

## Board of Selectmen Meeting Minutes

April 23, 2018

Slade Building

### Members Present:

- Dan Galante
- Jeff Williams
- Richard Haddad
- Pat Girouard

### Members Absent:

- Michael Stauder

### Staff Present:

- Ryan McLane – Town Administrator
- Laurie Reed – Executive Administrative Assistant

Meeting was called to order at 6:30pm by Daniel Galante. Mr. Galante announced that the meeting was being broadcast and digitally recorded.

### Open Session:

- None

### New Employee Recognition:

- Ryan introduced Jared Sharp, Veteran Services Officer who comes to the Town with a lot of great ideas about Veteran outreach. He will have weekly office hours in the Town which will be posted once they are set. Nancy Perron, Police Administrative Assistant is a Hubbardston resident with a police background seeing her Father was the Police Chief in Auburn.

### Election Ballot Draft Review:

- Two questions will be needed for this year's ballot at Town Elections. The questions will include the purchase of a new 6 wheel dump truck with sander and plow for the Department of Public Works and the replacement of the Library roof. The Board discussed whether the items would be listed as debt items which would be paid over time or capital which would be paid in one year. Tax impacts will be noted for residents. A potential ballot question pertaining to marijuana may be added if needed.

### Town Administrator Report:

- See Attached

### Policy Review:

- Sara Lyon and Lorie Engle are in attendance to discuss the addition of a Cultural Council Facebook page. The Cultural Council would use the page to inform the public about grant information.

### Motion to Approve Social Media Policy and Guidelines: Pat Girouard, 2<sup>nd</sup>: Jeff Williams, Vote: All in Favor

- Part Time Employee Hours and Compensatory Time

**Motion to Approve Personnel Policies and Procedures dated April 23, 2018 supplemental piece for Part Time Employees: Jeff Williams, 2<sup>nd</sup>: Richard Haddad, Vote: All in Favor**

- 4<sup>th</sup> Quarter Expenditure

**Motion to Approve 4<sup>th</sup> Quarter Expenditure Policy: Pat Girouard, 2<sup>nd</sup>: Richard Haddad, Vote: All in Favor**

- Town Council Usage. This is currently over budget. Ryan is looking to manage to keep the budget under control. He is requesting to have all issues addressed with him first to see if it can be addressed in house or by free council from the State prior to approaching Town Council.

**Motion to Approve Town Council Access Policy: Pat Girouard, 2<sup>nd</sup>: Jeff Williams, Vote: All in Favor**

**Open Session:**

- Sanda Barry, Parks Chair arrived at the meeting late however has an open session item to address with the Board. Sanda advised the Board she has made several attempts to contact the Family in regards to the capstone project without any response. Sanda states Joanne is asking for parks to sign off on the project however she does not feel comfortable seeing no work has been done. The Board agrees parks will be responsible for signing off on the work when the work has been completed.

**Appointments:**

- Cindy Schlener – WRWAC Alternate

**Motion to Appoint Cindy Schlener as WRWAC Alternate: Pat Girouard, 2<sup>nd</sup>: Jeff Williams, Vote: All in Favor**

- Dennis O'Donnell – Board of Registrars

**Motion to Appoint Dennis O'Donnell to the Board of Registrars: Pat Girouard, 2<sup>nd</sup>: Jeff Williams, Vote: All in Favor**

- Gary Kangas – Cable Committee

**Motion to Appoint Gary Kangas to the Cable Committee: Pat Girouard, 2<sup>nd</sup>: Jeff Williams, Vote: All in Favor**

**Wage Authorizations:**

- Peter DeSilva – Recycling Assistant, Board of Health

**Motion to waive the notification period for Peter DeSilva: Pat Girouard, 2<sup>nd</sup>: Jeff Williams, Vote: All in Favor**

- Neil Goguen – Department of Public Works

**Motion to waive the notification period for Neil Goguen: Pat Girouard, 2<sup>nd</sup>: Jeff Williams, Vote: All in Favor**

**Warrant Finalized – Selectmen Sign**

- Attached warrant reviewed. Tom Bratko was present to discuss the marijuana warrant articles. Tom discussed special permit terms to include: hours of operation, security, lighting, etc. The Planning Board is requesting feedback from the Fire Chief, Police Chief and DPW in regards to permit regulations. A public hearing will be held on May 21, 2018 to discuss further.

- Additional articles were discussed 20.4 of Article 6. Finance Committee is questioning the revocation of the "Certificate to Generate". The Planning Board advised it may be due to "terms not met" or "payments not received". Article 23 and Article 24 in regards to Streeter Road. Sharon Begley's property was discussed. It was questioned if the article could be pulled prior to Town Meeting however a citizen's petitions cannot be pulled. A resident on Streeter Road has agreed to offer land to the Town to avoid affecting Sharon Begley's property. According to Streeter Road Residents fixing the road would make the Town eligible for yearly grants and increase property values on the road which would increase property taxes due to the Town.

**Open Meeting Law Complaint:**

- To date the Town has not received a reply from the Attorney General's office.

**Committee Updates:**

- **QEMP:** Upcoming meeting on Wednesday night to update status of project.
- **Town Center Committee:** Scheduled meeting for last week was cancelled. The Committee is waiting for Town Meeting to continue discussing the project.
- **Bylaw Review Committee:** Discussed during warrant.

**Minutes to Approve:**

- April 9, 2018

**Motion to approve minutes from April 9, 2018 as presented: Pat Girouard, 2<sup>nd</sup>: Jeff Williams, Vote: All in Favor**

- April 11, 2018

**Motion to approve minutes from April 11, 2018 as presented: Pat Girouard, 2<sup>nd</sup>: Jeff Williams, Vote: All in Favor**

- July 13, 2016 – On behalf of Lisa Wanamaker

**Motion to approve minutes from July 13, 2016 as presented: Pat Girouard, 2<sup>nd</sup>: Jeff Williams, Vote: All in Favor**

**Old Business:**

- Ryan acknowledged the success of Green Hubbardston as well as the 12 year Anniversary for the Swearing in Ceremony of Police Chief Dennis Perron.

**Public/Press Question & Answer**

- None

**Motion to Adjourn: Jeff Williams, 2<sup>nd</sup>: Pat Girouard, Vote: All in Favor 8:27pm**

Respectfully submitted,

*Laurie Reed*

*Approved 5/7/2018*

**Board of Selectmen Agenda**  
**Slade Building**  
**April 23, 2018**  
**6:30pm**

1. Open Session

*(If we do not have Open Session items to discuss, other agenda items may be brought forward earlier)*

2. New Employee Recognition

3. Election Ballot Draft Review

4. Town Administrator Report

5. Policy Review

- Social Media
- Part Time Employees
- 4<sup>th</sup> Quarter Expenditure
- Town Council Usage

6. Appointments

- Dennis O'Donnell – Board of Registrars
- Gary Kangas – Cable Committee
- Cindy Schlener – WRWAC Alternate

7. Wage Authorizations

8. Warrant Finalized – Selectmen sign

9. Open Meeting Law Complaint

10. Committee Updates

- QEMP Task Force
- Town Center Committee
- Bylaw Review Committee

11. Minutes to Approve

- April 9, 2018
- April 11, 2018
- July 13, 2016 – On behalf of Lisa Wanamaker

12. Old Business

13. Public/Press Question & Answer

14. Adjourn

Posted:





QUESTION 1:

Shall the Town of Hubbardston be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued to purchase a new dump truck with plow and sander, and any related equipment, including all costs incidental and related thereto.

