website for perusal.

Board of Health member Tom Larson reported the DEP has reduced the frequency of landfill testing.

Mr. Hale stated we now have permission to perc the DCR land involved in the land swap. Cathy Hansgate reported the Agricultural Commission has updated its goals this year on the Town website. Annual farm tours day will be Sunday June 1st from 12 to 4 pm. Mr. Blanchard stated the Main Street Fire Station improvements look good. The group applauded in approval.

Mr. Castriotta thanked those present for attending. He mentioned Ms. Scheipers' one year anniversary is approaching and asked for applause on good work. The group applauded again. Several attendees exited the meeting.

Curtis Recreation Field

The Selectboard moved on to Curtis Recreation Field safety issues. One issue was the rotten benches on the old bleachers. Park Commissioner Sanda Barry stated the Lions Club had offered to replace them for the cost of new wood. New bleachers were constructed last year but the old ones had not been removed. The old bleachers have been removed and caution tape put up. She will be meeting with the Lions Club to discuss repairing the old ones. Ms. Barry stated no one had called the porta-pottie company, but they had simply showed up. Ms. Barry will call them and have them replaced with a handicapped accessible porta-pottie. Another concern was a rotted band stand railing. She stated the Lions Club will be working with the Boy Scouts on the bandstand to repair. There is also a spot beside the gate that is difficult for access by a wheel chair. DPW will be contacted to put grinding materials for wheelchairs to be accessible to the field. Ms. Barry also pointed out that there are two access roads that can be used to get to the back of the fields. A suggestion was made to place a moveable post in place of the gate to prevent access by cars and allow pedestrian access. Ms. Barry will research the price of one and available funding to pay for it. The last problem discussed was the cook shack area being at a very steep grade and becoming slippery when wet. Sanda has someone going there tomorrow to look at the area to see what their options are. Ms. Barry and Mr. Haddad exited the meeting.

Ms. Scheipers moved on to the amended budget numbers- QRSD has reduced their assessment. Rutland Dispatch has gone up to approximately \$98,000 and Chief Perron stated he will make up the difference through the Dispatch Maintenance & Equipment account. Discussion ensued about going with another regional dispatch. Ms. Scheipers stated she would like to see what happens with the newly hired Rutland Dispatch Director. The topic will be revisited in another four months.

Ms. Scheipers reported free cash has been certified. She reviewed the capital expense budget. The total of FY'15 and FY'15 new obligations is \$353,236.00
Ms. Scheipers reported she is meeting with department heads to discuss ways to lower capital expenditures for the future by buying used items and sell surplus equipment also.

Due to time constraints, the Town Administrator report was not reviewed and the sale of lots on Ragged Hill road will be moved to the May 19th agenda. TA Report is attached.

Ms. Scheipers reported she researched what it would cost to study the Mt. Jefferson Road culvert. She asked the Board if they would be willing to expend FY14 funding and there is also the opportunity to apply for a disaster mitigation grant in July. Ms. Scheipers reported the firm of Milone & McBroom could do the study for the Mt. Jefferson culvert for the fee of \$1900.00. The funds will be taken from the Selectboard expense account to pay for the study. Discussion on studying other town culverts later in fiscal year 2015 ensued. Ms. Filleul asked whose responsibility is it to clean the culvert and spillway going into it and how often it will be done. Ms. Scheipers stated the spillway is located on private property but the culvert falls under the DPW that will be checking it in the same manner as all the other culverts in town. Ms. Filleul asked if the town could drain the pond regularly. Ms. Scheipers reminded her that the pond is privately owned and the town is not responsible for maintenance of it. She believes the owner is aware of the water level and will be keeping an eye on it going forward. Ms. Filleul asked about any reports on the dam on the private property. Ms. Scheipers stated that the DPW Director checked and that dam is not under the purview of DCR. Mr. Stauder asked about the citizen petition requesting the town maintain the clearance of the Mt. Jefferson pond dam; can the town do this if approved? Ms. Scheipers replied no and the actual wording of the article is not vote able. Town Counsel will be present to explain the legal issues surrounding the question.

Motion: M. Stauder

2nd: J. Williams

To approve the use of \$1,900 for the culvert study of Mt. Jefferson Road and authorize the grant application for disaster mitigation

Vote: All in Favor

The Filleuls thanked the Board and exited the meeting.

Ms. Scheipers reported one of the three citizen petitions submitted did not have the required certified voter signatures.

Motion: M. Stauder

2nd: J. Williams

To remove tiger mower article from warrant

Vote: All in Favor

Ms. Scheipers reported there is a revised amount for the architect to redesign the senior center design plan. It is now \$750.00. Mr. Hale also requested an additional \$250.00 for a future meeting with the architect.

Motion: M. Stauder

2nd: J. Williams

To authorize spending up to \$1000 to redesign the senior center design

Vote: All in Favor

Mr. Hale thanked the Board and exited the meeting.

