BOARD OF SELECTMEN
MINUTES
September 19, 2016
Slade Building

Members present: Daniel Galante
Mike Stauder
Jeff Williams
Pat Girouard
Richard Haddad

Staff present: Raeanne Siegel, Town Administrator; Tonya Martowska, Executive Administrative Assistant; Janet Baczewski, Building Dept. Clerk; Tim Kilhart, DPW Director;

Others present: Tom Robinson, Dick Heaton, Ken Daly, Ed Blanchard, Eric Ring, Denise Ring, Steve Boucher, Ann Marinelli, Louise Proulx, Tom Bratko, Christine Smith, Peter Stalken, Joanne Filleul, Robert Filleul

Meeting was called to order at 6:30 p.m. by Daniel Galante. Mr.Galante announced that the meeting was being live broadcasted and digitally recorded on the Peg Access channel.

Dan stated that before we go into Open Session he just wanted to thank the Town Administrator Search Committee for their hard work and finding a permanent, full-time administrator and presenting some options for the board. We had some interviews last Wednesday night and are very, very happy that Raeanne Siegel was selected and has accepted the position pending successful contract negotiations. Ed Blanchard stated that the Search Committee Congratulates the Board of Selectmen for such a wise choice.

Open Session:
Joanne Fillieul of 26 Mt. Jefferson Rd approached to discuss the driveway and drainage issues since 2014 flood of dam. Joanne read the following statement outloud:

Mt. Jefferson Road was severely damaged by the April 6, 2014 flood caused by insufficient maintenance of Gates Pond, the dam in the culvert. The result of this, the property at 26 Mt. Jefferson Rd to be damaged by the flood and erosion which had never taken place, prior to the flood. Erosion continues to occur every time we have heavy rain storms. The apron in front of the driveway and at the edge of the road was badly damaged and washed away along with a considerable amount of gravel. Upon inspection it was Tim Kilhart's opinion that the apron wasn't installed by the town and therefore not his responsibility. We pointed out that the paving of the road and the regrind in the driveway were two different materials. Damage continues to occur with each rainstorm. The storm water flows down the street, into the driveway causing more erosion. Tim Kilhart assured us that the riprap installed up the road would be sufficient to stop the flow of water before it reached the driveway. Unfortunately, the riprap washed away after the first or second rain, not flood. When we asked why he didn't continue installing riprap and take any measures to fix the side of the road that had been washed away, he said that riprap was expensive and we would have to fill in the crater at the top of the driveway and get our own riprap. Tom Larson helped us to fill in the original gulley left from the flood, per request of Craig Kaijala. Who is responsible for maintaining the storm-water outlets and culvert? Plant materials and soil have built up in and around them.

Raeanne Siegel stated that she brought up the beaver dam breach and damage and cost of repairs at one of the last meetings. Dan Galante asked if Tim has made a visit to the property since that

meeting. Raeanne stated not since the meeting, but that he was up there a month or so ago. Mike Stauder asked Joanne what they are looking to the town to do. Joanne stated that their driveway is unsafe. She went on to show pictures of their driveway, the erosion, etc. Mike stated the private dam breached went into the culvert which the town owns, but has since been completely replaced. Jamie asked if it was from the outlet of the pipe, or just road water. Joanne stated road water. She also stated that the apron is not theirs. The driveway was repaired but damage continues with each rain storm. Dan suggested a berm or larger riprap as possible solutions. Joanne stated that gravel is needed. Mike asked what has changed since the flood. Joanne stated it is neglect that makes it a town issue. The drainage pipe went away when the road was done. Since the flood, it's getting worse now. Joanne stated that diversion by the culvert is clogged and is not draining properly.