QUESTION 2:

Shall the Town of Hubbardston be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued to repair and replace the historic slate roof on the Jonas E. Clark Hubbardston Public Library, including all costs incidental and related thereto.

To the Hubbardston Selectmen,

I am a resident of Hubbardston and would like to become an alternate for Tom Bratko for the Ware River Watershed Advisory Committee (WRWAC). If Tom can not make one of the WRWAC meetings then I could be available to represent Hubbardston's interests regarding usage of the Ware River Watershed.

It's important for our voices to be heard regarding recreational uses such as hiking, hunting, horseback riding, snowmobiling etc. I am very concerned about the current stance of trails being closed or curtailed to the public without any warning.

If you are interested in making me an alternate, please let me know.

Thanks.

Sincerely,

Cindy Schlener

147 Williamsville Rd, Hubbardston

[cindy.schlener@charter.net](mailto:cindy.schlener@charter.net)/978-928-9906



***Town Administrator***

7 MAIN STREET, Unit #3  
HUBBARDSTON, MASSACHUSETTS 01452  
(978) 928-1400 x 201 FAX (978) 928-3392

To: Board of Selectmen  
From: Ryan M. McLane  
Town Administrator  
Date: April 20, 2018  
Subject: Town Administrator's Report

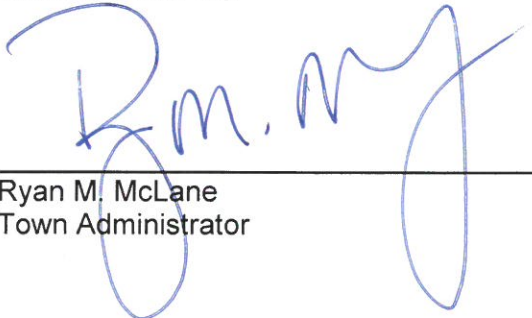
The following is the Town Administrator's report for the period ending April 20, 2018.

1. **Capital Improvement Plan Grant** – We are continuing our work the Collins Center to discuss creating and implementing a new five-year capital plan with special emphasis on sustainability practices. We will continue to incorporate these findings into our review of town financial policies and our economic forecast.
2. **Economic Forecasting** – I am working on three fronts to provide the board with a larger picture of our financial situation and help guide the FY20 budget process. I am meeting with our Town Accountant next week to update the financial forecast. In addition to our work on capital with the Collins Center, the town's finance team is beginning a comprehensive review of our financial policies.
3. **Increasing Veteran Services** – Our new VSO Jared Sharp has added electronic capabilities to our federal benefits application process. He is also scheduled to attend several trainings in the next month and has completed an aggressive outreach plan looking to increase benefit visibility and event programming. He will begin office hours in Hubbardston once his training is complete.
4. **Senior Tax Work-Off Program** – Our finance team met with COA Director Claudia Provencal to discuss updating the Senior Tax Work-Off Program. Although we currently have 10 invaluable volunteers working in various town departments, the meeting focused on increasing the individual benefit to \$1500 annually in exchange for 135 hours of volunteerism. The measure is going before the Council on Aging and will come to this board for final approval as part of the FY19 budget process. This measure would not change the budget or warrant as currently constructed.
5. **Employee Vacancies** – Efforts continue to fill vacancies in the Public Works, Town Clerk, Recycling and Town Collector/Treasurer's offices. Candidates for these

positions will begin interviews on Friday and conclude on Monday. We are hoping to complete the processes by end of next week.

6. **Union Negotiations** – We have completed two meetings with the police union and will begin negotiating again with the DPW union next week. All negotiations to date have been productive and respectful, keeping the goals of employee retention and fiscal responsibility at the forefront of discussions.
7. **Town Resident/Employee Recognition Awards** – In an effort to continue to the board's tradition of resident outreach, Laurie has five prototypes for your review as an award the board could grant to residents who have gone above and beyond in service to the community. An example of such an award will be given Monday night to our retired Building Inspector Larry Brandt who served the town of Hubbardston for 17 years. We are also suggesting you consider a "Resident of the Year" type award to be given at the Annual Town Meeting.
8. **Employee Recognition** – This week I would like to highlight Detective Scott Chatigny for his relentless and professional work on behalf of the Town of Hubbardston. According to his leadership, his recent police work has gone above and beyond and is worthy of recognition. Recently, Detective Chatigny found a small piece of broken taillight at the scene of a busted mailbox and through incredibly detailed police work, was able to identify the owner of the vehicle and facilitate restitution. Such dedication to work is hard to find. We are lucky to have an abundance of this professionalism in our Police Department.

If you have any questions please do not hesitate to contact me.



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Ryan M. McLane  
Town Administrator

DRAFT



## Town of Hubbardston Social Media Policy and Guidelines

### Social Media Mission Statement

The Town of Hubbardston supports the use of online social media as a forum to increase community awareness. This procedure establishes guidelines and standards for the acceptable use of Town social media sites. It also establishes guidelines and standards for Town staff participating in external online social media sites when discussing, sharing or commenting on Town matters. All questions regarding this policy should be directed to the Town Administrator.

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### Social Media Goals

The Town of Hubbardston strives to provide quality services and programming for our citizens. Therefore, the Town of Hubbardston intends to utilize social media to enhance its ability to share information, updates, news and events to residents, businesses, visitors and the general public.

### Social Media Guidelines

The Town of Hubbardston's Social Media Policy applies to the Town of Hubbardston's official social media sites (including official department-level pages). Due to the rapidly changing world of social media, these guidelines are subject to change.

Approved official social media sites are limited to those departments, boards and committees having information deemed necessary to share with the public.

Any department or board looking to add a social media account must receive written permission from the Town Administrator.

All official accounts shall be monitored for comments, requests and policy violations.

The Town's social media sites should make clear that they are maintained by the Town of Hubbardston and that they follow the Town's social media policy.

All Town of Hubbardston social media sites should link to the official Town of Hubbardston Web site.

Access to approved social media sites is restricted to Town employees performing official Town business. Employees representing the Town of Hubbardston via the Town's social media sites must conduct themselves at all times in accordance with all Town policies.



**Posting on Town of Hubbardston social media pages equals consent to the following:**

- Comments and wall posts must be clean and inoffensive
- Comments and submissions must be topically related to the original posting
- No content that promotes discrimination on the basis of race, creed, color, religion, age, gender, sexual orientation, or national origin
- No graphic, obscene, explicit, violent or pornographic content and/or language
- No solicitations or advertisements, promotions, or endorsements of commercial services, products, organizations, campaigns or companies
- No defamatory or personal attacks or threats
- No details about an ongoing investigation or legal or administrative proceeding that could prejudice the processes or interfere with an individual's rights will be deleted from this page
- No comments that support or oppose political candidates or ballot propositions
- You participate at your own risk, taking personal responsibility for your comments, your username and any information provided.

The Town of Hubbardston reserves the right to deny access to the Town of Hubbardston social media sites for any individual who violates the Town's Social Media Policy.

Any comments deemed to be a threat to any town officials, employees, citizens, local business, etc. are taken in a serious manner and may be subject for review by the authorities.