Mt. Jefferson Road resident Joe Cataldo asked the Board about water runoff coming from the top of Mt. Jefferson Road onto and through his property. He asked if he is liable for the water travelling from his land onto the property below his. The Board could not answer his question. He stated he would have to come after the town in the event the water runoff becomes a problem. Mr. Castriotta recommended he request to get on a future agenda to discuss further. Mr. Cataldo exited the meeting.

The Board reviewed the special town meeting warrant articles.
Motion: M. Stauder
To approve the special town meeting warrant as amended

2nd: J. Williams
Vote: All in Favor

The annual town meeting warrant articles was reviewed.
Wording for the motion for budget approval has been changed on recommendation from the auditors for more flexibility.

Motion: J. Williams
To approve the draft ATM warrant as amended

2nd:D. Galante
Vote: All in Favor

The Board signed the special and annual town meeting warrant signature pages.

Ms. Scheipers requested the Selectboard set the date for town meeting according to Charter.

Motion: D. Galante
To set the special and annual town meeting date as June 3, 2014

2nd: J. Williams
Vote: All in Favor

Mr. Castriotta announced the Board would be going into Executive Session.

Motion: M. Stauder
To enter into Executive Session to discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual and to negotiate with non-union personnel

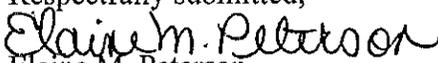
2nd: D. Galante

Vote: Mr. Stauder- yes, Mr. Castriotta- yes, Mr. Williams- yes, Mr. Galante- yes

*****Executive Session Minutes Are Separate*****

Motion: M. Stauder
To adjourn the meeting at 10:47 p.m.

2nd: D. Galante
Vote: All in Favor

Respectfully submitted,

Elaine M. Peterson
Town Secretary

Approved: May 19, 2014

To: Hubbardston Board of Selectmen

From: Anita Scheipers, Town Administrator

Date: May 5, 2014

Re: Bi-weekly Town Administrator Report

The following is a summary of key issues handled during the past weeks:

1. DCR Land Swap: I continue to have regular discussions with Erin Ryan of Senator Brewster's Office regarding the status of the appraisal process and DCR's concerns regarding the potential for the land values to be greatly different. According to Erin, the appraisal report should be received in mid-May. It is still anticipated on our end that the value of our 17 acre Mile Rd parcel, plus some cash, if needed, from the \$100K account, will be adequate to satisfy DCAM/DCR's "equitable value" requirement. However, just in case it's needed, the STM warrant includes an article asking the voters to authorize the Board to add the 46 acre parcel off Natty Pond Drive to the Mile Rd parcel to swap with the DCR for the Rt. 68 land. If it is determined we do not need to consider this second parcel, we can simply pass over the article at town meeting. This article maintains our maximum flexibility in being able to respond to this land swap process.
2. Charter Communications being transferred over to Comcast: I just received the (attached) notice from Charter informing me of the intended transfer of Charter's Hubbardston customers to Comcast. This change will not be immediate, but may mean improved services and customer support for our residents. The timing of this is such that we will continue with the Charter license renewal process, and when the two entities are ready to make the transition, the BoS will have to vote to allow the transfer of the license. I will pass along additional details as soon as they are received.
3. Cable RFP with Princeton: As requested, I contacted the Town of Princeton to determine if they had any interest in joining us in jointly advertising an RFP for cable TV licenses. According to their Town Administrator, in 2014, Princeton went through the new CATV licensing process set by Mass. DTE. There were no interested parties. Princeton engaged Charter, Comcast and Verizon in discussion and they were all fully aware that the license opportunity was out there. He does not, however, see Princeton moving ahead with any cable tv initiative. They are focusing on options for broadband Internet and phone service.
4. MassDOT Special Pothole Repair Funds: We have notice from MassDOT that the state proposes to give us \$54,000 for pothole remediation on town roadways. Once provided, the money must be spent by the end of the fiscal year. Our DPW Director has reviewed the roads and feels the best use of these one-time funds would be to repair a badly deteriorating stretch of Williamsville Road (roughly pole 58 to pole 77). He proposes to have the 2500 foot section be milled, tack-coated and paved. This project will be bid out and completed as soon as Tim receives confirmation of the funds being available. By using the special money for this project, it frees up the regular cold patch funds for use on other rutted, but less travelled, roadways. To that point, Tim has switched to a newer type of cold patch that has a higher percentage of adhesive materials and is proving to be a much more effective and long lasting material to fill potholes.
5. Long Range Facilities Planning Committee: The committee is still meeting at least every two weeks and is finishing up an objective process for rating the various projects for need; and additionally has taken steps to begin developing a tentative prioritized list of facilities projects. The public hearing has been re-scheduled for Tuesday, May 27th at 7pm to seek public feedback on the tentative listing. The committee would appreciate help in spreading the word on this important public meeting. The group is working with department heads to identify

known issues and the current conditions summaries of town facilities. This information will be available to the public the week before this public meeting, and the committee is planning to have an information display at the Memorial Day festivities.

