



Commonwealth of Massachusetts

Town of Hubbardston

Special Town Meeting

Thursday, October 26th, 2023 at 7:00pm

Pursuant to the foregoing warrant, the voters of the Town of Hubbardston assembled at the Center School gymnasium to act on the articles in said warrant. Present were Moderator René Lafayette, Select Board members Jeffrey Williams (Chair), Kathryn (Katie) Young, Kris Pareago, Peter Walker, and Heather Munroe; Town Clerk Candace Livingston; Treasurer/Collector Mary Markowski; Town Accountant Kelli Pontbriand; Finance Committee members Charles Reed, and Amit Kaul; Town Administrator, Nathan Boudreau; and representative for Town Counsel, Carolynn Murray.

A total of 83 registered voters were checked in by Lynn Wilkinson and Shonna Larson. A quorum of 50 voters was present throughout the meeting.

Before beginning the Special Town Meeting and calling it to order, Moderator, René Lafayette, reviewed the procedure to address Town Meeting; Chapter II, Section 13 of the Hubbardston General Bylaws and reiterated that in order to be recognized by the Moderator, one must approach the microphone, address the chair, then give their first and last name, address and then when invited to, proceed, to address the article, amendment or motion. Mr. Moderator let the attendees know that the meeting was being recording and will be televised on YouTube. The Moderator then requested a moment of silence for the victims of violence. Moderator, René Lafayette declared a quorum and called the meeting to order at 7:03pm. Official counters were designated if necessary. The Chair led the Pledge of Allegiance.

ARTICLE 1.

To see if the Town will vote to amend the vote taken under Article 7 of the June 2023 Annual Town Meeting by increasing or decreasing the amounts to be appropriated for the various Town Departments , to meet the salaries and compensation of Town Employees, and Town Officers, as provided by MGL Ch. 41 §108, expenses, and outlays of the Town Departments, and other sundry and miscellaneous, but regular, expenditures necessary for the operation of the Town for Fiscal Year 2024 (July 1, 2023 through June 30, 2024) as printed in the attached Appendix A, but not including funding for the Montachusett Regional Vocational Technical School District assessment or the Quabbin regional School District budget, such that the total to be raised and appropriated from taxation is decreased to \$4,253,460.41 and the amount to be transferred from FY23 Free Cash is decreased to \$92,752 , and further, to accept and expend Federal and State Funds to offset certain salaries or expenses and outlay; or take any other action relative thereto.

PURPOSE	AMOUNT
General Government	\$663,494.72
Public Safety	\$1,544,102.48
Public Works	\$898,033.21
Human Services	\$35,117.00
Culture and Rec	\$91,753.00
Debt	\$127,110.00
Indirect Costs	\$893,850.00
TOTAL	\$4,253,460.41

Motion, Jeffrey Williams, moved that the Town vote to amend the vote taken under Article 7 of the June 2023 Annual Town Meeting by increasing or decreasing the amounts to be appropriated for the various Town Departments , as shown in the attached Appendix A, to meet the salaries and compensation of Town Employees, and Town Officers, expenses, and outlays of the Town Departments, and other sundry and miscellaneous, but regular, expenditures necessary for the operation of the Town for Fiscal Year 2024 (July 1, 2023 through June 30, 2024) such that the total appropriation is reduced from to \$4,323,460.41 to \$4,253,460.41 of which \$92,752 is transferred from Free Cash such that \$4,160,708.41 is being raised through taxation.

Second: Kathryn Young

No Discussion had

Motion Passes Unanimously

ARTICLE 2

To see if the Town will vote to amend the vote taken under Article 9 of the June 2023 Annual Town Meeting by increasing the amount raised and appropriated or transferred from available funds to **\$5,820,065** to pay its share of the Quabbin Regional School System District assessment for Fiscal Year 2024, or take any action relative thereto.

