

**BOARD OF SELECTMEN
MINUTES
OCTOBER 6, 2014
Slade Building**

Members present: Michael Stauder, Chairman
Daniel Galante, Vice Chairman
Jeffrey Williams, Clerk
Raeanne Siegel
David Simmerer

Staff present: Anita Scheipers, Town Administrator; Elaine Peterson, Town Secretary; Joyce Green, Town Clerk

Others Present: Ed Blanchard, Ken Dobie, National Grid Representative

Meeting was called to order at 6:30 pm

Open Session

Mr. Stauder asked if anyone was present for open session. Ed Blanchard asked if the town has any time frame in terms of the auditors completing the audit. Ms. Scheipers reported the auditors will be wrapping up the FY'13 audit when they begin the FY'14 audit in a few weeks. She stated the FY'14 audit will present a more positive picture of the town, which will be helpful when the town goes forward with borrowing next year.

Town Administrator Report: see attached

Healdville Road Bridge Closing

Ms. Scheipers referred to the letter from Representative Anne Gobi and Senator Stephen Brewer sent to the Executive Office for Administration & Finance requesting \$200,000 included in the transportation bond bill for repair of the Healdville Road Bridge be released to the Town. Ms. Scheipers also sent a letter to MA DOT informing them that the town has completed the full plans and specifications for the bridge replacement and was preparing bid documents as soon as the funds are released. She stated there is a three ton limit for the bridge and we there are trucks going over it now that exceed that limit. We also know that the town trucks that sand and plow exceed that limit as well. DPW Director Kilhart is planning to close the bridge effective November 1st until we can get it repaired or we can work with the state to find something else that can be done. Mr. Kilhart is not comfortable with allowing heavy trucks over it now. Mr. Stauder asked if it is possible to keep the bridge open for cars only. Ms. Scheipers stated it is impossible to enforce. We don't know how long it needs to be shut down. A Reverse 911 call will be going out to residents of that road to inform them of the closure. Discussion ensued on how to pay for the bridge repair without the \$200,000 from the state. Options are still being evaluated.

Fence Relocation at intersection of Route 62 and 68

Ms. Scheipers presented a letter addressed to the property owner of 114 to 116 Worcester Road. There is a fence located on the property that is within the town's right of way and concern that it is impairing

This letter will be forwarded to Zoning Enforcement Officer Brandt as part of his enforcement effort to try to get the fence taken down or moved back. Discussion ensued on how to avoid future accidents at this intersection.

Motion: D. Galante

2nd: J. Williams

To approve and sign the letter to owner for enforcement purposes

Vote: All in Favor

November 4 State Election Warrants

Ms. Peterson presented five warrants for the November 4th state election. The Board signed them.

Surplus equipment list presented.

Ms. Scheipers reported the Town Clerk has submitted a short list of items to be declared surplus.

Motion: D. Galante

2nd: J. Williams

To declare the list as presented as surplus equipment

Vote: All in Favor

2015 Community Innovative Challenge (CIC) Grant Authorization

Ms. Scheipers reported for this new round, the Central Mass Regional Equipment Coalition, which includes Barre, Rutland, Paxton and Hubbardston, is applying for a holder (multi-use tractor), over the rail mower attachment and a stump grinder attachment.

Motion: D. Galante

2nd: J. Williams

To authorize the grant application and authorize the Chairman Stauder to sign the application

Vote: All in Favor

Auto Dealer License Form/License Process

Ms. Peterson reported upon reviewing other towns' auto dealer license application processes and in discussion with my peers, she has found Hubbardston's general license application process to be lacking in ascertaining key information relevant to the applicant. She recommended the following be added to all future auto dealer license applications and licenses:

- New licenses require a newspaper ad (paid for by the applicant),
- Abutters within 300 feet of the proposed site be notified by certified mail/ return receipt (paid by the applicant)
- CORI Check – this is commonplace in most towns/cities
- Plot plan delineating where the business will be conducted be submitted. (this would include building, office area, entrances and exits to the property as well as exact placement of vehicles, customer parking and handicapped accessible parking)
- Days and hours of operation

She requested for approval to develop the necessary forms. The Board concurred. Ms. Peterson will return with a draft at a future meeting.