**Release of Information**

Official Town information approved for release shall be publicized via official Town of Hubbardston accounts (including the official Town of Hubbardston website, cable television, CodeRed, and other outreach mechanisms employed by the Town) and, when appropriate, through the Town's official social media sites. Employees may only share content once it has originated from an official account.

**Public Records Retention**

For the most part, comments and messages posted to the Town's official social media sites are considered transitory records and will not be kept as permanent record by the Town of Hubbardston. Information specifically collected as part of an official town public engagement exercise will be kept in accordance with Town policy.

**Third Party and External Links**

The appearance of external links or the use of third party applications on the Town's social media pages does not constitute endorsement on behalf of the Town of Hubbardston. Comments and submissions posted to this Facebook page are subject to all applicable local, state and federal laws.

URGENT



***Town Administrator***

7 MAIN STREET, Unit #3  
HUBBARDSTON, MASSACHUSETTS 01452  
(978) 928-1400 x 201 FAX (978) 928-3392

**To:** Board of Selectmen  
All Boards, Committees and Departments

**From:** Ryan M. McLane  
Town Administrator

**Date:** April 23, 2018

**Subject:** Part Time Employee Hours and Compensatory Time

The following will serve as a supplement to the Personnel Policies and Procedures dated, June 2016. The purpose of this policy is to guide department heads and employees in the management of part-time employee hours and compensatory time.

Part-time, non-benefited employees are non-exempt and work various schedules based on the position and the needs of their department. These employees have a set biweekly schedule as appropriated by town meeting that does not allow for overtime. Work schedules may occasionally be varied due to department needs; however, employees must not exceed their biweekly hours without written permission from the Town Administrator. The Town Accountant is not authorized to approve payroll warrants exceeding appropriated allowances without this written permission.

Employees granted permission to exceed biweekly hours will receive compensatory time not to exceed one full pay period. If an employee reaches the maximum, no further compensatory time will be granted. Compensatory hours can be redeemed in one-hour increments. Use of compensatory time requires prior approval from a department head or the Town Administrator to ensure continued service levels. The Town Administrator must be made aware of granted compensatory time within 48 hours of granting the benefit. Compensatory time cannot be carried from fiscal year to fiscal year.

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Ryan M. McLane  
Town Administrator





***Town Administrator***  
7 MAIN STREET, Unit #3  
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**DRAFT**

**To:** Board of Selectmen  
All Boards, Committees and Departments

**From:** Ryan M. McLane  
Town Administrator

**Date:** April 23, 2018

**Subject:** Fourth Quarter Expenditure Policy

The following will serve as a supplement to the Town of Hubbardston Financial Management Objectives, Policies and Procedures dated July 2015. The purpose of this policy is to guide department heads and employees in the final expenditure of funds to close the fiscal year.

Appropriations made at Annual Town Meeting assist departments in service to the community. The purpose of this policy is not to prevent proper expenditure, but to protect town resources from a final spend down in the last two months of the fiscal year.

All account types except for the types identified below are subject to approval by the Town Administrator prior to expenditure for any purchase exceeding \$50. Approval will be granted immediately upon request for items that fall within normal expenditures as anticipated by annual appropriation. These are expenses not restricted by this policy:

- Salary and wages
- Contractual expenses
- Utility and operationally necessary bills
- Public safety related expenses
- Winter operations related expenses
- Fuel

Please note the following:

- 1.) Failure to follow this policy will result in non-reimbursement of expenditure
- 2.) Non-expenditure of funds will not result in a reduction of line items for next fiscal year

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Ryan M. McLane  
Town Administrator



***Town Administrator***

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DRAFT

**To:** Board of Selectmen  
All Departments Heads

**From:** Ryan M. McLane  
Town Administrator

**Date:** April 23, 2018

**Subject:** Town Counsel Access

In an effort to control legal costs and assist with all legal matters pertaining to the town, access to town counsel in any manner requires approval of the Town Administrator or the Board of Selectmen. In instances where direct communication with counsel will benefit a department, such communication will be authorized by the Town Administrator or the Board of Selectmen. Please note the purpose of the policy is not to limit access to counsel, but to coordinate legal efforts and maintain adherence to appropriated funds.

All requests for town counsel must be made in writing to the Town Administrator or the Board of Selectmen. All subsequent contacts with counsel must be carbon copied to the Town Administrator in order to ensure continuity and cost-control measures. Sensitive matters or matters where confidentiality is necessary will be taken on a case by case basis. Requests for access to town counsel will include the following:

- 1.) Reason for contacting counsel
- 2.) Timeframe required for answer
- 3.) Expected outcome (benefit to the town)
- 4.) Efforts taken to answer questions without the use of counsel

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Ryan M. McLane  
Town Administrator

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HUBBARDSTON**



**SPECIAL TOWN MEETING**

**Tuesday, June 5, 2018 • 6:30 p.m.**

**CENTER SCHOOL**

**Worcester, ss.** To either of the Constables of the Town of Hubbardston in the County of Worcester: In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Hubbardston, qualified to vote in elections and Town affairs, to meet at the **Center School located at 8 Center Street in said Hubbardston on Tuesday, June 5, 2018, at 6:15 o'clock** in the evening, then and there to act on the following articles:

**ARTICLE 1.** To see if the Town will vote to appropriate the sum of \$6,271.20 by transfer from Free Cash to pay Places Associates, Inc. for costs associated with ~~surveying~~ the Marinelli Gravel Pit; or take any action relative thereto.

(Submitted by Planning Board)

*Consultation peer review.*

(Finance Committee Recommends)

**ARTICLE 2.** To see if the Town will vote to appropriate the sum of \$2,760.00 by transfer from Free Cash to pay KP Law, P.C. for legal costs associated with ~~surveying~~ the Marinelli Gravel Pit; or take any action relative thereto.

(Submitted by Planning Board)

*Consultation peer review. review/writing of the decision*

(Finance Committee Recommends)

**ARTICLE 3.** To see if the Town will vote to amend appropriations for Fiscal year 2018, Article 15, June 5, 2017 Annual Town Meeting to read, based on final local assessments; or take any action relative thereto:

Appropriations:

From FY2018 estimated revenues for Committee Administrative Expenses	(5%)	\$3,320.40
From FY2018 estimated revenues for Historic Resources Reserve	(10%)	\$6,640.80
From FY2018 estimated revenues for Community Housing Reserve	(10%)	\$6,640.80
From FY2018 estimated revenues for Open Space Reserve	(10%)	\$6,640.80
From FY2018 estimated revenues for Budgeted Reserve	(65%)	\$43,105.20

(Submitted by Community Preservation Committee)

(Finance Committee Recommends)

**ARTICLE 4.** To see if the Town will vote to amend the Hubbardston General Bylaws as recommended after extensive review by the Bylaw Review Committee that was appointed per the Town Charter, with the full and complete text of changes available on the official Town website, [http://www.hubbardstonma.us/pages/HubbardstonMA\\_Webdocs/generalbylawsJan2018](http://www.hubbardstonma.us/pages/HubbardstonMA_Webdocs/generalbylawsJan2018), and at the Town Clerk's office, at Town Hall on Monday from 2 pm to 8 pm, and on Tuesday, Wednesday and Thursday from 8 am to 4 pm. The proposed changes are summarized as follows:

General changes to be made throughout the General Bylaws:

1. Table of Contents expanded to include section titles to make it easier to find what you're looking for and section titles were given to those that did not have one.
2. Formatting changes to make format more consistent throughout document.
3. Grammatical corrections; example, "which" was changed to "that" where appropriate
4. Posting requirements were updated to include the town website and, where appropriate, social media



## 5. Internal cross-references were corrected and/or updated

The following is a summary of the Chapters & Sections with proposed changes other than the above formatting or grammatical changes (using new chapter numbers). **Bold** indicates added or new language; ~~strikethrough~~ indicates deleted text.

