

**BOARD OF SELECTMEN
MINUTES
October 03, 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

Others present: Christine Smith, Bonnie Cunningham, Walter Scott, Ed Blanchard, Eric Ring, Denise Ring, Richard W Hackett, Ann Marinelli, Louise Proulx, Tara Chappel, Peter Russell, Tom Bratko, Jassy Bratko, Marjorie Filleul, Joanne Filleul, Robert Filleul, Danielle Arakelian

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.

Open Session:

Tom Bratko – representing himself, not the Planning Board. Would like to address a couple of items that came up in the last Selectboard meeting. He then addressed Mike Stauder and said that Mike had stated that 60% of the town is owned by MDC, DCR, water protection and that they pay hardly any tax to the town. Tom checked that figure. He stated that they only own 31.7% and they pay \$318,970. in money in lieu of taxes. They pay the highest and best use of the property and it is based on state law. Mike tried to correct his original statement and Tom stopped him saying that it is still incorrect. 8,506 acres of DCR watershed, Fitchburg Water Supply is 463, DCR land is 74 and State and Town owned conservation land is 322. Dan stated that he also learned that it was 60% and he thought that came from Dick Heaton. Tom said they provided a report a few months back stating that those numbers were incorrect and the report corrected the numbers.

Tom's next point was that at the last Selectboard meeting, the Selectboard thought the Planning Board was being unreasonable expecting pit owners to reclaim. Tom said that Mrs. Marinelli stated there was still 5 million yards of gravel on that property. The market value of that material is \$45 million. Tom hardly thinks that asking these people to reclaim their pit, at virtually no cost to them, is unreasonable. Pat Girouard asked Tom why they are asking them to reclaim their pit with all that material still in there. Tom stated they are not supposed to have more than 3 acres open. This was not a Planning Board rule, this was stated in Chapter 19, General By-law. Dan stated that his issue was the time-frame was unrealistic, not necessarily just asking them to reclaim. Tom asked for a plan.

Then Tom brought up the “unfriendly to business” comments. Tom stated that he went through 15 years of records and that he found there has only been one time that the Planning Board turned down a business and that was this year. Mike said that Vin Ritchie himself has stated that he has protected the small businesses that were here by not allowing prospective businesses to come into town. Tom stated again that it is based on zoning issues. He feels that it is unwarranted.

Lastly, Tom brought up Peaceful Pines and Carol Curtis and the meeting that was held this spring. He claimed that the Selectboard were the ones being unfriendly to business because of denying Flagg Road work and instead spending \$50,000 to take care of Malone Road which services one house. Mike and Dan both explained that Flagg Road is going to be included in the next grant but at this time there is no money to fix it. Mike further explained that the road is beyond just patching and/or grinding and needs to be re-built.

Marjorie Fillieul of 26 Mt. Jefferson Rd approached to discuss again the driveway and drainage issues since 2014 flood of dam. Marjorie said that she is not asking for a new driveway, but is looking for the water issue to be fixed. She explained that Tim Kilhart told them that riprap is very expensive so he cannot provide any. The culvert was put in, but no one is taking care of it. It is filled with debris and vegetation. The Fillieuls are looking for the shoulder of the road to be put in place to control the water. They stated the road is sinking. Before the dam breach, there was no erosion. The Fillieuls are looking for the trench on the side of the road to be fixed. The Board stated they would take care of it.

Walter Scott – on the board of the Council on Aging. He is here due to the progress of the Senior Center, he would like an update on when it is going before the town. Dan gave full disclosure that he is on the Building Committee as the Selectboard representative. So he reports back to the Selectboard what the Building Committee progress. He recuses himself from voting on it as a Selectboard member. Mike explained that the Selectboard was originally on board with the October Special Town Meeting with the vote on the November ballot. The Selectboard was then told that October was not going to work as the bid documents were not going to be ready. That is fair, we want this to work, and not be declined. Selectboard was asked for a Special Town Meeting in February. As it is in the middle of winter, there will not be as much participation at a February meeting. The Selectboard is concerned that townspeople will think we are trying to pull one over them with a February meeting. Also, a meeting in February and a vote in March, holding both of those items have monetary consequences to them. Walter expressed his disappointment for the delays. Mike stated that this Board has been supportive all along with meeting dates, until this one. Dan added that the Building Committee has worded bid documents to hold their bids for a certain timeframe to keep in line with the June meeting. Walter asked if the Board was denying their request to reconsider the February meeting. The Board said yes, denying.