Eric and Denise Ring of 33 Ragged Hill Road – Our house is downhill from the road. In the past we dealt with Lyn Gauthier on doing something with the drainage and prevent water from traveling down our driveway. Subsequently flooded out our original barn, we had to rebuild and put a new barn in. We were approached by the town in 2013 for a drainage easement as part of the reconstruction of Ragged Hill Road. We worked with the town on easement location, etc. We agreed to a drain location on our property and agreed to the easement that was proposed. Subsequently, we went to work, came back and the drain was installed about 60 feet downhill from where it was supposed to be. Jeff Williams asked if they were given a reason why. Mr. Ring stated no reason was given but was told there was nothing that could be done, but rest assured there are not going to be any issues with washout, erosion on property, etc. Mr. Ring stated they pick up probably a half mile of Ragged Hill Road water. Mrs. Ring stated that it drains out at the bottom of their property which is supposed to be maintained by the town but that it is clogged. Water was overwhelming basin, Mr. Kilhart put a temporary berm then came back and put an asphalt berm in. Dan asked what the change in location had to do with anything. Mr. Ring stated that if the basin had been installed where it was proposed, it would have at least caught the majority of the water before it ran down the hill. They eliminated the drain manhole and just put in a straight catch basin with sump. The Rings have been making repairs for years. Garage is getting flooded. Dan asked the Rings what they have for documentation. Mr. Ring stated they have emails from the Town Administrator and the engineers as to what was agreed to. We have the proposed, revised drawings, we have the as-builts, which are different but we agreed to sign them because it was after the fact. Mr. Ring stated that he spoke with Curtain, the project foreman who stated it was cut it out for budget reasons. Garage is now getting flooded. Dan stated we have to find out what we did, look at our own data, correspondence between town and the engineers and the Rings. Pat asked what Tim Kilhart's opinion is of the situation. Mr. Ring stated that Tim put in the apron but said he has no money in the budget and that we would have to go to the board. They agreed to the easement because it was supposed to fix their problems, but it made the problems worse. Board asked the Rings to give them a couple of weeks and they would get back to them.

Tom Robinson of 5 Brigham Street – Letter regarding petitioner's access to town counsel. In the last 6 months, we had 4 citizen's petitions, in the Planning Board, we had hearings on them, we spent a lot of time on them. Citizens came, had questions about them, we couldn't answer the questions. Come to find out, there was a letter on one of them at least from town counsel saying that the petition was never going to fly. That letter didn't get disseminated. He would like to give the petitions to Town Counsel at the front end and say yay or nay, suggestion on wording, etc. before all the subsequent activity takes place. Here's my proposal, it was taken from another town, it has been looked over by a lawyer, take a look at it and let me know if you want to adopt it. Would like to prevent wasted time.

Tom Bratko – Brought up a draft copy of a housing plan that he submitted a few months ago. He would like the board to take a look at the plans and take a vote on them.

