

**BOARD OF SELECTMEN  
MINUTES  
October 5<sup>th</sup>, 2015  
Slade Building**

**Members present:** Daniel Galante, Chair  
Raeanne Siegel, Vice Chair  
Michael Stauder, Clerk  
Patrick Girouard  
Jeffrey Williams

**Members absent:** N/A

**Staff present:** Anita Schiepers, Town Administrator; Jeannette Elsevier, Town Secretary, Robert Hayes, Fire Chief

**Others present:**

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

**Open Session:**

**Policy and Procedures**

Ms. Scheipers reviewed the Policy and Procedures updates to DPW Responses to Road Closures, Post-Traumatic Stress Procedures, Child Abuse Investigations and Handling the Mentally Ill.

**Motion: M. Stauder**

**2<sup>nd</sup>: J. Williams**

**To approve the Policy and Procedures as presented**

**Vote: All in Favor**

**Breezy Hill Acres Update**

Robert Hayes, Fire Chief, provided an overview of the ongoing situation in regards to the mold issue and water leaks at the Breezy Hill Acres station. Ms. Scheipers informed the board that she has contacted the landlord on several occasions and has placed them on notice of the required repairs. The landlord has agreed to pay for the roof repairs and the mold abatement with the assistance of Ms. Scheipers locating a mold abatement specialist. Ms. Scheipers is hopeful that the roof repairs are expedient as that needs to be addressed before the mold abatement can be treated.

**Appointments**

**Appointments to 250<sup>th</sup> Committee**

Ms. Scheipers, Town Administrator reviewed the by-laws regarding the make-up of the 250<sup>th</sup> Committee whereas there were ten (10) members but in accordance of the by-laws only five (5) would be official voting members and the remaining would be alternate members.

**Motion: R. Siegel**

**2<sup>nd</sup>: P. Girouard**

**To appoint Bill Homans, Pamela Stauder, Angela Werner, Amy Muldoon and Florence Pervier as voting members of 250<sup>th</sup> Committee**

**Vote: Four in Favor  
M. Stauder abstained**

**Appointment of Temporary Wiring Inspector**

**Motion: J. Williams**

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

**To waive the notification period for the hiring of Gerhard Fandryer as Temporary Wiring Inspector for the month of October 2015**

**Vote: All in Favor**

### New Business

Vin Ritchie, Chair, for the Planning Board advised the Board of Selectmen that the by-law for the rate of development, originally implemented in 2002, recently expired. The by-law was written in attempt to control the growth that was occurring in Hubbardston in the 1990's. At that time Hubbardston was the 9<sup>th</sup> fastest growing community in the state of Massachusetts. There was an increase in houses being built and large parcels of land were sold for subdivision development. The by-law expired in January of 2015 and Mr. Ritchie was unsure if it was necessary to have a Special Town Meeting or if it could wait until the next Annual Town Meeting. Mr. Ritchie also recommended the towns Masterplan be updated as the first and only time it was updated was in 1988. Ms. Scheipers stated that there were several options in updating the Masterplan and suggested it be discussed in detail in the near future. The board also suggested the Rate of Development by-law be addressed at the next Town Meeting.

### State Grant

Mr. Stauder voiced his concern in regards to confusion in regards and comments as to the states stipulations and requirements of the state grant.

Ms. Scheipers gave an overview of the requirements of the \$497,000 state grant and the steps already taken to begin the design of the senior center:

- The OPM (Owners Project Manager), Cardinal Construction, has been chosen and are finalizing the details of the contract and should be signed in the upcoming week
- RFQ, (Request for Qualifications) for the architectural firm, details are being finalized and it has been highly recommended that it be contracted for both designs, as a joint venture, of the Senior Center and Public Safety buildings
- It is anticipated that the proposals for the architect would be received and chosen in October with early November starting the full design of the Senior Center and the same team possibly start the conceptual design of the Public Safety building

Ms. Scheipers advised the board that she would update them accordingly as the process progressed.

The board also discussed the various forms of an outreach to the public with recommendations of surveys, mailings, social media etc. Mr. Galante suggested revisiting the discussion in the near future as the design phase moves along.