Marinelli Pit Owners

#1 Non-conforming use (grandfathering) – The Marinelli sisters were told by the Planning Board in September, that all non-conforming use gravel pits were not grandfathered any longer in the Town of Hubbardston. The Marinellis asked about the zoning by-laws and the Planning Board stated that the zoning by-laws fall into the general by-laws and therefore the Marinellis are no longer non-conforming use. The Marinelli sisters are now asking the Selectboard, if they are still under non-conforming use status according to zoning. The Selectboard deferred this question to Tom Brako for answering. Tom stated Chapter 19 of the General By-laws moved from gravel by-law to General by-law at annual town meeting. There is no longer non-conforming use in Hubbardston on gravel pits.

#2 Key and # 3 Access Road – Why are we denied a key to our property? The Town instructed the Marinellis in the 1980's to install a gate with a lock on their property at the access road. They did and continued using it until an August 13, 2015 letter stating they were denied access to their property. The Marinellis are trying to sell the property, how are they supposed to sell it when they cannot even show it? Dan had an idea to issue a key for some set period of time to help them sell the property. Discussion followed.

Motion: M. Stauder

2nd: P. Girouard

To draft a letter to give a key to the Marinelli sisters for 90 days for the purpose of selling. Including conditions, not to be doing any gravel removal business, can be renewed.

Vote: All in Favor

#4 Reclamation – How can we reclaim land that we still have material on? Ann Marinelli stated that when we were grandfathered, that is how we dug the pit. Tom Bratko stated that the original permit stated top soil should not have been removed. The Marinelli sisters stated that they did not have a permit. Tom stated that yes, they did, in 1980. Ann Marinelli stated that they were there since the 1960's. Tom said that part of the permit said that no top soil was to be removed but they removed it and sold it. All the Planning Board is asking is for you to come in with a plan. He stated the Planning Board can work with them on timing and such, but they need a plan. The Planning Board has stated that there will be no permits issued until they receive a reclamation plan. The Marinelli sisters want to see the letters and the permit.

Charter Cable Renewal

Tom Colyer - Cable Advisory Committee is recommending we execute the contract. We were ready with this contract in June when they asked us for a delay due to the acquisition of Time Warner. Charter was ready to go a month ago. We had some initial questions at that time. Fiber optics was one of the sticking points. There are about 8 nodes in town, it is fiber optics coming into nodes but going to homes via cable. After these last several months, it has become clear that we are not going to get anywhere with Charter on this. We found out that there is no law that prohibits us from bringing another provider in. So in addition to this contract, we are going to start looking for another provider. Dan asked if we have reached out to other towns to see if we could make the service area more than just Hubbardston. Tom stated that is one thing we are looking into. In the meantime, we are renewing our contract with Charter. It is not exclusive, it doesn't obligate us to any set number of customers from us. We finally found a way to get some competition in here. Retroactive to July 1st.

Motion: M. Stauder

To approve and sign the contract as presented

2nd: J. Williams

Vote: All in Favor

Property for Sale on High Street

Ed Blanchard and Delores Ordway – The Ordways have 3.1 acres on High St that abuts the Town Recreation Area. Bringing it to the Selectboard just to let you know that we brought it to the Recreation Committee again, they are considering it, looking at options, etc. There is a section of wetlands so they are also meeting with the Conservation Commission to discuss wetlands. Everything is now in the hands of the Recreation Committee, they will do their due diligence. Dan asked Ed if the property is formally, publicly listed. Ed stated no, he is only helping out and has no financial interest in this. He just thinks this is good for the Town. Mike recalled this going to town meeting once before and that it was voted down. Dan asked Raeanne if she has spoken with Sanda about this yet. Raeanne has and Sanda has presented it to the Parks Commission and they are thinking it over. If the town is not interested, that is not a problem. They will just move forward and offer it to abutters. Dan stated that the town has a responsibility to be prompt in our answer. Certainly we understand that CPA funding would need to be approved at Town Meeting. Tom Bratko asked what the price is. Ed stated the price of the land is \$60,000 and appraised value at \$61,000 was also appraised back in 2010 by the town at \$65,000. Mike asked if anyone remembers what the plan was when brought up before. Danielle A stated that CPA funds cannot be used for parking lots or roads, but for recreation only. Dan stated that there are options. Mike stated we will see what the Recreation Committee comes back with. Ed stated that they are meeting on Wednesday with the Conservation Commission.