1. Chapter I, GENERAL PROVISIONS; **ADD** severability clause to cover all bylaws (individual clauses were deleted from Chap XXI, XXIII, XXVI, XXVII, XXVIII and XXX) **“Should any provision or section of this bylaw be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent that this bylaw shall stand notwithstanding the invalidity of any provision or section thereof.”**
2. Chapter II, TOWN MEETINGS, Sec 3; FinCom review of Town Meeting warrant time frame **INCREASED** from 7 days to 30 days prior to meeting
3. Chapter II, TOWN MEETINGS, Sec 7, 9,13,15,16; Procedural changes to Town Meeting requested by Moderator including changing from a standing count to having counters count votes with a show of hands; limited a person to speak to a motion nor more than twice or for more than 10 minutes, clarify majority vote to be a majority of those present and voting, doubting the vote, length of debate, addressing the Moderator and allow the moderator to use an alternate sequence for recognizing speakers.
4. Chapter II, TOWN MEETINGS; **DELETE** Sec 8 Reconsidering the Vote, **DELETE** Sec 10 Limitations on a Motion to Reconsider, **DELETE** Sec 20 Divided Motion and **RENUMBER** remaining sections
5. Chapter III, VACANCIES & APPOINTMENTS, Sec 1; Quabbin Regional School Committee: **DELETE** *“to consist of three (3) members, one to be elected each year for a term of three (3) years”* and **ADD** **“as provided by the Quabbin Regional School District Agreement”** to make consistent with Town Charter
6. Chapter III, VACANCIES & APPOINTMENTS, Sec 1; **AMEND** Board of Registrars of Voters: change to 3 members and the Town Clerk, not 4 members and the Town Clerk per MGL Chap 51, Sec 15.
7. Chapter III, VACANCIES & APPOINTMENTS, Sec 1; **CORRECTIONS** made to statutory cross-references for those positions appointed by the Board of Selectmen.
8. Chapter V (former Chapter XII), GENERAL COMMITTEE POLICIES; **MOVED** from Ch XII and re-titled General Committee Policies; Sec 1.2, **DELETE** last sentence that read *“All members of a committee which fails or neglects to make a report at Annual Town Meeting shall by such failure be held to have resigned and without further action or vote, new members shall be appointed.”* All subsequent chapters were renumbered.
9. Chapter V, GENERAL COMMITTEE POLICIES, Sec 1.3; **MOVED** to Procurement Chapter XXIII SECTION 4 (former Chapter XII, Section 1.5). *“No Town officer, agent or member of any board of the Town shall sell materials, supplies or services to the Town without the permission or approval of the Board of Selectmen expressed by a vote which shall appear on the records of said Board.”*
10. Chapter V, GENERAL COMMITTEE POLICIES, Sec 4; **ADD** word **“special”** before the word “committee” in the first line for clarification.
11. Chapter VI (former Chapter V) MODERATOR; **ADD** Section 1, **A Moderator shall be elected at Annual Town Election for a three-year term.**

12. Chapter VI (former Chapter V). MODERATOR; DELETE Section 2 to conform to current practice and RENUMBER remaining sections, *"The Moderator shall appoint all committees except as otherwise provided by law, by Town Charter or by vote of the meeting within thirty (30) days after the passage of the vote creating the committee, and in choosing a committee by nominations from the floor, no person shall nominate more than one member of such committee."* Note: Appointments are outlined in the Town Charter and made by Selectmen or Town Administrator.
13. Chapter VI (former Chapter V) MODERATOR; Section 13 **ADD** "Unless otherwise provided by law or bylaws, all motions shall require a majority vote **of those present and voting in order to determine the outcome.**"
14. Chapter VII (former Chapter VI) TOWN CLERK; DELETE Section 7 *"All other provisions pertaining to the Town Clerk shall be found under Chapter 41 of the General Laws."*
15. Chapter IX (former Chapter VIII) TOWN COUNSEL; Last sentence of Section 2 was MOVED to new Section 4; *"No officer, board or committee, shall, at the expense or in behalf of the Town, employ or be represented by any other than the Town counsel or appointed Special Counsel."*
16. Chapter XIII CAPITAL IMPROVEMENT PLANNING COMMITTEE; MOVE old Sec 2.1 of Chap XII to NEW Chapter XIII Capital Improvement Planning Committee
17. MOVED from Chap XII, Sec 2.2 and re-numbered as Chapter XIV COMMUNITY PRESERVATION COMMITTEE; CAPITALIZED names of boards & committees; DELETE the word "the" in 2 places; **ADD** requirement for posting on official Town website; **ADD** words "**community preservation**" prior to the word "surcharge" for clarification
18. Chapter XV (former Chapter XIII) ANNUAL REPORTS; **ADD** language requiring posting the Annual Report on the official Town website
19. Chapter XV (former Chapter XIII) ANNUAL REPORTS, Sec 5; DELETE entire section: *"SECTION 5. Committee Reports, The Board of Selectmen shall be responsible during the month of March prior to each Annual Town Meeting for notification in writing to the chairperson of any committee that has made no report to the Town since the last Annual Meeting that some report will be expected at the coming Annual Town Meeting and the warrant for such Annual Town Meeting may contain an article to hear and act upon the report of each of such committees, specifically naming them."*
20. Chapter XVI (former Chapter XIV) LICENSES & PERMITS; DELETE previously deleted Sec 3 and renumber remaining sections
21. Chapter XVI(former Chapter XIV) LICENSES & PERMITS, Sec 5 (former Section 6), Licenses and Permits of Delinquent Taxpayers, ; CHANGE delinquent taxpayer bylaw to require Town Taxes, etc. to be paid if due for not less than a 30-day period before permits may be issued. Time period previously was 12 months.
22. Chapter XVIII (former Chapter XVI) STREETS & SIDEWALKS, Section 1.6; DELETE in its entirety *"No person shall coast or skate on any street or public place except on such as are designated by the Board of Selectmen or on public playgrounds."* Remaining subsections to be renumbered.
23. Chapter XVIII (former Chapter XVI) STREETS & SIDEWALKS, Sec 2.1; DELETE last paragraph that reads *"Notwithstanding the above, the Town Meeting may accept as a public way a way that does not meet all of the conditions set forth above upon a recommendation, by majority vote, from the Planning Board to waive such condition(s)."*

