

**BOARD OF SELECTMEN
MINUTES
October 17, 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; Joyce Green, Town Clerk;

Others present: Christine Smith, Eric Ring, Denise Ring, Tom Bratko, Tom Robinson, Mary Robinson, Sue Flagg

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:

None

Town Clerk

Joyce Green our Town Clerk is here to have you sign the election warrant for November 8th election.

Motion: P. Girouard

2nd: J. Williams

To sign the election warrant for November 8th

Vote: All in Favor

Dan asked what numbers are expected at the polls. Joyce answered everyone is going to vote. She explained about Early Voting and how it works. She is hoping to do it in her office so that she can use her computer to check voters in.

Mike Stauder entered the meeting at 6:35pm.

DPW Issues

a) 30 Iroquois Ave – Received an estimate to take care of the berm and the driveway for \$1,000. Berm will be going all the way down to his other property. Tim is ready to do it, if it is approved. Pat asked if he has that in his budget. Raeanne said no, but it is still early.

Motion: M. Stauder

2nd: J. Williams

To approve the berm on Iroquois Ave.

Vote: All in Favor

b) 33 Ragged Hill Road – Eric & Denise Ring – Raeanne received a response from the contractor which was that the Rings signed off on the change of location. They said they graded it twice, they tested it several times to make sure that the water flow was working correctly, and they also removed a couple of trees and they feel that they went above and beyond to make sure this was not going to be an issue. Raeanne also stated that the contractor is kind of surprised that it is an issue now. They feel that it was either re-graded, re-graded incorrectly or it just was not taken care of. Denise Ring believes that is incorrect, she said the email states it was re-graded or it washed away. Eric Ring stated that for the public record, he does not appreciate Norcross' tone about his wife. Eric stated that if the work was done exactly how it was supposed to be, we would not even be here. The Rings stated that they held on to the waiver for a week before signing it and that was only after Mr. Bullock came out to see them. Mr. Ring stated that the pre-

drawing clearly shows an apron, we never got one. Mike Stauder asked why it took three years to come to the town. The Rings stated that they have been fixing it on their own all this time. Discussion continued on the lack of aprons, location of basins, signing of agreement. Dan asked if they had tasked Tim with getting an estimate on what it would cost to fix this. Raeanne said no, but that she could ask him tomorrow. Dan said there is no way around this. We need to know how much it will cost to fix this. Eric believes the agreement was broken by the town when the aprons were not installed. Raeanne asked what they are looking for. Mrs. Ring stated not just an apron, she wants the driveway re-graded and drain moved to where it should have been. Further discussion continued about the options. Dan stated that we want to work with the Rings, but we cannot make a decision tonight without having more information on the remedy options.

Driveway Permit Regulations

Jamie Haddad stated that he was thinking the Town should adopt new driveway permit regulations for new construction. For the first 25 ft of a driveway, you can go up to 12% slope either way, positive or negative, but if it is over 8% (8-12) the first 25 ft would have to be paved, but if 8% or less, it could be gravel just to alleviate these steep driveway issues. Mike asked where these numbers come from. Jamie said just other towns. Dan said the only drawback is do we have lots that would be undevelopable do to this. Jamie said that if a property is not designed by an engineer, they do not necessarily think of these things. Tom Robinson stated that he believed there is a pretty good driveway regulation in existence. Mike suggested that we pull current driveway regulations and check with Tim and make sure we are following the regulations that we have.

Deed and Paperwork for Rural Glen

Sue Flagg, former Treasurer of Rural Glen Cemetery approached to hand over paperwork. Sue explained some of the history behind the cemetery and the Rural Glen commission. She handed over the 1875 Deed, the old record book, a card for everyone who is buried there, a collection of maps, and copies of deeds.

Housing Production Plan

The Housing Production Plan for approval. Tom Bratko approached with changes in the charts. Revision on the land excluded, there were a bunch of lots of map 12W which do not exist. This is where the 64% came from on land excluded. It should actually be 31.7% DCR, Other state-owned land - other part of DCR State Forest and Wildlife is 5.2%, the Town owns 708 acres, the total land excluded is 44%. The amount they pay is \$318,000 plus \$59,000 from the other part of DCR. Mike asked what was the percentage of land to exclude from 40B, Tom stated it is 1 ½%. Next meeting to look at all of the changes we have had so far and see if any more changes. Kick-off meeting for the Master Plan, want to have survey ready for distribution on January 1st and have them back for January 31st and publish the results two weeks later and continue on Master Plan. Mike asked about why growth stopped, was it the recession, was there another reason about Hubbardston that no one wanted to come to town. Tom does not have any real concrete answer. Dan asked if we had any changes to the by-laws that would make it harder to develop in town. Tom Robinson mentioned the dot.com crash and the recession.