Appointments and Resignation

Motion: J. Williams

2nd: D. Galante

To approve the appointment of June Girouard to the Senior Center Building Committee and Peter Carmosino, Mary Ann DiPinto, Mark Dymek, Tom Robinson to the ad hoc Affordable Housing Committee with terms to expire June 30, 2014 and to accept the resignation of Laura Foley from the Library Trustees and Cultural Council

Vote: All in Favor

Pole Petition for Williamsville Road

Chairman Stauder read the hearing notice aloud. 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, October 6, 2014, 7:00 PM upon petition of National Grid and 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: Williamsville Road: To install one jointly owned pole beginning at a point approximately 1000 feet east of the centerline of the intersection of Williamsville Cutoff Road. National Grid to install one mid span pole 73.50 and anchor on side of road.

National Grid representative Ken Dobie reported the purpose of the pole is run the wire across the street to the new solar project. Ms. Peterson reported she had checked with DPW Director Kilhart and he had stated he had no problem with the pole location as long as the staked location does not get closer than the 4.5 feet from the edge of the road where it is located presently.

Motion: J. Williams

To approve the pole petition as granted

2nd: D. Galante

Vote: All in Favor

Notice of Wage Increase and New Season Rehires

Ms. Peterson presented the wage increase for Richard Hawkins from \$17.47 to \$18.38 following his six month review retroactive to September 4, 2014.

Jacob Hakala and Jim Higgins were rehired back as DPW seasonal truck drivers at \$16.00 per hour.

Motion: D. Galante

To waive the notification period of the wage increase for Richard Hawkins

2nd: J. Williams

Vote: All in Favor

Motion: D. Galante

To waive the notification period of the rehire of the seasonal plow drivers

2nd: J. Williams

Vote: All in Favor

Mortgage Subordination Request

Ms. Peterson reported that Marshall and Deborah Crane have requested the town be subordinate to a home equity loan in the amount of \$35,000. Ms. Peterson provided a brief history of the Rural Housing Improvement Program (Small Cities Program) and how the town obtained these agreements. The Cranes have filled out the application form and according to the income records provided by them are not eligible under the FY 14 Low Income Limits calculation. Ms.

Scheipers stated the Board could waive the low income requirement policy. Previous Selectboards have waived this with other applicants in the past. Mr. Galante asked why the

Cranes weren't present tonight. Ms. Peterson stated Mrs. Crane works at night and did not want to miss work. The Board requested the Cranes appear at the next meeting.

September 8, 2014 Minutes Approval

Motion: D. Galante

2nd: J. Williams

To approve the minutes of September 8, 2014 as presented

Vote: All in Favor except Mr. Simmerer who abstained

Ms. Scheipers reported the Planning Board has been researching solar development on town owned land. She will be sending out the draft proposal in advance of the next meeting. Chairman Ritchie will be attending the October 20 meeting to provide more information.

Public Question & Answer

Mr. Blanchard asked about the authority of the Planning Board to contract with a developer for a waiver of affordable housing unit for \$10,000. Ms. Scheipers reported prior to the bylaws being modified, the Planning Board did this. One developer recorded the deeds for the affordable housing units incorrectly so they do not qualify as affordable housing units for the town. The developer returned to the Planning Board and requested to sell them as market units and offered to pay \$10,000 to be used for creating other units in town. This has been used to hire an outside consultant for affordable housing research.

Mr. Blanchard asked if the town has a pickup truck to plow the Healdville Road Bridge. Ms. Scheipers stated the town could plow the bridge but if kept open would be an enforcement headache.