24. Chapter XIX (former Chapter XVII) OPERATION OF MOTOR VEHICLES, Sec 1; CHANGE the dates of the winter parking ban on any street TO November 15 to April 15 FROM current dates of December 31 to March 31.
25. Chapter XIX (former Chapter XVII) OPERATION OF MOTOR VEHICLES, Sec 2; AMEND to combine Groups A and B and label as Group A and relabel Group C as Group B; AMEND parking fines to INCREASE parking Fines to \$20 for Group A and \$25 for Group B
26. Chapter XIX (former Chapter XVII) OPERATION OF MOTOR VEHICLES, Sec 3; DELETE words "coastal or" from Subparagraph 3 Littering, Coastal or inland waters
27. Chapter XX (former Chapter XVIII) DRIVEWAYS, Sec 1; MOVE sentence from Sec 4 to Sec 1 "*The cost of construction will be the responsibility of the owner.*"
28. Chapter XX (former Chapter XVIII) DRIVEWAYS; AMEND by reordering sections 2,3, and 4 for more logical sequence
29. Chapter XX (former Chapter XVIII) DRIVEWAYS, Sec 4 (former Section 3); AMEND by adding "**The existing town road surface must not be disturbed and the gutter line must be maintained. The width and flare of the driveway apron must conform to specifications on the driveway permit.**" and DELETE old wording: "*The Department of Public Works is concerned with width and flare of driveway where it meets the road, since road surface must not be disturbed and gutter line must be maintained.*"
30. Chapter XXI (former Chapter XIX) EARTH REMOVAL, Sec 3; AMEND definition of applicant for clarification by **ADDING** new wording "**Applicant: The individual, corporation or other legal entity who makes the application for an Earth Removal Permit. Such individual, corporation or other legal entity may be the Owner of the site or may be the operator of the Earth Removal Operation. The permit shall be issued to the Applicant. If the Applicant is not the Owner of the land, the applicant shall provide the Owner's notarized permission to make an application and alter the site for an Earth Removal Operation.**" and **DELETING** old wording "*The individual, corporation or other legal entity who makes the application for an Earth Removal Permit. Such individual, corporation or other legal entity may not be the Owner of the site, but may be operator of the Earth Removal Operation. The permit shall be issued to the Applicant. If the Applicant is not the Owner of the land, the applicant shall demonstrate that they have the legal permission of the Owner to make an application and alter the site for an Earth Removal Operation.*"
31. Chapter XXI (former Chapter XIX) EARTH REMOVAL, Sec 4.F.; AMEND wording for clarification as follows: "Each operation proposed by the same applicant for a site with multiple ~~owners~~ lots shall require a separate Earth Removal Permit for each lot ~~so affected~~."
32. Chapter XXI EARTH REMOVAL, Sec 8.B.; **ADD** language to require posting of a public hearing on the official Town website.
33. Chapter XXI (former Chapter XIX) EARTH REMOVAL, Sec 9.A.4.; **CORRECT** cross reference by **DELETING** section 9.B.12 and replacing with **Section 9.B.1-11.**
34. Chapter XXI (former Chapter XIX) EARTH REMOVAL, Sec 9.B.11.;AMEND last sentence to **CORRECT** typographical error by **DELETING** "a maximum slope of 2:1" and replacing with "a maximum slope of **3:1**"

35. Chapter XXI (former Chapter XIX) EARTH REMOVAL, Sec 10; CORRECT typographical error in line 2, by CHANGING “if one if present” to “if one is present”
36. Chapter XXI (former Chapter XIX) EARTH REMOVAL, Sec 13.C.; Line 1 ADD words “**firm or corporation**” to read “In the event the permitting authority determines that any person, **firm or corporation**, whether or not an Owner, as defined herein, is in violation of this bylaw, the person, **firm or corporation** may be assessed the cost of any and all action taken to remedy the violation....”
37. Chapter XXI (former Chapter XIX) EARTH REMOVAL, Sec 14; **DELETE** Severability Clause
38. Chapter XXIII (former Chapter XXI) PROCUREMENT, Sec 2; **CHANGE** by DELETING existing language and replacing with the following NEW language: "All contracts shall be reviewed by the Town Administrator and Town Counsel and signed by the Town Administrator **as per the Town Charter Section 3-4-10.**"
39. Chapter XXIII (former Chapter XXI) PROCUREMENT, Sec 3.7; **DELETE** Severability Clause
40. Chapter XXIII (former Chapter XXI) PROCUREMENT, **MOVED** from Committees Chapter V SECTION 1.3 and inserted as Section 5: “*No Town officer, agent or member of any board of the Town shall sell materials, supplies or services to the Town without the permission or approval of the Board of Selectmen expressed by a vote which shall appear on the records of said Board.*”
41. Chapter XXIV (former Chapter XXII) REGULATION OF DOGS, Sec 1; definitions were put in alphabetical order; **CHANGE** definition of “Dog” as follows: “Dog” shall mean all ~~animals~~ **domestic dogs** of the canine species, regardless of sex.
42. Chapter XXIV (former Chapter XXII) REGULATION OF DOGS, Sec 1; **ADD** definition of a Personal Kennel, subsection “**f**”**“Personal Kennel” – a pack or collection of 4 dogs or fewer, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.**”
43. Chapter XXIV (former Chapter XXII) REGULATION OF DOGS, Sec 3; **ADD** acronym “**ACO**” in parentheses after “Animal Control Officer”
44. Chapter XXIV (former Chapter XXII) REGULATION OF DOGS, Sec 5; **CHANGE** “~~Town~~” Pound to “**Regional**” Pound
45. Chapter XXIV (former Chapter XXII) REGULATION OF DOGS; AMEND BY REPLACING THE WORD "less" with the word “fewer” in 4 places
46. Chapter XXIV (former Chapter XXII) REGULATION OF DOGS, Sec 7; AMEND Disposition of Unclaimed Dogs By DELETING Old language: ~~Any dog which has been impounded and is not redeemed~~

*by the owner within the ten day period of confinement, shall be disposed of as provided by MGL, Chapter 140/151A when each of the following criteria have been met:*

*(a) The dog was detained for a period of Ten (10) days.*

*(b) The description of the dog to be published in a local newspaper and description of dog to be advertised on the local public access Television Channel at least Three (3) days before the scheduled date of destruction.*

*(c) The dog was made available for adoption in accordance with the previous section.*

AND INSERTING New Language:

**Any dog that has been impounded and is not reclaimed by the owner within the ten day period of confinement, shall be made available for adoption provided the following criteria have been met:**

**(a) The dog was detained for a period of Ten (10) days.**

**(b) The description of the dog is advertised in a local newspaper, on the ACO's website and through other relevant social media outlets.**

**(c) The dog is found free of disease and is not extremely aggressive as determined by the ACO.**

47. Chapter XXIV (former Chapter XXII) REGULATION OF DOGS, Sec 8.(b); INSERT **Two Hundred (\$200.00) Dollars in place of \$200.00 (Two Hundred dollars)**

48. Chapter XXVI (former Chapter XXIV) PUBLIC SAFETY, Sec 3; replace word "which" with "that" in several places; Sec 3, IV.E.1., replace the word "in" with "into"

49. Chapter XXVI (former Chapter XXIV) PUBLIC SAFETY, Sec 3,IV, B.; **DELETE** second sentence "If said user, on the basis of absence from town or filing the report, the Police Chief or Fire Chief may extend the fifteen day period for a reasonable period." and ADD **"The Police Chief or Fire Chief may extend the fifteen (15) day period at their discretion."**

50. Chapter XXVI (former Chapter XXIV) PUBLIC SAFETY, Sec 3,IV.E.1.c)(1); CLARIFY fee structure by DELETING "four(4) to ten (10) alarms" and REPLACING with "four (4) to nine (9) alarms"

51. Chapter XXVI (former Chapter XXIV) PUBLIC SAFETY, Sec 3,V.A.3; CORRECT cross reference by DELETING §51-31D or 51-6 AND REPLACING WITH **Section 3**

52. Chapter XXVI (former Chapter XXIV) PUBLIC SAFETY, Sec 4.3; Delete period at the end of the first sentence and combine with the beginning of the next sentence as follows: "...or otherwise managed, but excluding those petroleum products..."