Motion: M. Stauder

2nd: J. Haddad

To approve the Housing Production Plan with the revised numbers as presented.

Vote: All in Favor

Citizen Petitioners' Access to Town Counsel

Tom Robinson approached to explain his petition. The purpose is to straighten out the process of how these things happen. This suggests that the Town Counsel can participate to a certain extent. No one is talking about the wisdom of the article, just the form and how to get a petition on the warrant. Talk about a petitioner's kick off meeting, to explain how things are done, the time

frame, etc. The lead petitioner has an opportunity to ask town counsel questions. Pat asked what the current process is. Raeanne explained that Town Counsel does currently review each petition as well as each article. Dan stated that there are many petitions that are already approved by an attorney prior to being submitted. Mike stated he does not have a problem with the process but maybe we should run it by Joel to see what K&P think. Raeanne asked if the town picks up the additional charges for petitioners reviews and access to Town Counsel. Currently, the Town does, but that is when all petitions are reviewed together. If done individually, will the Town continue to pick it up or does the petitioner? Mike stated we should just run it by Joel. Tom thanked the Board for considering it.

Revisions to Senate Bill S2130 – Vincent Land Swap

There have been a couple of revisions to Vincent Land Swap. The Senate made a couple of changes to the wording.

Motion: M. Stauder

2nd: J. Williams

To approve the changes to the Vincent Land Swap as presented.

Vote: All in Favor

Town Administrator Contract

Motion: M. Stauder

2nd: J. Williams

To approve the Town Administrator Contract as presented.

Vote: All in Favor

Committee Updates

250th Committee – Mike provided an update. There will be a vendor night on November 3rd at Stone Cow Brewery. They are looking for vendors. Information is on the 250th Facebook page.

Building Committee – Dan provided an update. We had an unofficial meeting on Friday, we did not have a quorum but we still met with the engineer and project manager. We indicated the Board's decision not to have a Special Town Meeting in Feb/March for the reasons decided. The project manager had changed the schedule, gets advertised in March, then the process that you go through for the bid phase, a month or so; then the receipt of the bids, review of the bids, recommendations for awarding the bids, etc. to get it ready for the Town Meeting. Still \$7,000 out of the \$500 and whatever thousand that was allocated, that includes all of the architect and project manager fees through construction, that was all built into that. The cost for bids that will go out are strictly for the remaining site work out there and the builder. Drawings are at 100%, we have reviewed a number of them. It is time now for the ground game. No lack of motivation for the seniors but there is a little lack of momentum. Tom Robinson asked if there is a place that the drawings can be viewed. Dan believes there is one in the Senior Center. Discussion about putting together a display of the drawings as well as a digital version. Jeff inquired about the Seniors petition, Dan stated that they abandoned it, that there will not be a citizens petition to hold a special town meeting.

QRSD Task Force – Dan provided an update. This is at an important phase right now. The 1st of the World Café is October 20th, for the students. Then Wednesday, October 26th and Saturday, November 5th are the World Cafes for the general public. Raeanne state that we are going to send out a News Blast and put on the Facebook page as well.

Town Center Committee – Dan provided an update. We had the first task of the WPI students, was to develop a scope of work for the request for qualifications for the schematic design for the \$20,000 that we allocated funds for. That was finalized and sent to Town Counsel. That has been approved. We have finalized things and Raeanne has slated to the Central Register on October 26th. Raeanne confirmed definitely the 26th. We have a meeting Thursday night at 7pm, here. Students will come in again to go over the next steps prior to us receiving requests for

qualifications and for actually getting this thing out to bid and knowing what we are going to have for an engineer. Going through the next steps.

Town Administrator Report – See attached

November BOS Meetings – The next meeting would be October 31st but when making the schedule, we realized that was Halloween so we skipped that one and made the next meetings November 7th, 14th and 28th. At this time, there are no pressing issues to have a meeting on November 7th, so we may be able to cancel it, however, we will keep it posted in the event it is needed.

Regionalization – I met with Chief Perron and the Templeton Interim Town Administrator and Police Chief to discuss a regional dispatch with Templeton and Phillipston. We are looking into other areas as well. We have decided today that we are submitting a Community Compact grant application for regionalization.

IT Grant – We will be applying for the IT Grant through the Community Compact Grant as well. This grant will allow for the Town Clerk to better organize and keep track of Boards and Committees, as well as a voter check-in database. However, it does not open until March 2017.