Motion, Kathryn Young moved that the Town vote to amend the vote taken under Article 9 of the June 2023 Annual Town Meeting by increasing the amount to be raised and appropriated by \$69,641 for a new total appropriation of \$5,820,065 to pay its share of the Quabbin Regional School System District assessment for Fiscal Year 2024.

Second: Kris Pareago

Discussion had

Motion Passes Unanimously

ARTICLE 3

To see if the Town will vote to amend the vote taken under Article 11 of the June 2023 Annual Town Meeting by decreasing the sum appropriated for the salaries, benefits, committee stipends and other operating expenses of the Hubbardston Cable Advisory Committee for Fiscal Year 2024 from \$40,000 to \$30,000, or take any other action relative thereto.

Motion, Heather Munroe moved that the Town vote to amend the vote taken under Article 11 of the June 2023 Annual Town Meeting by decreasing the sum appropriated from the PEG Access and Cable Related Fund for the salaries, benefits, committee stipends and other operating expenses of the Hubbardston Cable Advisory Committee for Fiscal Year 2024 from, \$40,000 to \$30,000.

Second: Peter Walker

No Discussion had

Motion Passes Unanimously

ARTICLE 4

To see if the Town will vote to appropriate the sum of \$14,354.93 from the PEG Access and Cable Related Fund for the payment of prior year invoices for the salaries, benefits, committee stipends and other operating expenses of the Hubbardston Cable Advisory Committee for Fiscal Year 2023; or take any other action relative thereto

Motion, Kris Pareago moved that the Town vote to appropriate the sum of \$14,354.93 from the PEG Access and Cable Related Fund for the payment of the prior year invoices for the salaries, benefits, committee stipends and other operating expenses of the Hubbardston Cable Advisory Committee for Fiscal Year 2023. **(9/10 vote required)**

Second: Heather Munroe

No Discussion had

Motion Passes Unanimously

ARTICLE 5

To see if the Town will vote to transfer the sum of \$6,991 from Free Cash to pay the Town's share of a pump replacement at the Hubbardston Center School including all costs incidental and related thereto; or take any other action relative thereto.

Motion, Peter Walker moved that the Town vote to transfer the sum of \$6,991 from Free Cash to pay the Town's share of a pump replacement at the Hubbardston Center School including all costs incidental and related thereto.

Second: Jeffrey Williams

No Discussion had

Motion Passes Unanimously

ARTICLE 6

To see if the Town will vote to accept Massachusetts General Law Chapter 200A, Section 9A (Disposition of abandoned funds by city or town; notice of period during which funds may be claimed; city treasurer authorized to hear claims; appeal; disbursement), as printed below:

Section 9A. (a) In any city, town or district that accepts this section in the manner provided in section 4 of chapter 4, there shall be an alternative procedure for disposing of abandoned funds held in the custody of the city, town or district as provided in this section.

(b) Any funds held in the custody of a city, town or district may be presumed by the city, town or district treasurer to be abandoned unless claimed by the corporation, organization, beneficiary or person entitled thereto within 1 year after the date prescribed for payment or delivery; provided, however, that the last instrument intended as payment shall bear upon its face the statement "void if not cashed within 1 year from date of issue". After the expiration of 1 year after the date of issue, the treasurer of a city, town or district may cause the financial institution upon which the instrument was drawn to stop payment on the instrument or otherwise cause the financial institution to decline payment on the instrument and any claims made beyond that date shall only be paid by the city, town or district through the issuance of a new instrument. The city, town or district and the financial institution shall not be liable for damages, consequential or otherwise, resulting from a refusal to honor an instrument of a city, town or district submitted for payment more than a year after its issuance.