53. Chapter XXVI (former Chapter XXIV) PUBLIC SAFETY, Sec 4.9.3; AMEND to make grammatical CORRECTION by replacing word "disposal" with "dispose"

54. Chapter XXVI (former Chapter XXIV) PUBLIC SAFETY, Sec 4.10; DELETE **Section 2.5** and REPLACE with **Section 4.5.1** and DELETE **Section 2.9** AND REPLACE with **Chapter 1, Section 4.**

55. Chapter XXVI (former Chapter XXIV) PUBLIC SAFETY, Sec 4.11; **DELETE** Severability Clause



56. Chapter XXVII (former Chapter XXV) CONDUCT IN OR ON LICENSED PREMISES, Sec 7; **DELETE** Severability Clause
57. Chapter XXIX (former Chapter XXVIII) PERSONNEL, Sec 1; **ADD sexual orientation and religion** to list of non-discrimination factors; **AMEND** word “sex” to “gender”
58. Chapter XXIX (former Chapter XXVIII) PERSONNEL, Sec 6; **DELETE** Severability Clause
59. Chapter XXX (former Chapter XXIX) GENERAL WETLANDS BYLAW, Sec 1; **CORRECT** typographical error in Paragraph 2, change “normal maintenance or improvement or land in agricultural use” to “normal maintenance or improvement **of** land in agricultural use”
60. Chapter XXX (former Chapter XXIX) GENERAL WETLANDS BYLAW, Sec 10; **ADD** to the end of the second paragraph the following new sentence: "The Commission shall notify the applicant prior to engaging a consultant at the applicant's expense."
61. Chapter XXXI AGRICULTURE; capitalization corrections and other formatting changes
62. Chapter XXXI AGRICULTURE; **DELETE** Severability Clause

(Submitted by Bylaw Review Committee)

**ARTICLE 5.** To see if the Town will vote to add a section to the Hubbardston General Bylaws with respect to Scenic Roads as follows; or take any action relative thereto.

### **30.1 Authority and Purpose**

Authority. This bylaw is adopted under authority of MGL c. 40, § 15C, and MGL c. 40, § 21.

Purpose. The purpose of a Scenic Road Bylaw is to help the Town maintain and enhance its rural, small town character by ensuring that work done to trees and stone walls on the public right-of-way of scenic roads is done in a way that helps preserve the scenic, historic and aesthetic characteristics of the public right-of-way. Whereas the Town of Hubbardston has accepted MGL Ch. 40, Section 15C, Scenic Roads Designation and designated the following roads as Scenic: (see addendum). The additional purpose of this bylaw is to define, clarify and regulate the Scenic Roads of Hubbardston.

### **30.2 Applicability**

This bylaw applies to all roads in Hubbardston previously identified by Town Meeting as “Scenic” and all future roads to be so identified.

### **30.3 Definitions**

30.3.1 Abutter: Shall mean all property owners, including those across the street, abutting the property where work requiring a scenic road hearing is required.

30.3.2 Cutting or Removal of Trees: Shall mean the removal of one or more trees, trimming of major branches, (as defined herein), cutting of roots, or any other work that would otherwise compromise a tree’s health, such as soil and/or root compaction, water deprivation, or other conditions resulting from proposed work along a scenic road sufficient in the opinion of the Planning Board or the Tree Warden to cause eventual destruction of a tree. This definition does not apply to routine or emergency tree maintenance that removes only permanently diseased or damaged limbs, trunks, roots and dead whole trees. Nor does this definition apply to trimming work, including cutting of major branches, by the Town’s Department of Public Works Department, provided that the Planning Board has reviewed the proposed work and determined it to be in accordance with good practices. However, the removal of whole, live trees by the DPW is included in this definition.

30.3.3 Major Branch: Shall mean a living branch that is fully attached to a tree (as defined herein) and that has a diameter of three inches or more, 12 inches from the point at which said branch connects to the tree.

30.3.4 Posting: Shall mean the marking of a tree or stone wall along a road for the purpose of a scenic road hearing. For trees, such marking as described in MGL c. 87, § 3 (Shade Tree Act). For stone walls, a ribbon or other appropriate flagging material shall be temporarily affixed at the limit of work on both ends of the stone wall.

30.3.5 Repair, Maintenance, Reconstruction or Paving Work: Shall mean any work done within the right-of-way by any person or agency, public or private. Within this definition is any work on any portion of the right-of-way which was not physically commenced at the time the road was designated as a scenic road. Construction of new driveways, bicycle paths, sidewalks or roadside paths, or alteration of existing ones is included, insofar as it takes place within the right-of-way. Roadside clearing of trees to provide for vehicular clearance or for improvements to the line-of-sight shall also be included in this definition. Construction or alteration of water, sewer, drainage, electric, telephone, cable TV, or other utilities within the right-of-way is also included to the degree that they impact trees and stone walls, except as exempted in Subsection 22.1.2 above.

30.3.6 Right of Way: The area on and within the boundaries of the public way. If the boundaries are unknown, any affected trees or stone walls shall be presumed to be within the public right-of-way until shown to be otherwise.

30.3.7 Roads: Shall mean a right-of-way of any way used and maintained as a public way, including the vehicular traveled way plus necessary appurtenances within the right-of-way, such as bridge structures, drainage systems, retaining walls, traffic control devices, and sidewalks, but not intersecting streets or driveways. When the boundary of the right-of-way is an issue so that a dispute arises as to whether or not certain trees or stone walls or portions thereof are within or without the way, the trees and stone walls shall be presumed to be within the way until the contrary is shown. Trees and stone walls existing on or partially within the boundary of the right-of-way shall be considered to be within the right-of-way.

30.3.8 Tearing Down or Destruction of Stone Walls: Shall mean the destruction removal, covering or painting of more than 10 total linear feet of stone wall involving more than one cubic foot of wall material per linear foot above existing grade. Temporary removal and replacement at the same location with the same materials is permitted without Planning Board approval if the Town Highway Department is notified before the work begins so that it can confirm that the wall is properly replaced. Repair of a stone wall that does not involving tearing down or destroying the wall is not covered by this bylaw.

30.3.9 Shade Trees: Under MGL c. 87, Public Shade Trees are defined as all trees within a public way or on the boundaries thereof including trees planted in accordance with the provisions of section 7; and when it appears in any proceeding in which the ownership of or rights in a tree are material to the issue, that, from length of time or otherwise, the boundaries of the highway cannot be made certain by records or monuments, and that for that reason it is doubtful whether the tree is within the highway, it shall be taken to be within the highway and to be public property until the contrary is shown.