Motion: D. Galante

2nd: J. Williams

To enter Executive Session I-to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the Chair declares so; and immediately enter Executive Session II upon adjournment of I to consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body and to adjourn upon exiting

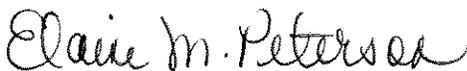
Mr. Stauder confirmed the necessity for both Executive Sessions.

Vote: Mr. Galante-yes, Mr. Williams – yes, Mr. Stauder- yes, Mr. Simmerer- yes, Ms. Siegel- yes

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

Meeting adjourned at 8:47 p.m.

Respectfully submitted,



Elaine M. Peterson
Town Secretary

Approved: October 20, 2014

*Board of Selectmen
October 6, 2014*

To: Hubbardston Board of Selectmen

From: Anita Scheipers, Town Administrator

Date: October 6, 2014

Re: Bi-weekly Town Administrator Report

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

1. Status of DCR Land Swap: On Wednesday, Oct 1st, I met with representatives from DCR, DCAM, The Foster Company and Jon Avery (our appraiser). This session involved discussion between the two appraisers regarding the values of the DCR parcel and the Town parcel. A quick summary of the outcome of the meeting is:

- The appraisers could not come to any agreed compromise of the appraisal methods or value adjustments used for the DCR parcel.
- Both appraisers agree that unless successful perc tests are done on the Town land on Mile Rd, it is appropriate for the lot to be considered as one "limited residential lot" – as the Foster Company has done. No adjustment was made for the value of the parcel value.

In our executive session I will present more details for the Board to consider in deciding the next steps with this land swap negotiation.

2. Animal Control Services Contract: We have the revised contract (attached) from Gardner for FY15 – FY17. Templeton has dropped out but Winchendon and Westminster are now part of the group. We changed the annual assessment to be a set amount for each year rather than having assessments based on actual calls. The assessments reflect a 2.5% increase each year which is the rate of increase in calls for service from Hubbardston. Having the set assessment figure allows for better budget forecasting. Absent any objection by the board, I will process this contract with Gardner.

3. Plowing of Streeter Road: The residents of Streeter Road have made the necessary repairs to that private gravel road, to the satisfaction of the DPW Directors, and the Town will include Streeter Rd in the scope of work for the annual contracted snow plowing bids.

4. Upcoming Negotiations: 1) Union Contracts - Both the police labor agreement and the DPW labor agreement end as of June 30, 2015. I have asked both unions to be prepared to begin negotiations this late fall. In preparation, I will be working with both department heads to identify areas of the contracts that need clarification or modification, as well as to identify specific contract changes which we feel are appropriate to be placed on the table in these negotiations. Per the Charter, I will be negotiating the contracts after receiving guidance from the Board on the key issues. I foresee the need for an executive session in November. In the meantime, I would ask that Dan Galante, as liaison to both departments, be authorized to work with me on developing the administrative proposals. 2) Police Chief Employment Agreement – Dennis Perron's contract is also up as of the end of the fiscal year. I will be reviewing his existing contract terms against those in effect in area communities, and will be preparing for an executive session discussion with the Board for this contract also.

5. Cemetery Trust Funds: We have received a partial opinion from town counsel as to the ability of the Town to use the various trust funds in the absence of having the original documents to detail the parameters of how funds may be used. Atty. Riley agrees it is the "stipulations" written within the trust fund document that guides the use of the funds. When these documents are missing, it may be necessary to have a new document be approved by a court. He further stated that in the absence of the original document, one could be re-created by developing a list of proposed terms that would then be negotiated with the Division of Public Charities, and then be approved in Worcester Probate Court. Atty. Riley is still awaiting feedback from the AG's office and the Division of Public Charities on this issue.

Atty. Riley did state, however, that it is his opinion that the Town has some flexibility to use funds from one cemetery's account to purchase a piece of equipment that can be used in that cemetery, as well as adjacent cemeteries unless the trust was specifically set up to maintain a particular plot (s) in the cemetery. I will provide more details to the Board and the Cemetery Commission as soon as I receive the full opinion from Kopelman and Paige.