(c) The treasurer of a city, town or district holding funds owed to a corporation, organization, beneficiary or person entitled thereto that are presumed to be abandoned under this section shall post a notice entitled "Notice of names of persons appearing to be owners of funds held by (insert city, town or district name), and deemed abandoned". The notice shall specify the names of those persons who appear from available information to be entitled to such funds, shall provide a description of the appropriate method for claiming the funds and shall state a deadline for those funds to be claimed; provided, however, that the deadline shall not be less than 60 days after the date the notice was either postmarked or first posted on a website as provided in this section. The treasurer of the city, town or district may post such notice using either of the following methods: (1) by mailing the notice by first class mail, postage prepaid, to the last known address of the beneficiary or person entitled thereto; or (2) if the city, town or district maintains an official website, by posting the notice conspicuously on the website for not less than 60 days. If the apparent owner fails to respond within 60 days after the mailing or posting of the notice, the treasurer shall cause a notice of the check to be published in a newspaper of general circulation, printed in English, in the county in which the city or town is located.

(d) In the event that funds appearing to be owed to a corporation, organization, beneficiary or person is \$100 or more and the deadline as provided in the notice has passed and no claim for the funds has been made, the treasurer shall cause an additional notice, in substantially the same form as the aforementioned notice, to be published in a newspaper of general circulation in the county in which the city, town or district is located; provided, however, that the notice shall provide an extended deadline beyond which funds shall not be claimed and such deadline shall be at least 1 year from the date of publication of the notice.

(e) Once the final deadline has passed under subsection (d), the funds owed to the corporation, organization, beneficiary or person entitled thereto shall escheat to the city, town or district and the treasurer thereof shall record the funds as revenue in the General Fund of the city, town or district and the city, town or district shall not be liable to the corporation, organization, beneficiary or person for payment of those funds or for the underlying liability for which the funds were originally intended. Upon escheat, the funds shall be available to the city, town or district's appropriating authority for appropriation for any other public purpose. In addition to the notices required in this section, the treasurer of the city, town or district may initiate any other notices or communications that are directed in good faith toward making final disbursement of the funds to the corporation, organization, beneficiary or person entitled thereto.

Prior to escheat of the funds, the treasurer of the city, town or district shall hear all claims on funds that may arise and if it is clear, based on a preponderance of the evidence available to the treasurer at the time the claim is made, that the claimant is entitled to disbursement of the funds, the treasurer shall disburse funds to the claimant upon receipt by the treasurer of a written indemnification agreement from the claimant wherein the claimant agrees to hold the city, town or district and the treasurer of the city, town or district harmless in the event it is later determined that the claimant was not entitled to receipt of the funds. If it is not clear, based on a preponderance of the evidence before the treasurer at the time of the claim that the claimant is entitled to disbursement of the funds, the treasurer shall segregate the funds into a separate, interest-bearing account and shall notify the claimant of such action within 10 days. A claimant affected by this action may appeal within 20 days after receiving notice thereof to the district, municipal or superior court in the county in which the city, town or district is located. The claimant shall have a trial de novo. A party adversely affected by a decree or order of the district, municipal or superior court may appeal to the appeals court or the supreme judicial court within 20 days from the date of the decree.

If the validity of the claim shall be determined in favor of the claimant or another party, the treasurer shall disburse funds in accordance with the order of the court, including interest accrued. If the validity of the claim is determined to be not in favor of the claimant or another party or if the treasurer does not receive notice that an appeal has been filed within 1 year from the date the claimant was notified that funds were being withheld, then the funds, plus accrued interest, shall escheat to the city, town or district in the manner provided in this section.

If the claimant is domiciled in another state or country and the city, town or district determines that there is no reasonable assurance that the claimant will actually receive the payment provided for in this section in substantially full value, the superior court, in its discretion or upon a petition by the city, town or district, may order that the city, town or district retain the funds.

Motion, Heather Munroe moved that the Town vote to accept Massachusetts General Law Chapter 200A, Section 9A, as printed in the Warrant of the October 26, 2023 Hubbardston Special Town Meeting.

Seconded by Kathryn Young

discussion had

Majority in favor, 5 Opposed, Motion Passes

The Moderator declared the Special Town Meeting adjourned at 7:22 pm.

Respectfully submitted by:

Candace M. Livingston
Hubbardston Town Clerk

UNOFFICIAL MINUTES