



Town of Hubbardston

Planning Board Meeting Minutes

Location: 7 Main Street, Slade Building, Hubbardston, MA 01452

Date: Wednesday, January 2, 2019

Members Present: Thomas Robinson (Chair), Kendall Daly, Bill Homans, Alice Livdahl, Francois Steiger (Associate Member)

Members Absent: Craig Boissoneau

Other Attendees: Christina Sutcliffe (Admin)

CALL TO ORDER (6:30 pm) – For Public Meeting See Planning Board Meeting Minutes – Public Meeting – January 2, 2019

Orders of Business:

1. Roll call vote to enter Executive Session pursuant to G. L. c. 30A, Section 21 (a)(1): “To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.” Specifically, the Board will discuss an Open Meeting Law complaint dated December 6, 2018 filed against the Board pertaining to a November 1, 2018 letter and meeting of November 7, 2018. The Board does not intend to reconvene in Open Session and will move to adjourn from Executive Session.
 - a. Bill Homans **SECONDS**
 - b. **ALL IN FAVOR:** “Alice Livdahl – aye, Bill Homans – aye, Ken Daly – aye, Tom Robinson – aye”
2. Discussion of Executive Session and Chronology of Events of the Complaint
3. Board Reviews Tom Robinson’s Draft Letter – one sentence is amended (see attachment #2)
4. Bill Homans makes a **MOTION** that “Tom sends the letter to the Town Administrator, with his approval it will be sent off to the Attorney General’s office, or it will be sent to town counsel and then the Attorney General’s office, and the letter need not come back to the Planning Board for review unless Tom feels it needs to.”

- a. Tom Robinson makes a **FRIENDLY AMMENDMENT** that he will hand-deliver the letter
 - b. Ken Daly **SECOND's**
 - c. **ALL IN FAVOR:** "Bill Homans – aye, Ken Daly – aye, Alice Livdahl, aye, Tom Robinson – aye"
5. Bill Homans discusses his research of possible conflict of being on the ZBA and Planning Board at the same time as the Planning Board. Bill Homans relates that he spoke to a representative at the Attorney General's Office and that "there is no conflict" and lets the board know he is filling out applicable paperwork.
6. Alice Livdahl makes a **MOTION** to **ADJOURN**. Tom Robinson **SECOND's**. **ALL IN FAVOR:** "Alice Livdahl – aye, Bill Homans – aye, Ken Daly – aye, Tom Robinson – aye"

Action Items:

- 1- Tom Robinson to forward on his draft of the board's response to the OML complaint.

Minutes Recorded by: Christina Sutcliffe (Planning Board Administrative Assistant)

These minutes were approved by vote of the board on June 26th, 2019.

Attachments:

1. Agenda
2. Tom Robinson's Draft response to OML Complaint – with amended sentence (page 1 – for entire document see Planning Board office)

NOTE: Attachments are digitally inserted representations of available files. For original documents, see Planning Board Office.

Attachment #1: Meeting Agenda



Planning Board Agenda

Wednesday, January 2, 2018 6:30 PM
Main Street, Hubbardston, Slade Building

Planning Board meetings are broadcast live and digitally recorded

- Call to Order
- Meeting Minutes – November 7th
- True Green
- Gravel Pit Report
- 147 Williamsville Road
- Admin report on Upcoming Planning Board Matters (Applications In-Process)
 - ANR – 240 Gardner Road
 - ~~Scenic Road Application - Lot 4C Healdville Road (Moved to Jan 9th)~~
- 95 Williamsville Road Rock Removal
- Public roll call vote to enter Executive Session pursuant to G. L. c. 30A, Section 21 (a)(1): "To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual." Specifically, the Board will discuss an Open Meeting Law complaint dated December 6, 2018 filed against the Board pertaining to a November 1, 2018 letter and meeting of November 7, 2018.
- The Board does not intend to reconvene in open session.
- Adjourn

Updated 27-Dec-2018 at 1:39 pm

Posted by Chairman of the Planning Board

Attachment #2: 1. Tom Robinson's Draft response to OML Complaint – with amended sentence (page 1 – for entire document see Planning Board office)

January 2, 2018⁹
Hubbardston Planning Board
7 Main Street, Unit 7
Hubbardston, MA 01452

Director, Office of Open Government
Office of the Attorney General
One Ashburnham Place
Boston, MA 02108

Executive Session

Re: Town of Hubbardston – Planning Board
Response to Complaint of Raeanne Siegel dated December 6, 2018

Dear Director,

The Town of Hubbardston Planning Board is in receipt of an Open Meeting Law Complaint dated December 6, 2018 received on the same date. The Board met on December 12, 2018 to acknowledge the Complaint and consider its response. *a plan to formulate a* It met again on December 19, 2018 after which an extension was granted by the OAG to January 11, 2019.

The Complaint alleges the Planning Board violated the OML by the transmittal of a report. A copy of the Complaint is enclosed.

Chronology of Events – June to November, 2018

Following the June 2018 Hubbardston Annual Town Meeting and election, the elected boards took steps to organize, including the appointment of the Planning Board Associate Member. Simply stated, the Planning Board recommends and the Select Board appoints the Planning Board Associate Member per references in MGL and Hubbardston Zoning By-Laws, General By-Laws, and Town Charter. The Select Board and Planning Board did not agree on the appointment process.

This difference of opinion was discussed at the Select Board meeting on June 18, 2018 during which the Select Board decided to defer to the Planning Board. The Planning Board met on July 11, 2018 and publicly voted and designated an associate member. The Planning Board returned to the Select Board meeting on July 23, 2018 and presented its recommended associate member. The Select Board appointed a different person not designated by the Planning Board. This resulted in the July 24, 2018 resignation of the PB Chair. His resignation letter (Ref. B) puts forth the Planning Board's basic position regarding this associate member appointment process.

Since the Select Board meeting of June 18, 2018, the Planning Board has held public meetings properly posted with agendas that included the associate member appointment process or board organization on at least July 5, July 11, Sept 5, Sept 26, and Nov 7. The Planning Board Associate Member Appointment Process was thoroughly discussed in public. In addition, there were Select Board public meetings, sometimes with a Planning Board member present and participating, discussing this Planning Board Associate Member Appointment Process.