Steve Boucher regarding business development

Steve Boucher of Boucher Construction – He owns some property here and has the opportunity to purchase some land from the Marinelli family. He thought he could relocate his business from Lancaster to the Marinelli property and at the same time alleviate some of the trucking traffic on Pitcherville Road by using his property as well as possibly put some commercial uses or some tax base buildings on his property. First and foremost, the zoning doesn't allow his business to operate here. A re-zoning or a special permit would need to take place, however the town wants to handle this. Secondly, it doesn't allow for buildings. It could allow for putting a driveway in but wouldn't allow for putting buildings in. Mr. Boucher is trying to determine the best way to handle what to do with the Marinelli property and the property he already owns. Dan stated that we want to be friendly to business. He explained that this is coming at a time where the town just started up an Economic Development Committee. He continued to state that we know we have challenges as far as zoning. It sounds like a good idea, obviously conditions that need to be met and some hurtles to cross. Discussed wetlands issue as well. Mr. Boucher stated that the wetlands are a whole other issue as well but that without the proper zoning or the town wanting the project or having a mechanism to allow it, there's no need to spend dollars and cents on that. Mr. Boucher was asked beforehand for a reclamation plan but before he spends the money on a reclamation plan, he wants to know what the town wants to see for the land. If it's strictly residential, then he will come in with a subdivision plan, he just needs to know. Dan stated that he had a letter from Doug Pendleton of George & Company, the Marinelli's broker. Dan and Mike read the attached letter out loud. Dan asked Mr. Boucher what he has done so far. Mr. Boucher has gone before the planning board prior to this meeting. He understands that some re-zoning or a special permit would be required. He went through this same issue in Lancaster, but it was the Planning Board and Selectboard in Lancaster that presented the re-zoning to the town, not Mr. Boucher. It took some time, but it happened. It was an overlay district that got voted in. Jeff Williams asked Mr. Boucher what environmental ramifications, if any, are involved with any of what he wants to do. It is not a sand and gravel business as we all think of it, it is a very refined business. Tom Bratko said the planning board is just asking for gravel pit owners to do what they should have done 40 years ago. He went on to say that the planning board has never received a proposal. It is the policy of the planning board at this point, to not approve any new gravel operations on any gravel pits until these people fulfill the contracts and operations that they have promised for the last 6 years. Ed Blanchard asked who is going to take a 40 year old pit and spend the money to reclaim it. Tom Bratko stated that there are two companies in the state who will do complete reclamations on all of the gravel pits in town and it would not cost the building, property owner or the town a penny. They will get it done for free. Mike Stauder stated that Tom Bratko has mentioned this over and over and Mr. Boucher said at the Planning Board meeting that that material is not suitable for his application to close it and re-open it with that fiber. Mike then asked Tom Bratko if he has any financial interest whatsoever in these paper reclamation, Tom Bratko said no, he does not. Mike asked if Tom has any family members that have any financial interest in that, again Tom Bratko said no. Lengthy discussion continued between the Planning Board and Selectboard. Tom Robinson and Tom Bratko just kept asking for a plan. Dan Galante stated we finally have an opportunity to fix this but the planning board will not cooperate. We have to figure out where to go from here. Dan Galante definitely wants to pursue this, work together with the planning board, whatever it takes. We need to look at the by-laws, look at variance opportunities to maybe bring this into some sort of viable project is something he definitely wants to pursue. Janet Baczewski spoke of the Planning Board's diligence. Again Tom Bratko said Mr. Boucher needs to come with a plan. Mr. Boucher stated again that until he knows what exactly the town wants to see with that property, he isn't going to spend all that money on engineering and everything to come up with a plan that will not be

accepted. Pete Stalken stated that he is in support of this. He would like business to come into town and would like to be present at meetings to support this.

Planning Board – Public Interest in Master Plan

Tom Bratko approached to discuss the Master Plan. They had a trial run of survey monkey to get it working. Tonight's meeting they are going to come up with the questions for the survey. Get input from other departments. Hoping to get survey out at November meeting. Develop the vision of the town. Planning board and Dick Eaton want to work together. Dick Eaton spoke about the master plan being like chapters with each department being the author of that chapter.

Senior Center STM

Dan spoke on behalf of the Building Committee. We had voted to request to the Board of Selectmen, a Special Town Meeting over the winter. Reason being, so that we would have contractor bids in hand to go to the community. The Board does not want to spend the extra money to hold a STM in the winter as turnout would be bad and townspeople would feel like we are trying to put one over on them and sneak this through. Dan also spoke about members of the COA feeling demoralized over how the process is going.

Appointments/Wage Authorizations

a) Dominic Walker – Full-time Police Officer, Wage Authorization

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

To waive the notification period for Dominic Walker effective Sept 26th

Vote: All in Favor

b) Maryann DiPinto and Dave Simmerer for the Economic Development Committee

Motion: J. Williams **2nd: R. Haddad**

To appoint Maryann DiPinto and Dave Simmerer to the Economic Development Committee **Vote: All in Favor**

c) Richard Jones and Susan Worth for the Open Space Committee

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

To appoint Richard Jones and Susan Worth to the Open Space Committee

Vote: All in Favor

d) Re-approve the Town Administrator Appointments

Motion: M. Stauder **2nd: P. Girouard**

To approve the Permanent Town Administrator Appointments as presented.

Vote: All in Favor

Declare Surplus Items

a) Old Fire Engine #4
b) 1970 Utility Trailer that is rusted and trailer hitch falls off trailer ball.
c) Approx. 50 old street signs that are faded, damaged or not meeting MUTCD regulations.