30.3.9 Trees: Shall include any living tree whose trunk has a diameter of four inches or more as measured four feet above the ground. Nothing in this definition shall be construed to permit a person, other than the Tree Warden or his deputy, to trim, cut down, or remove a public shade tree more than 1 1/2 inches in diameter one foot from the ground.

30.3.10 Warden: Shall mean the Town of Hubbardston Tree Warden or designated deputy.

#### **30.4 Criteria for designation as scenic road**

In determining which roads or portions of roads should be recommended to Town Meeting for designation as scenic roads, the following criteria should be considered:

- (1) Overall scenic beauty;
- (2) Contribution of trees to scenic beauty;
- (3) Contribution of stone walls to scenic beauty;

- (4) Age and historic significance of roads, trees, and stone walls;
- (5) Built features such as historic buildings, historic monuments, historic burial grounds, historic structures, farm buildings and fencing; and
- (6) Road features such as historic layout, surface, carriage width, use restrictions, and non-historic bridges.

### **30.5 Procedure for designating scenic roads**

The Planning Board, the Board of Selectmen, the Conservation Commission, the Historical Commission, or a petition of 10 citizens of the Town may propose "scenic road" designation of any Hubbardston road other than a state highway. The Planning Board shall then hold a Public Hearing notifying the Selectmen, the Tree Warden, the Highway Department, the Conservation Commission, and the Historical Commission, all property owners with land bordering the right-of-way and the public by advertising in a newspaper of general circulation in the area, the last publication to occur at least seven days prior to the date of the hearing. The Planning Board shall make a recommendation to Town Meeting on the merits of designation of the proposed road as a scenic way. No road shall be designated a scenic road by Town Meeting unless such designation is favorably recommended by the Planning Board, the Conservation Commission or the Historical Commission. A majority vote of Town Meeting is required for designation.

Following designation by Town Meeting, the Planning Board shall:

- A) Notify all municipal departments that may take action with respect to such roads;
- B) Notify the Massachusetts Highway Department;
- C) Indicate such designation on all maps currently in use by municipal departments;
- D) Notify all utility companies or other such parties, which may be working on the border of such road.
- E) The roads already designated as scenic roads by the Scenic Roads Act of 1973 (MGL c. 40, § 15C) shall retain their status as scenic for the purpose of this Scenic Road bylaw. These roads are listed on addendum.

### **22.5 Procedures for altering, repairing, modifying a scenic road**

**30.5.1 Filing.** Any person, organization or agency seeking the consent of the Planning Board under MGL c. 40, § 15C, regarding road repair, maintenance, reconstruction, or paving work that may involve the cutting or removal of trees or the tearing down of stone walls, or portions thereof, shall file an application with the Planning Board and submit the following information:

- a) A completed scenic road application, including two copies of a plan showing proposed work and the extent of alterations or removal of trees or stone walls, so that readers may locate it with reasonable specificity on the ground without the need for additional plats or references, and describing in reasonable detail the proposed changes to trees and stone walls, and a statement of purpose, or purposes, for the proposed action. The plan shall show the name of the street or streets, the extent of the Scenic Road right-of-way, names of abutters within 100 feet of the proposed work, a title block and suitable space to record the action of the Planning Board. A plan drawn to scale is preferred, but not required.
- (b) One copy of the completed application and one copy of the plan shall also be submitted to the Town Clerk.
- c) Any further explanatory material useful to adequately inform the Planning Board, including clearly identifiable digital or printed photographs of the proposed work are and its existing conditions.
- d) A certified list of abutters to the subject property.

**30.5.2 Notice.** The Planning Board shall, as required by statute, give notice of its public hearing to discuss the alterations that the applicant wants to have done. Notice will be posted twice in a newspaper of general circulation in the area, with the last publication occurring at least seven days prior to the hearing.

- a) The Applicant shall be responsible for the cost of advertising and noticing the abutters of the public hearing.
- b) The notice will contain the time, date, place and purpose of the hearing.
- c) Copies of the notice shall be sent to the Board of Selectmen, the Tree Warden, the Public Works Department, the Conservation Commission and the Historical Commission before the public hearing commences.
- d) Timing of the hearing. The Planning Board shall hold a public hearing within 30 days of receipt of a properly filed request and shall take action on the request within 45 days of the hearing being held.

- e) Decision. The Planning Board shall provide its written decision to the applicant, with copy filed with the Town Clerk, within seven days of taking action on the application. If a consolidated meeting has been held involving the Tree Warden, then the Tree Warden shall issue a separate written decision related to the public shade trees. The Planning Board and, or the Tree Warden shall also provide copy of the decision to the applicant, the Conservation Commission, the Historical Commission, the Tree Warden, Highway Department, and or the Planning Board.
- f) Tree replacement. If the cutting or removal of whole trees is approved by the Planning Board or Tree Warden, the Planning Board, at its discretion, may require the applicant to replace the trees cut with nursery quality trees, which are of Zone 6 hardiness at a minimum, that are native to the region, and that are acceptable to the Planning Board, in consultation with the Tree Warden. For trees that are 18 inches or more in caliper, measured four feet from the ground, the Planning Board may require the removed tree to be replaced with two trees of at least a two-and-one-half-inch caliper, measured four feet from the ground. The location of the replacement trees shall be at the direction of the Tree Warden, in consultation with the Planning Board.
- g) Public shade trees. When required by MGL c. 87 (Shade Trees), notice shall be given and the Planning Board hearing required by MGL c. 40, § 15C (Scenic Roads) shall be held in conjunction with those held by the Tree Warden, with the Tree Warden responsible for the consolidated notice acting under MGL c. 87 (Shade Trees). Consent to an action by the Planning Board shall not be construed as consent by the Tree Warden or vice versa. A Planning Board decision shall contain a condition that no work shall take place until any applicable provisions of MGL c. 87 (Shade Trees) have been complied with.
- h) Statute of limitations. The approval of the Planning Board or Tree Warden under these regulations for any proposed work shall be valid for two years from the date the decision is filed with the Town Clerk. After two years from this date, the decision is void unless an extension is granted before the expiration.
- i) Emergency repair. The requirements of this bylaw shall not apply when the Tree Warden acts in an emergency in accordance with law. In cases where a tree or branch poses a threat to public safety and there is not sufficient time to obtain prior approval from the Planning Board, the Planning Board shall be notified by the Tree Warden within the calendar week after any action which would have been a violation of this bylaw if the threat had not existed. Under no circumstances are stone walls to be torn down or destroyed on a scenic road under the auspices of emergency repair.

### 30.5.3 Considerations

In acting on applications concerning scenic roads, the Planning Board shall take into consideration the following:

- A. Contribution of trees and/or stonewalls to scenic beauty;
- B. Age and historic significance of roads, trees and stone walls;
- C. Features of the road, such as surface, pavement width and bridges;
- D. Public safety;
- E. Local residential traffic patterns and overall traffic volume and congestion;
- F. Compensatory actions proposed, such as tree and stone wall replacement;
- G. Functional importance and urgency of repair, maintenance, reconstruction or paving;
- H. Additional evidence contributed by abutters, Town agencies and other interested parties;
- I. Recreational uses of the road;
- J. Preservation of natural resources and historic resources;
- K. Scenic and aesthetic characteristics;
- L. Environmental values;
- M. Other planning information;
- N. Existence or absence of reasonable alternatives.
- O. Applicants reasons and considerations

### 30.6 Enforcement; violations and penalties

30.6.1 This bylaw shall be administered by the Planning Board and enforced by the Planning Board, the Building Inspector, the Tree Warden, the Director of the Department of Public Works or others designated by the Town Administrator. Enforcing officials may issue a citation for the violation of this bylaw and shall take



appropriate action in the name of the Town of Hubbardston to prevent, correct, restrain or abate such violations.