Ragged Hill lots and cell towers – The Ragged Hill lots RFB's are done however they cannot go out because we are waiting for the RFP's for the cell towers. The RFB's for the Ragged Hill lots reference the RFP's for the cell towers. I cannot have one go out without the other. I should have them this week and then they will all go out together. Dan asked if they were going to have a dollar amount. Raeanne stated no, that they will reference the map and what they are accessed at, but no dollar amount.

MART Contract – MART contract has been finalized, all major issues with the towns have been resolved. The only major change is the insurance for the van. We will be reimbursed for the premium but we need to insure the van. If there is an accident involving the van, the Town would be responsible for the deductible. Then some changes to how the COA director will file her reports. Just need a motion to approve that and then have the Chairman sign it.

Motion: J. Williams

2nd: P. Girouard

So moved

Vote: All in Favor

Halloween – Trick or Treating will be on Monday, the 31st from 5-7 pm. The police will be having a hoedown in the town office parking lot, with music, giveaways and food. The Lions Club will also be handing out coffee, cider and baked goods. There will be no BOS meeting that night.

Minutes

September 19, 2016

October 3, 2016

Motion: P. Girouard

2nd: J. Williams

To approve the minutes of September 19th and October 3rd

Vote: All in Favor

Note from Jeff on September 19th for purposes of the record, the name of the towns person who was in support of the project is Stalker, not Stalken.

Old Business

Pat stated that Seth Knipe contacted him tonight regarding Rutland regionalizing Fire Inspector. Raeanne said that she responded no because currently Bob Hayes does our inspections and he is not getting paid any additional money to do them. If we regionalize it, at first it will be grant money, but then we will have to pay someone extra to do them and who will be in town less time. No benefit to the Town.

Jamie stated that he actually did look up the driveway permits existing applications. It seems to be at the DPW Director's discretion. It just says submit existing but does not list requirements. Tom Bratko said there is a new one that is not even 2 months old.

Public/Press Questions & Answer

Christine Smith inquired about regionalization, which department(s) you are thinking of regionalizing with Templeton? Raeanne stated Regional Dispatch. Right now we are with Rutland but we are looking at getting a Community Compact Grant to get a Consultant to look into other areas as well. Christine stated she thought it was DPW as well. Raeanne said we are looking at all departments.

Christine Smith also asked about the Halloween Hoedown. The Police received a contribution from Bill Shea, who is a town resident, for community outreach. One of the events they are funding with that money is the Halloween Hoedown. The Lions Club is always involved as well.

Motion: J. Williams
To adjourn at 7:48 p.m.

2nd: P. Girouard
Vote: All in Favor

Respectfully submitted,
Tonya Martowska

September 19, 2016
PO Box 36
Hubbardston, MA 01452

Town Select Board
Hubbardston, MA 01452

Dear Select Board,

Please consider adoption of the following policy regarding Citizen Petitioners' Access to Town Counsel.

Such a policy would help citizen petitioner's develop clear language and compliance with procedural requirements and existing law. With early involvement of town counsel, the Annual and/or Special town meetings will be more efficiently conducted. The policy is as follows:

Petitioners' Access to Town Counsel

Subject to these guidelines, Town Counsel is available to consult with registered voters who have been identified as the lead petitioner and desire to submit or who have submitted an article for consideration at annual or special town meeting, as a 'petitioner's article' without sponsorship of a town board.

1. Town Counsel's consultation is limited to (1) suggesting language that reflects the petitioner's intent in presenting articles for insertion in the warrant; (2) suggesting language to insure compliance with procedural requirements; and (3) preparing the main motion for Town Meeting. Town Counsel will not render written opinions or give advice to petitioners about substantive legal issues relative to their articles.
2. Prior to the deadline for filing articles for insertion in the warrant for the annual Town Meeting, the Select Board will conduct a "petitioner's workshop" at which prospective petitioners may ask general questions. The Town Administrator shall set reasonable limits on the scope of lead petitioner inquiries and the time allotted for consultation with Town Counsel.
3. Town Counsel may decline to assist the lead petitioner if Town Counsel states in writing that such assistance would present Town Counsel with an actual conflict of interest, and gives the basis for the conflict of interest. The Town Administrator may assign Special Counsel to assist the lead petitioner as appropriate.

Thank you,



Tom Robinson

SENATE No. 2130

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the town of Hubbardston to exchange of a parcel of land located on Ragged Hill Road for a parcel of land located on Gardner Road.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>