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

To approve the surplus items as presented **Vote: All in Favor**

Committee Updates

250th Committee – Would like the board to approve a letter that they would like to send out to town residents.

Motion: M. Stauder **2nd: P. Girouard**

To approve the letter as presented **Vote: All in Favor**

Mike Stauder also mentioned the Spaghetti Supper this coming Sunday.

Building Committee – Meeting this Friday to basically complete the final plans for the architect.

QRSD Task Force – We did meet with the Collins Center. We have a good partner. You will be hearing more on this soon. They will be holding 'World Cafes' which are informational sessions about what is going to be important in the district.

Town Center Committee – Met with WPI kids, very eager to get going. Their advisor came to last meeting as well. We are their project for the entire year. The next step is for the students to write the RFP.

Town Administrator Report – See attached

5 Year Financial Forecast – will be completed and will be presented the Board at the October 17th meeting and soon after will be available to the town as well. Distribution will include social media and the town website as well.

Winter Operations – I will be meeting with the department heads in the next week or so to go over the policies and procedures for the upcoming snow season and then we will also be putting that on the October 3rd agenda. This includes Police, Fire and DPW as well as Jeff Williams.

Charter Cable Contract – Cable Advisory Committee will meet again on Monday the 26th to review the contract for a final time. Hopefully I will have that for you on October 3rd as well.

Malone Road – Our DPW department has been working hard on Malone Road – cutting brush, digging up rock and regraveling, and the road is now complete. Tim will be working on revising snow routes to include Malone Road during upcoming winter operations.

CERT grant for supplies – Congratulations to Dennis O'Donnell, who received word last week that he has received a grant from the State Homeland Security Grant Program. Dennis will be using the grand funds to replace shelter supplies at the Center School, located in classroom closets, as well as the Nurses office and main office.

Appreciation to Bill Shea for Donation: Thank you to Bill Shea for his generous donation to the Police Department, to be used for community outreach. The money has already been used for a great cause with bicycle helmets being distributed out to children at Field Day. Other tentative events will include a Halloween block party as well as a movie night.

Minutes

March 21st

Motion: P. Girouard **To approve the March 21st minutes.**	**2nd: M. Stauder** **Vote: 4 of 5 in Favor** **1 Abstain**
Motion: J. Williams **To approve the minutes of the meeting of May 5th**	**2nd: M. Stauder** **Vote: 4 of 5 in Favor** **1 Abstain**
Motion: R. Haddad **To approve the minutes of the meeting of August 8th**	**2nd: P. Girouard** **Vote: 3 of 5 in Favor** **1 Abstain**
Motion: M. Stauder **To approve the minutes of the meeting of September 6th**	**2nd: J. Williams** **Vote: 4 of 5 in Favor** **1 Abstain**

Old Business

None

Public/Press Questions & Answer
None

Executive Session – To discuss the reputation, character, physical condition or mental health, rather than professional competence, or an individual, or discuss the discipline or dismissal of, or complaints or charges against a public officer, employee, staff member or individual.

Raeanne read the above and then stated that Tim Kilhart has the right to have this discussion performed in Open Session. Raeanne asked Tim if he would like it in Executive Session or Open Session. Tim Kilhart answered Open Session. Richard Haddad recused himself from voting on this because he did apply for this position in the past and to avoid any conflict.