### Town Administrator Report

**Motion: M. Stauder**

**To adjourn the meeting at 8:08 p.m.**

**Vote: All in Favor**

Respectfully submitted,

  
Jeannette Elsevier

Town Secretary

Approved: 12/15/2015

**Board of Selectmen  
Meeting Agenda  
Slade Building  
October 5, 2015**

- 6:30 PM**    **Open Session** (If we do not have Open Session items to discuss, other agenda items may be brought forward earlier.)
- 7:00 PM**    **Next Steps for Use of the \$497K State Grant**
- 7:20 PM**    **New Business:**  
              - **Planning Board request regarding special fall town meeting**
- 7:25 PM**    **Police Policies and Procedures**
- 7:35 PM**    **Appointments by Selectmen:**  
              - **250<sup>th</sup> Committee**  
              - **Building Committee**  
              - **COA Board member**
- Town Administrator Appointment**  
              - **Temporary Wiring Inspector**
- 7:40 PM**    **Town Administrator's Report**
- 7:50 PM**    **Old Business:**  
              - **Response to Howe letter**
- 8:00 PM**    **Minutes**
- 8:05 PM**    **Public/Press Question & Answer**

**Upcoming Events:**

*Please note: All times are approximate and subject to change*

**Chair: Dan Galante**  
**Posted: October 1<sup>st</sup>, 2015 @ 2:44 PM**  
**Revised: October 5, 2015 @ 5:32 PM**

250th Committee

| Name             |  | Member Type |
|------------------|--|-------------|
| Patty Fleming    |  | Alternate   |
| Bill Homans      |  | Member      |
| Lynn Nye         |  | Alternate   |
| Pamela Stauder   |  | Member      |
| Angela Werner    |  | Member      |
| Amy Muldoon      |  | Member      |
| Kathryn Young    |  | Alternate   |
| Gary Kangas      |  | Alternate   |
| Florence Pervier |  | Member      |
| Paul Pervier     |  | Alternate   |
|                  |  |             |

# State Publications and Regulations

William Francis Galvin, Secretary of the Commonwealth

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**The following Designer Service submission was successfully received.**

**Planned date of publish is 10/7/2015**

**Awarding Agency**

|                                    |  |  |  |
|------------------------------------|--|--|--|
| Agency Name and Address:           | <b><u>Town of Hubbardston 7 Main Street, Unit 3 Hubbardston MA 01452</u></b> |  |  |
| Project Number:                    |  |  |  |
| Designer's Fee:                    | <b><u>Negotiated</u></b>   |  |  |
| Estimated Construction Cost:       |  |  |  |
| Time Period for Completed Project: |  |  |  |

**Contact Information**

|                |   |     |  |
|----------------|---|-----|--|
| Name:          | <b><u>Anita Scheipers</u></b>   |     |  |
| Phone:         | <b><u>978-928-1400</u></b>  | Fax |  |
| Email Address: | <b><u>admin@hubbardstonma.us</u></b>  |     |  |
|                | <b><u>Notify email address listed when final publish date assigned.</u></b> |     |  |

**Contract Information**

|                                 |   |      |                      |
|---------------------------------|---|------|----------------------|
| Project:                        | <b><u>1) full design of a new senior center 2) conceptual design of a new public safety building</u></b>  |      |                      |
| Scope:                          | <b><u>See above, plus a) potential full design of a public safety building, and b) potential bid assistance and construction administration for one or both projects (both if funds are appropriated)</u></b> |      |                      |
| Specific Services :(all chosen) | <b><u>Architect</u></b>   |      |                      |
| Deadline for Application Form*: | <b><u>10/29/2015</u></b>  | Time | <b><u>2:00PM</u></b> |
| Project Program Availability:   | <b><u>Mon - Thurs 8am to 4pm ; Selectmen's office Slade Building 7 Main Street Hubbardston MA</u></b>   |      |                      |
| Briefing Session:               | <b><u>Mon Oct 19th at 10am - Slade Building, 7 Main Street</u></b>  |      |                      |
| Additional Information          |   |      |                      |