Williamsville Pond Dam

Diana Langford and Robert Coppolino of 3 Grove Street – Dan has to recuse himself from this discussion as he does dam repairs and he knows this dam very, very well and there is a possibility that he would be requested to bid on the repairs. Diana stated that she has come before the Selectboard to get the town’s support in repairing the dam. Mike asked about how and when the state repairs vs. removes dams. The dam is state owned, by the Division of Fisheries and Wildlife. Dan spoke to all that goes into the decision of whether to repair or remove dams. Mike agreed it needs to be fixed, that the state has been talking about it for a long time.

Motion: M. Stauder

2nd: J. Williams

To draft a letter to state representatives in support of repairing the dam

Vote: 4 in Favor

1 Abstain

DPW Issues

a) Iroquois Ave drainage issue – Re-paved this summer, road was raised up, definite drainage issues. Mike suggested DPW come up with a couple of options for a remedy and the board will discuss them. Request DPW to provide scope with estimated costs.

b) 33 Ragged Hill Road – Eric & Denise Ring – Dan explained that Raeanne contacted Milone and MacBroom, the engineers on this job. Milone and MacBroom did research on the history. Eric Ring states that his record drawing shows it includes aprons but that they have no aprons. Denise Ring states again that they did not approve of the drain where it is. Dan stated that we are trying to determine what happened. The email from Milone and MacBroom stated that they did not know, that nothing changed on their side. Next step is probably to contact the project manager at EH Perkins, Joe Curtain. Denise stated winter is coming, we cannot plow it and we cannot snow blow it so something needs to be done. Discussion followed regarding aprons. Pat asked if they are just looking for aprons. Eric said that aprons will prevent further damage but it will not fix the damage that has occurred already.

c) Streeter Road & Plum Tree Lane – Plum Tree Lane is all set for winter plowing, Streeter Road is requesting an extension until October 10th to make the repairs.

Motion: M. Stauder

2nd: P. Girouard

To approve Plum Tree Lane for plowing and to give Streeter Road an extension until October 10th.

Vote: All in Favor

d) Winter Operations – Discuss with Police, Fire and DPW. Does anyone have anything to add, adjustments or anything? Mike would like to adopt what other towns do with the salt differential based on conditions.

Appointments/Wage Authorizations

a) David Courtney, Jr. Seasonal DPW Wage Authorization

b) Paul Sweeney Seasonal DPW Wage Authorization

Motion: M. Stauder

2nd: R. Haddad

To approve David and Paul for seasonal DPW drivers

Vote: All in Favor

Committee Updates

250th Committee – Mike provided an update. They had a fairly successful spaghetti supper, had about 100 people come and made about \$1000. The committee is suffering from an extreme lack of participation. Talk of scaling back significantly and just having a field day kind event and maybe fireworks but no parade or anything bigger. They just cannot get the interest from the town’s people.

Building Committee – Dan stated the documents are just about finalized for the RFP.

QRSD Task Force – October 20th will be the first World Café with the students. Open forum with the students without their parents so they will feel more comfortable giving feedback. October 26th tentative meeting to go over information gathered, joint meeting with all five towns.

Town Center Committee – Received the scope and project summary for the schematic proposal. Raeanne has sent to legal, once back, it will go out on the street.

Town Administrator Report – See attached

5 Year Financial Forecast – Eric Kinshurf, CPA and Amy DeLaRoche will be presenting the results of the financial forecast at the November 14th Selectboard meeting. All boards and committees, as well as department heads will be invited to attend as well.

New Ambulance – The new ambulance will be delivered sometime in late October. Chief Hayes was able to purchase a 2016 stock model, which resulted in being less expensive and includes some features that would have been unaffordable if a 2017 had been purchased. The total, including the new ambulance, new stretcher, cardiac monitor, and trade in was \$249,580. Mike added that they were able to get it 4-Wheel drive.

FY18 Budget Calendar – The planning calendar for the FY18 budget process has been created. First in the process, the Capital Planning requests, have been sent to the department heads with a deadline of October 14th. As we move through the budget process, I will provide periodic updates.