Tim read a letter that he prepared to address the Board of Selectmen. He closes his letter by asking for re-appointment by the board. Dan Galante spoke regarding his visit with Tim a month or so before. The Town needs to have flexibility to possibly combine with another department and holding off on the re-appointment gives us that flexibility. The Town is looking into the possibility of regionalizing with other towns because of the dire financial situation we are in. Tim is concerned about whether or not he is going to have a job tomorrow. Jeff Williams spoke about the unfairness of this. He stated that Tim has done an incredible job in the almost 3 years that he has been here and we expect him to plan for the future and continue to do all the hard work he has been doing, but without the title. Dan stated that we are under a full scale investigation with every department we have for the possibility of regionalization. Mike Stauder stated that the attorney advised not re-appointing the position due to the possibility of regionalization and thought that there was some economic benefit to not re-appointing him. Tim stated he wants to know the results of the communication with the lawyer. Mrs. Kilhart then spoke up and said she wants to know how this affects his benefits. She stated this is really stressful for the whole family and that they all have to put up with a lot. She said that the board is being inconsiderate and rude. Discussion continued between the Board and Tim. Dennis O'Donnell spoke of his experience in the corporate world with mergers and acquisitions. Dan said he does not feel comfortable changing anything without clarifying the lawyer's reasoning. Tim said without an appointment, he has to look for another job. He then went on to say that if he leaves, he does not know what would happen with his crew. Jeff reminded the Board that moral was really bad when Tim was hired. Jeff also stated that this has to be very hard on moral, not knowing whether or not their boss has a job. Both Travis and Rich spoke on Tim's behalf. Mike stated that we are going to check with the attorney and revisit in two weeks.

Motion: M. Stauder **2nd: P. Girouard**
To adjourn at 8:44 p.m. **Vote: All in Favor**

Respectfully submitted,
Tonya Martowska

Town Of Hubbardston

From Doug Pendleton, Managing Director at George & Company.

I was hired by the Marinelli's to help sell their property off Pitcherville Rd. When I took on this sale, I knew nothing about the history of Gravel Pits in Hubbardston. I learned very quickly of the local mishaps related to these pits and concurrently realized that if I had any chance of helping my clients ... I would have to find a Buyer that had the means, the experience and a viable plan.

I spoke with many potential buyers, including other parties who owned adjacent properties to the pit. None of them were suitable. We finally connected with Mr. Boucher on the phone a number of times and I visited him at his office in Leominster. Thereafter, he submitted a formal offer to acquire the property. I presented his offer to Ann & Louise and they accepted his offer.

I believe that Steve is the right buyer for their property and present here just a few short reasons and/or comments for your consideration.

- Steve has extensive experience. He is currently doing a similar project in Lancaster MA. This project is adding property values for Lancaster. Steve has worked with the town and they with him for the betterment of the community.

- Even though the Marinelli's supposedly have a deeded right of way off of Pitcherville, Steve owns an adjacent property to the proposed project (which if he was allowed to utilize) would provide direct access to the property directly off of Rt. 68. This takes traffic off of Pitcherville Road, which we believed should be more beneficial to the neighborhood and the Town.

- Steve's plan in a nutshell would be to create an access road over his property to enter the pit. He also has a secondary business that provides custom sand products for applications such as sand bunkers on golf courses and the infield and Fenway Park as examples. Steve plans of operate his business on the property which would not only employee some of his 60 plus employees in Hubbardston. Over the next 10 years or so he would mine the property reclaiming it along the way and developing in the process, useful land for residential and open space as well as possibly some small commercial business applications.

- He has the experience, the knowhow and the capital

Based on Steve initial discussions with geologists, conservationists, engineers and local town officials, it seems these are the following challenges to over come.

Permitting Approvals / Rezoning Issues / Wetlands Crossing / Conservation Issues/ Protected Species Issues / Current Bylaw Restrictions

Someone more versed in these matters can get into the details. What does seem to be most concerning to me are the following two items.

1 – The Current By-laws Steve feels make it impossible to move forward. For example, he heard from one person in town that he would not be allowed to even apply for a permit until both his property and the Marinelli's were first fully reclaimed? I am hoping that this was a big misunderstanding because asking someone to do this would be similar to asking a contractor to loam and seed the lawn before you could apply for a permit to dig the foundation.

2 – The general sentiment coming from some, that the town does not want any work done on any pits in town even if the state of the pits at present, are a current liability too the town.

How is that pit ever going to be reclaimed until someone is allowed to go in there and take some product out first? How is the current liability ever going to be dealt with unless someone responsibly works the property for profit?

Steve presents as a willing and able buyer. He looks forward to the opportunity to complete the work that was started years ago and left undone. His efforts will add jobs, it will add tax revenues and when its done, the place will certainly be safer then it is now?