**To: Hubbardston Board of Selectmen**

**From: Anita Scheipers, Town Administrator**

**Date: October 5, 2015**

**Re: Town Administrator's Report**

- 1. Fire Station 2 at Breezy Hill Corners:** We have two ongoing issues with the owners of 48 Gardner Road. A) The first issue is that we no longer have an active lease agreement with the owners, 48 Gardner Road, LLC. I contacted the owners in May to begin negotiation of a new lease agreement and we met once. The owners had provided a proposal regarding the new rental rates – which represented a significant increase over the \$16,000 per year that we currently pay. I countered with a reduced amount which I supported with actual real estate market “comps”. We still have not reached a resolution on that as yet, but I have pulled town counsel into the correspondence process so as to inform them to the status should legal assistance be necessary. B) A complication to the lease agreement is the discovery of excessive water leaking into sections of the station which has led to the growth of black mold and fungi. I immediately contacted the owner about this and demanded the situation be resolved. They asked me to expedite the resolution and have agreed to pay for any mold abatement necessary. The owners have contacted a roofer and are looking to complete the necessary roof repairs to stop the water infiltration. I am concurrently getting prices for the mold abatement to be completed immediately upon repair of the roof. I hope to get this situation resolved with a few weeks.
- 2. Workshop to Prioritize Road Improvement Projects:** We have set the date of November 16<sup>th</sup> as the workshop for holding a focused discussion about the prioritization and phasing of these projects. This workshop will take place of the regularly scheduled BoS meeting.
- 3. Building Department Customer Satisfaction Survey:** Building Commissioner Larry Brandt and I have prepared the attached customer survey to be distributed with each permit application (building, electrical and gas/plumbing) to be used to encourage feedback from homeowners and contractors about their permitting experience. Feedback will be used to consider what changes, if any, may need to be made in the permitting process currently used by the Town. I will keep the Board apprised of the results of these surveys.
- 4. Tax Collector Relocation:** The Tax Collector's office has been moved from the Library basement to this section of the Slade Building. A service window has been installed to allow people to quickly access the Collector's services without impacting the other offices. This change will allow for improved communication and collaboration between the Tax Collector, Accountant and Treasurer – now that each of those offices is using the SoftRight financial software.
- 5. Slade Building Improvements:** Monty Tech has agreed to complete the necessary repairs on our spalling concrete steps and walkways of the Slade Building. We have seen significant deterioration of the concrete over the past two winter seasons. The Town is paying only for the cost of materials which will be less than \$100. The work should be completed within the next week.
- 6. Annual Town Meeting Zoning Changes:** We have received notice from the State's Attorney General that the zoning bylaw changes approved at the June 2<sup>nd</sup> town meeting have been suspended for approval due to a defect that occurred in the legal notice of the Planning Boards public hearing. The AG's office has agreed to waive these procedural defects upon the condition that a new notice is provided to the townspeople and a 21 day appeal period is provided for residents. Please see attached excerpt from the Town's list serve notice.
- 7. Park Commissions Basketball Court Bid Status:** The second attempt at putting the proposed basketball/tennis court out to bid has, yet again, run into problems. We received one bid from a local nursery, but the bid price exceeded available funds. No contract was able to be awarded. The Park Commission has now decided they wish to break the project out into three phases, drainage, asphalt and fencing and posts. I will be working with the Parks Chair to get that procurement process going over the fall and winter.

# Hubbardston Building Department Customer Satisfaction Survey

In the town of Hubbardston, we strive to maintain a satisfactory level of service within our Building Department. We ask that you assist our efforts by completing this brief Customer Satisfaction Survey.

- 1) For what address, did you apply for a permit? \_\_\_\_\_.
- 2) What type of permit did you apply for?
  - Building Permit
  - Plumbing
  - Gas
  - Electric
- 3) Were you able to obtain the permit application easily in our office, or on our website?
  - Yes
  - No
  - Explain \_\_\_\_\_.
- 4) Was the permit application easy to use?
  - Yes
  - No
  - Explain \_\_\_\_\_.
- 5) Did you have any complications or setbacks relative to the timely processing of your application?
  - Yes
  - No
  - If yes, please explain \_\_\_\_\_.
- 6) Were you able to reach an inspector and schedule your inspection in a timely manner?
  - Yes
  - No
  - If no, please explain \_\_\_\_\_.
- 7) Do you have any comments regarding the Building Dept. Inspectors?
  - Building \_\_\_\_\_.
  - Plumbing & Gas \_\_\_\_\_.
  - Electric \_\_\_\_\_.
- 8) Do you wish to be contacted regarding this survey?
  - Yes
  - No
  - If yes, please give name and phone number  
or email address \_\_\_\_\_.

Please return this survey to the Hubbardston Building Dept.

by email to [inspect@hubbardstonma.us](mailto:inspect@hubbardstonma.us),

or by fax to 978-928-1402,

or by mail to: Hubbardston Building Dept., 7 Main St, Unit #7, Hubbardston, MA 01452

Excerpt from HubbardstonMA\_News:

Approval by the Attorney General of the proposed Zoning Bylaw changes voted at the June 2, 2015 Annual Town Meeting under Articles 4, 18, and 20 has been suspended by the Attorney General's office due to a defect in the Notice of the Planning Board Hearing. Their office has elected to proceed under the authority granted under MGL c.40, sec.32 that gives the Attorney General Limited Authority to Waive Procedural Defects in the Notice of the Planning Board Hearing. The full notice has been printed in The Gardner News and is attached.

Within 21 days of the date on which this Notice is published in a newspaper of general circulation in the Town of Hubbardston, any resident of the Town of Hubbardston, or the owner of any real property in the Town of Hubbardston, or any other party entitled to notice of the planning board hearing may file with the Town Clerk a written statement that the notice defect was misleading or otherwise prejudicial. The statement must include the reasons supporting the claim that the defect in the Planning Board Notice was misleading or otherwise prejudicial. This statement must be actually on file with the Town Clerk not later than 21 days from the date on which this Notice is published in the newspaper.