6. Senior Center Design Funds: As an FYI, the COA was contacted by Rep. Anne Gobi looking to see if they had COA related projects that could be inserted into the local projects section of the state supplemental budget. They proposed a request for \$120,000 be inserted to cover the cost of designing a new senior center to make the project be ready for requesting town construction funds when appropriate.
7. Richards APR: The CPC chair, Jassy Bratko, has provided an update relative to no request having been received from North County Trust for provide Town CPA funds to help fund the Richards APR. It is unlikely that the necessary appraisals, etc. will be done in time for this town meeting.
8. Slade Building Parking Lot Lights: In last week's heavy winds, we had one of the metal parking lot post lights blown over causing an electrical hazard. Clare Barnes, QRSD's Facilities Manager, responded immediately to a request for assistance and provided their electrician to disconnect the pole and make the power source safe until such time a new pole can be erected. The damaged pole is cracked from a prior accident and cannot be re-used. We have reached an agreement with Clare that QRSD will provide a replacement pole for our use if we pay for the electrician to complete the necessary connections.
9. Legal Expenses Update: Please see the (attached) updated tracking sheet which includes billing through March. Given our current level of legal services being provided, we will need to watch this account very carefully for the remainder of the fiscal year.
10. DHCD Housing Rehabilitation Opportunities: We received an email from Michael Pingpank of C.O.G. informing us that DHCD has determined Hubbardston is eligible for housing rehab assistance under the CDBG – Disaster Recovery Program. This is meant to help repair homes damaged during one of the declared storms the Town has weathered over the past 2.5 years. This program is open to anyone with no income limitations. I should be receiving full details of this soon, and will be posting information on the website, flyers and on the local cable channel asking people to contact me if they have an eligible project.

Anita Scheipers

From: Cohan, Thomas P <thomas.cohan@charter.com>
Sent: Thursday, May 01, 2014 9:30 AM
To: Town Administrator
Subject: RE: Charter Communications - Comcast Announcement

Anita,

You should continue with your ascertainment process. That will be relevant to a Charter renewal and/or a transfer to Comcast. I don't expect there to be many or any changes at all in the operations of the cable system.

This will be a lengthy process. The deal between Charter and Comcast is contingent upon Comcast receiving all the necessary regulatory approvals in Washington to purchase Time Warner. Once that is approved, then the Charter/Comcast transactions will take place. The Comcast/Time Warner deal may not receive the necessary approvals until the end of the year or early in 2015. In the meantime, it is likely that Comcast and Charter will present to the Town (and all of our franchise authorities) a FCC Form 394 transfer document. There will be more communications as well, but once you receive the Form 394, the Town has 120 days to ask questions, seek additional information and approve the transfer. If the Town takes no action, the transfer is automatically approved when the 120 days expire.

I expect the transfer to be rather seamless. Comcast already operates in 85% of the towns in MA and provides the same services (digital video, high speed Internet and Phone) as Charter. At most local customers will receive a bill with different name on it and see trucks with Comcast signage rather than Charter. Most likely the same people will be driving those trucks. In addition, Comcast will assume all of the terms and conditions of the existing cable television license agreement.

Let me know if you have any other questions.

Tom

Tom Cohan
Director, Government Relations
New England/NY
Charter Communications
95 Higgins Street
Worcester, MA 01606
508-595-5457
Tom.Cohan@charter.com

From: Anita Scheipers [<mailto:admin@hubbardstonma.us>]
Sent: Thursday, May 01, 2014 8:17 AM
To: Cohan, Thomas P
Subject: RE: Charter Communications - Comcast Announcement

Tom

This leaves me with many questions. What is the timing of this? How does this impact the license renewal process? (Hubbardston is in the midst of our ascertainment process for the Charter license renewal.) How will rates be affected? Which customer service center would our residents be served out of? Is it possible to meet briefly next week or have a phone conference to discuss these various concerns?

Anita M. Scheipers
Town Administrator
7 Main Street – Box 3
Hubbardston MA 01452
978-928-1400 x 200

From: Cohan, Thomas P [<mailto:thomas.cohan@charter.com>]
Sent: Wednesday, April 30, 2014 4:33 PM
To: Town Administrator
Subject: FW: Charter Communications - Comcast Announcement

Ms. Scheipers,

In the interest of keeping you informed, I want to provide you with a copy of the attached press release that was issued on Monday. It announces that Charter Communications and Comcast Corporation have reached an Agreement on a series of tax-efficient transactions, one of which involves a planned transfer of 1.6 million Charter customers to Comcast, including customers in your community. We strongly believe that this transaction will allow realignment of key cable markets, thereby driving greater operational efficiencies, improved technology deployment and enhanced customer service for customers in your community.

We will follow up with additional information regarding this transaction, but in the meantime, please do not hesitate to contact me with any questions or concerns you may have. I can be reached at 508-595-5457 or via email at Tom.Cohan@charter.com.

Sincerely,

Tom

Tom Cohan
Director, Government Relations
New England/NY
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