Letter of Appreciation to Bill Shea – For the board’s approval and signature is a letter of appreciation to Bill Shea for the \$10,000 donation to the Police Department for community outreach.

Minutes

None

Old Business

Mike inquired about the status of the Ragged Hill lots. Raeanne stated that is also with Town Counsel as well as the Ragged Hill cell tower lots. Raeanne said she is going to follow-up with them tomorrow as it has been about 3 weeks.

Tom Bratko asked about Cindy Doane and asked if the town recovered any additional monies through the insurance company. Not able to discuss yet. More information coming soon.

Jamie Haddad asked if surplus items were advertised yet. Yes, the surplus items have been advertised. It was suggested to post the link on Facebook.

Jeff asked about the fire truck being put on a tow truck and taken away today.

Public/Press Questions & Answer

Christine Smith asked about impact statement. Raeanne stated that the statement is not something that is going to come from the Board of Selectmen.

Motion: J. Williams

2nd: M. Stauder

To go into Executive Session with no intent return to Open Session. Vote: All in Favor

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 asked Tim if he would like it in Executive Session or Open Session. Tim Kilhart answered Executive Session. Richard Haddad left the meeting.

**Respectfully submitted,
Tonya Martowska**

To: Raeanne Siegel, Town Administrator and
Board of Selectman
Re: October 3, 2016 Meeting

Thank you for the opportunity to present our concerns to the select board tonight.

We want to make it clear that we are not here to single out any one person, persons or any board at this meeting.

#1 – Non-conforming Use (Grandfathering)

The Marinelli family has owned this gravel pit property on Pitcherville Road since the 1960's. We have used this in the same way and continue to do so as non-conforming use status. We were told by the Planning Board at the meeting on 9/6/2016, that all non-conforming use gravel pits were not grandfathered any longer in the Town of Hubbardston. We questioned the planning board as it was our belief that when the new 2010 earth removal bylaws were in effect that we had to get a permit, however we were still considered non-conforming use by the zoning bylaws. The planning board stated there is no more non-conforming use (grandfathering) in the Town of Hubbardston. We questioned what about the zoning bylaws and they stated that the zoning bylaws fall into the general bylaws and therefore we are no longer non-conforming use.

Our question: Are we still under non-conforming use status according to zoning?

#2 – Key

On Aug. 13, 2015 we received a letter from Selectboard/Planning Board stating we've been denied use of the access road until we receive proper permitting under towns gravel bylaws. We went to visit our pit and found the gate unlocked and opened. We drove in and noticed broken concrete on our property. We immediately went to see previous town administrator to report illegal dumping and ask for a key to our property. She said that we are denied a key and access to our pit and gave us 3 reasons. 1. Town has to dig up the road to perform test holes because they desperately need winter sand 2. There are too many trucks going in and out and lastly 3. The issue with the dirt bikes driving all over pit. The last 2 are not new issues and also she never mentioned the permitting. She also stated the town could not deny us access to our property and that we would have to use the original cart road that has been overgrown. We also reported to the Chief of Police and he stated he will be putting in cameras. We stated the lock on gate should have been locked at all times. They agreed to lock gate but still refused to give us key. She stated if we wanted to get into our property we would have to call the highway department.

Our question is: Why are we denied a key to our property?

#3 – Access Road

Before the 1980's we used the original cart road along with Town of Hubbardston. When Pitcherville Sand & Gravel applied for a permit the town had them build the access road and later wanted it paved which Mr. Brown did. The town asked my brother to buy and install entrance gate & lock which he did. The town stated the only ones to have the keys were the Highway Dept, Fire/Police, Pitcherville Sand & Gravel and us. We continued doing this until we received a letter on August 3, 2004 because of illegal dirt bike activity. The town changed the padlock and issued 2 keys to each party.

Our question is: Why are we denied the use of the access road?