*Anita M. Scheipers*  
*Town Administrator*  
*Town of Hubbardston*  
7 MAIN STREET, Unit #3  
HUBBARDSTON, MASSACHUSETTS 01452

August 25, 2015

Wendy Howes, President  
Hubbardston-Ware River Nature Club  
PO Box 134  
Hubbardston MA 01452

Dear Wendy,

Please be advised that the Hubbardston Board of Selectmen did formally review your May 29<sup>th</sup> letter at their meeting last night. While your letter did not specifically request a response, the Board asked me to send you a brief response reminding you that a citizen's petition was submitted to the Board for inclusion in the June 4, 2013 annual town meeting warrant as follows:

ARTICLE 25. Shall the Town vote to protect nesting birds and other wildlife on the fields of Town owned conservation property by designating July 21st as the earliest mowing date and by amending the existing hay management plan (part of the Mt. Jefferson Conservation Area Land Use Management Plan) in accordance with said designation.

The motion for this article failed by a majority negative vote; as such, the Selectmen feel the Town has clearly spoken that they do not wish to alter the current practice of field maintenance at the Mt. Jeff and Malone Road conservation fields.

Very Truly Yours,

Anita M. Scheipers, Town Administrator  
For the Board of Selectmen

P.O. Box 134  
Hubbardston MA  
September 24, 2015

Board of Selectmen  
Town of Hubbardston

Dear Selectboard member,

I am responding to the Town Administrator's/Board of Selectmen August 25<sup>th</sup> letter as both a citizen of Hubbardston and as a representative of Ware River Nature Club (formerly Hubbardston-Ware River Nature Club). I believe I speak for all of us when I say that we would appreciate it if you would communicate with us with honesty and respect for our intelligence. The letter does neither.

It is clear that the Selectboard had no intention of reviewing our May letter or discussing our concerns until we complained publicly. The response we finally received was dismissive and indicated that there was no interest in our immediate concerns and current ideas. Apparently Selectboard members prefer to remain in the dark about and close their ears to any updates about bird conservation and protection strategies at the town conservation area. By refusing to learn new facts, the Selectboard can feel justified in declining to "get involved."

Referring back to the warrant item of 2013 is demonstrative of circular reasoning. The reason we were/are trying to engage the Selectboard on this matter is precisely because the warrant item didn't pass, and we wish to try a new approach. It was hoped that the "new" Selectboard would be willing to learn more about this issue and take on a leadership role.

It was unnecessary to send the text of the warrant item, since I was the one who wrote it. But since it was brought up, I want to point out that our group's present management request sets a much earlier delayed-haying date. We also had/have additional information which we hoped you would consider.

I of course was present at that town meeting and know that the warrant item failed by a negative vote of only about 100 voters, most of them disinterested and/or misinformed. After that town meeting, many attendees told me that they had been influenced to vote against my proposal because of false statements made by the Open Space Committee Chair and others, and they regretted doing so.

We are fully aware that most residents are completely apathetic to this issue. We understand that most, if not all, Selectboard members don't care about bird conservation at Mt. Jefferson Conservation Area either. In that light, we would have appreciated a more honest answer to our concerns, which would include the statements on the next page.

The Selectboard:

- ◆ places almost complete care, control, and management of the Mt. Jefferson Conservation Area in the hands of the Open Space Committee and Conservation Commission;
- ◆ must prioritize its interests and involvement in town matters, and wildlife conservation and ecology—and education about these subjects—is not a priority;
- ◆ supports management of the Mt. Jefferson property based upon political expediency as opposed to wildlife conservation science and is unwilling to take a position contrary to the wishes of the Open Space Committee Chair;
- ◆ supports awarding the hay license to a farmer who will not delay haying to protect birds, even though there are local farmers who would be willing to do so;
- ◆ approves of management of the fields with farmer profit as the primary objective and is pleased to receive the small amount of money generated by the leasing fees. (By the way, our offer to donate to the Town the equivalent amount of money as the leasing fees in return for a post-July 10<sup>th</sup> first-mowing date still stands.)
- ◆ supports, or doesn't care about, the destruction of nests, baby birds, and some adult nesting birds as a result of too-early mowing.
- ◆ does not wish to take a leadership role in promoting good wildlife conservation practices on town-owned property.

It's obvious that the letter we received was sent as a placating gesture intended to encourage us to drop the matter. While we would be happy to provide you with education and information about grassland bird conservation, we will indeed stop asking you to take positive steps to help protect the birds that nest at Mt. Jefferson Conservation Area. It is with great regret that we admit to ourselves that the Open Space Committee will never adopt plans to protect nesting birds at this property, and the current Selectboard doesn't care enough to do anything about it.

We hope there comes a day when Hubbardston's Selectboard and Open Space Committee are made up of compassionate individuals who have a positive environmental ethic.

Sincerely,



Wendy Howes

Wildlife Advocate & President of WareRiver Nature Club

✓ cc: Anita Scheipers