He is not in the Asphalt business, for the record! As far as I know, he has never been in the asphalt business, nor does he have plans to run such a business in Hubbardston or anywhere else for that matter

Steve is instead, just a land developer who is anxious to work with the town and try to do this project. My question is this…can the Town be open to helping him through this process?

Respectfully,

Doug Pendleton

Town of Hubbardston

DEPARTMENT OF POLICE

7 MAIN STREET, UNIT #9
HUBBARDSTON, MASSACHUSETTS 01452
TEL. 978-928-1400 – FAX 978-928-5267

DENNIS G. PERRON
CHIEF OF POLICE

To: Mr. William Shea

From: Chief Dennis Perron

Re: Community Policing plans for donation.

Bill,

On Friday, July 8th myself, you and Ofc. Chatigny met to discuss a generous donation from you to the police department. In the conversation we were able to agree that community outreach was an important component of policing in Hubbardston, and one neglected through lack of available funds.

We concluded the meeting with the understanding that you were willing to generously donate $10,000 to assist us in providing events and programs to the residents of Hubbardston and you requested that I put together a proposal on how to allocate these monies.

I have outlined several ideas, along with their projected costs on the attached Excel spread sheet for your review.

1- Teen Academy: This would run for 6 weeks at one class a week for 4 hrs. 2 Officers would be needed to supervise and provide instruction. T-shirts and other equipment will be needed. The classes would include patrol tactics, firearms safety, gang information, laws, texting and driving laws, impaired driving laws and other issues that these kids face.

2- Halloween: A block party with food and a dj on the common would be a great gathering point for the youth. The costs is an estimate at 7 officers working.

3- Police Athletic League: Officers become heavily involved in organizing and officiating leagues for deck hockey, basketball and possibly other sports. This is the most expensive option as equipment is expensive. The question of whether insurance is required is also unknown.

4- Fall Movie Event: This even would have up to 8 officers with kids and adults. Rental of a large screen and popcorn maker etc.

5- Lunch with a Cop: The only cost for this would be the overtime for the officer coming in. He would sit down with the various grades and have lunch with them. This would be up to the school how often this would take place. Price is per lunch.

6- XBOX tournament: This could be held at the school on a Fri or Sat night. Competitions could include Rockband, Football, Baseball or other non-violent sports. 4 hrs. for 4 officers to supervise would be the overtime costs. Materials should be on hand. Cost is per event.

7- Bike Helmet Giveaway: This is quoted for 30 helmets at $20 per helmet. This could be done at field day or any of the other events to save on the costs.

8- Career Day at Center School: This would also be dependent on approval from the school. 3 Officers would go to the school and speak of a career in law enforcement. May also be done at the Quabbin.

9- Child ID: This would consist of finger printing and photographing children so their families can maintain a file in case of the unthinkable. This could also be done in conjunction with field day to reduce costs.

10- McGruff the Crime Dog costume: This could be used by members of the HPD at public events. Initial cost is for the costume only.

11- Seniors pasta dinner: Officers would prepare a pasta dinner for the seniors in town.

I provided 11 programs so you can see what is possible and what you would like to support. Please advise me of your thoughts.

Sincerely,

7/18/16

Dennis G. Perron

Chief of Police- Hubbardston

Town residents:

Come one, Come All and celebrate Hubbardston's 250th Anniversary! The official celebration date is June 17, 2017, with a Parade, BBQ, and Fireworks! There's still a lot to do, and so if you want to be part of making history we need you!! We are looking for volunteers to join our parade group. Commitments would be attending meetings or report your update via email, passing out float applications, making phone calls, or stopping by local businesses, contacting organizations, vendors, bands(school and private), horse clubs, farmers, antique car groups, ROTC, Boy Scouts, Girl Scouts, veterans, pop warner, musket teams, Shriners, etc. We will also need sanitation facilities, parade route monitors, policemen, firemen, etc. Help us make History if you're interested in helping anyway possible please contact Angela at hubb250ann@yahoo.com.

Thank you,

Angela Werner
250th Anniversary Chairman.