#4 – Reclamation

We called a reclamation engineer on Saturday, Sept. 24th to visit our property to discuss a plan for reclamation. I phoned Tom Bratko to inform him of our plan and we asked for the key to access our property. He told us to call highway dept which we did and was told by DPW director they don't work on Saturdays and that I would have to call police dept. I phoned police and asked if they would have gate unlocked at 10am. We met the engineer at 10am but gate was locked. Officer Scott arrived and met us at gate however he had the wrong keys and had to go to where the police officer had key in Templeton which would take about an hour so the engineer took us to some land he reclaimed next to us and a small pit he owns. We went back to our gravel pit and Officer Scott opened the gate. We drove around and that's when we noticed some new illegal dumping done in a different location on our pit. We discussed with the engineer how we have been grandfathered for years and this 2010 earth removal bylaw is so strict that it's almost impossible to follow, especially since we still have a considerable amount of material on our land. The engineer told us that only 3 acres can be opened at a time and when completed need to be reclaimed. We said we can understand that but we have not completed removal of material on any parcels. He said perhaps we can reclaim a section for now, but we said there is still material that we need to remove that would be underneath the reclamation. He said when you put reclamation down it needs to stay for a year and then it could be dug up and sold as manufactured loam and then we can get to our sand material underneath. We told him that makes no sense at all. We stated that the planning board wants a plan done by end of year and have the reclamation done within a year before they will issue us a permit. He told us it is too late in the season to do any reclamation and it would have to start in the spring.

Our Question is: How can we reclaim land that we still have material on?

After we saw the second illegal dumping of broken concrete in a different area in our pit, we decided to see the new Town Administrator. We also reported to the Chief of Police again and he stated the camera that was placed in pit was destroyed and found later, no information was recorded. The denial of using the access road, the grandfather issue, illegal dumping, etc. we felt we had to request this meeting.

Thank you for addressing these issues.

Ann Marinelli

Louise Proulx

DATE: September 29, 2016

TO the Board of Selectman and Officials of the Town of Hubbardston, Massachusetts.

RE: Williamsville Pond Dam on Burnshirt Road, Hubbardston, MA

Attached please find a series of emails and correspondence dating back to 2014 to current State Senator Anne Gobi and former State Senator Stephen Brewer.

This ongoing issue has been of concern to residents primarily because of significant public safety implications.

It is our hope that the state will eventually repair the dam and that the Board of Selectmen and town officials would support our concerns and bring pressure on state government by submitting a letter to the Governor. This letter could request assistance in repairing the dam, in conjunction with the town and the residents on the pond, by approving the bonds necessary to fund the dam projects and to specifically release funds for repair of the dam on Burnshirt Road through the Economic Development bill or any other appropriate grant funding or appropriation source and to the Fisheries and Wildlife budget to assist them in their work.

I appreciate your time in reviewing the material and hope that it can result in your support and eventual repair of this important resource.

Sincerely,



Diana Langford, 3 Grove Street, Hubbardston MA

Dianalangford@lycos.com

978-928-5580

Attachments:

Copy of Hubbardston Conservation Commission Minutes from April 3, 2013

Original email to Senator Stephen Brewer outlining the issue

Emails

Letter from Sen. Gobi to Commissioner Jack Murray, Department of Conservation and Recreation

Note from phonecall conversation with Brian Ferrarese from Sen. Gobi's office

Copy of Petition currently being circulated

2017 Annual Town Meeting Planning Calendar (FY18)

By Charter requirements, by October 1st of each year, the Town Administrator must establish the town meeting/budget development schedule:

<u>Date</u>	<u>Required Action Item</u>
October 14, 2016	Dept. Heads/Committees to submit their FY18 Capital requests to Town Administrator
November 1, 2016	Town Administrator shall estimate the FY18 revenue projections
November 28, 2016	Board of Selectmen shall establish FY18 budget general guidelines
January 13, 2017	Dept. Heads/Committees to submit their FY18 budgets to Town Administrator
January 23, 2017	Selectmen Vote to Open the Warrant/ Set Article Deadline
February 21, 2017	Town Administrator Presents Draft Budget to Selectmen (FinCom invited)
March 6, 2017	Initial Budget Review by Selectmen
March 6, 2017	Warrant Closed (Article Deadline)
March 20, 2017	Budget Hearing /Selectmen vote on Budget (FinCom invited)
March 21, 2017	Warrant and Budget Forwarded to Finance Committee
May 1, 2017	Warrant Finalized / Selectmen sign warrant
May 8, 2017	Deadline for Selectmen to place questions on Ballot
May 11, 2017	Warrant to Printer
May 23, 2017	ATM Warrant Posting Deadline
May 23, 2017	Warrant Mailed (minimum of two weeks prior to ATM)
June 6, 2017	Town Meeting
June 13, 2017	Town Election