30.6.2 Failure to file with the Planning Board for permission to cut or remove trees or for destruction of any portion of a stone wall within the layout of any scenic road will require an immediate cessation of work and an immediate filing as detailed above and the applicant shall be required to restore the features if required by the Planning Board. Unless waived, the required restoration shall consist of restoring the stone wall to its previously existing condition and/or replacing the trees cut with nursery quality trees that are acceptable to the Planning Board. For every three inches of tree cut, measured across the stump, a nursery quality replacement tree with a two-and-one-half-inch caliper, measured four feet from the ground, shall be planted by the applicant. Failure to comply with a duly issued decision of the Planning Board shall subject the applicant to restoration as detailed above and other remedial measures that the Planning Board deems necessary.

30.6.3 Any violation of this bylaw, MGL c. 40, § 15C, or a Planning Board decision issued under this bylaw or MGL c. 40, § 15C, shall be punishable by a fine not to exceed \$300 per violation, any such violation may also be enforced through the non-criminal disposition in accordance with this bylaw. Each day, or portion thereof, that a violation of this bylaw continues without a Planning Board approved decision to take restorative action shall be deemed a separate offense.

30.6.4 In addition to the foregoing remedies, the Town of Hubbardston, acting by and through its Planning Board, and with the approval of the Board of Selectmen, shall have all other legal and equitable remedies which may exist, including without limitation the right to seek injunctive relief. In addition, the Town of Hubbardston may in its discretion enforce the provisions of this bylaw in the manner provided in MGL c. 40, § 21D.

30.6.5 The Town of Hubbardston Code Enforcement Officer and/or the Planning Board are responsible for enforcing the requirements of this Bylaw.

30.6.6 In all other aspects, all provisions of this bylaw shall remain in full force.  
(Submitted by Planning Board)

**ARTICLE 6.** To see if the Town will vote to amend various sections of the Zoning Bylaw with respect to Use of Large –Scale Solar Photovoltaic Installations as follows; or take any action relative thereto.

## **20.2 Definitions**

To 20.2.4 Delete “sited by right” and replace with “by Special Permit”

To Read:

20.2.4 Designated Location: Large scale solar photovoltaic installations may be sited by Special Permit in all zoning districts in the Town of Hubbardston.

To: 20.2.5 Large Scale Ground-Mounted Solar Photovoltaic Installation

Delete “Ground –Mounted”

Delete “and is not roof” and replace with “or a”. Delete “-mounted.”

Delete “and has a minimum nameplate capacity of 250kW DC” and replace with “ with solar panels covering 20,000 square feet or more on one lot or minimum nameplate capacity of 250kW DC”

To read:

20.2.5 Large-Scale Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground or a roof, with solar panels covering 20,000 square feet or more on one lot or minimum nameplate capacity of 250kW DC”

## **20.3 General Requirements**

To: 20.3.4 Site Plan Review

Delete “Ground mounted”

Delete “with 250 kW or larger of rated nameplate capacity”

Delete “3”, after the word Article.

To read:

#### 20.3.4 Site Plan Review

Large scale solar photovoltaic installations shall undergo site plan review by the Site Plan Review Authority, as set forth in this Section and Article 9 of the Zoning Bylaws prior to construction, installation or modification as provided in this section.

#### 20.3.5 Site Control

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

ADD: Any special permit issued under this section shall include a condition stating the above requirement and further stating that, in accepting the special permit the Applicant and Owner grant the Town permission to enter the property for the purpose of assessing and removing an abandoned or discontinued facility. This letter shall be signed and notarized by the applicant and owner.

#### 20.3.8 Dimension and Density Requirements

To: 20.3.8.2 Appurtenant Structures

Delete existing and replace

To Read:

#### 20.3.8.2 Solar Panels and Appurtenant Structures

All structures appurtenant to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. All structures will be hidden from view whenever reasonable by vegetation and/or joined or clustered to avoid adverse visual impacts.

All Solar Panels shall be screened from view by vegetation and in place prior to issuing the Certificate to Generate for the system. Such screening shall be provided in the required setback areas where existing vegetation setbacks is insufficient for year-round screening. Screens shall consist of evergreen vegetation 1.5 times the height of the highest solar panels. Berms or other methods to adequately screen the facility, depending on site specific conditions may be considered. Screen shall be maintained and replaced as necessary by the owner/operator of the solar energy system.

#### 20.3.11 Land Clearing, Soil Erosion and Habitat Impacts

Add: to section title – Screening Requirements

To Read: 20.3.11 Land Clearing, Soil Erosion, Habitat Impact, Screening Requirements

20.3.11 Delete existing wording of section.

Replace with:

a) Land Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the solar energy systems or otherwise prescribed by applicable laws, regulations, and bylaws. Existing vegetation shall remain in required setback areas and where such vegetation would shade the solar energy system. However, in no event shall clearing of existing vegetation in setbacks exceed half the required setback width. Adequate erosion control measures shall be provided for all proposed land clearing.

b). Protection of Natural Resources and Habitat - Large-scale ground-mounted solar energy systems shall be designed to minimize impacts to agricultural and environmentally sensitive land and to be compatible with continued agricultural use of the land whenever possible. Access driveways shall be constructed to minimize grading, removal of stone walls or roadside trees, and to minimize impacts to environmental or historic resources.

c). Screening/Buffering: Large-scale ground-mounted solar energy systems shall be screened year round from all adjoining properties in all zoning districts and from public and private ways. Screening will be in

place prior to issuing the Certificate to Generate in all zoning districts. Such screening shall be provided in the required setback areas and where existing vegetation in setbacks is insufficient for year-round screening purposes. The screen shall consist of dense evergreen vegetative screening 1.5 times the height of the highest solar panels. Berms or other methods to adequately screen the facility, depending on site specific conditions may be considered. Screen shall be maintained and replaced as necessary by the owner/operator of the solar energy system.

**To: 20.4 Certificate to Generate**

Add: The Planning Board may revoke the “Certificate to Generate” for cause after a public hearing.

To Read:

20.4 Certificate to Generate

No solar facility may sell or distribute generated power until all conditions of the issued permit and requirements of this by-law are approved and certified at a meeting of the Planning Board, and the “Certificate to Generate” is issued and recorded in the Worcester County Registry of Deeds. The Planning Board may revoke the “Certificate to Generate” for cause after a public hearing.

Add:

20.5 Reporting Requirements

The owner of the solar installation shall provide a report to the Planning Board in January of each calendar year with the following information: total amount of electricity generated, major maintenance performed; planned or actual major system modifications; change of ownership; changes to bond amounts.

(Submitted by Planning Board)

2/3 Vote Required

(Finance Committee will make recommendation at Town Meeting)

**ARTICLE 7.** To see if the Town will vote to amend the Zoning Bylaw with respect to wireless communication facilities as follows, or take any action in relation thereto. *Deletions shown by {strikethrough} and insertions shown by {bold} as follows:*

Section 18.6 Application Process

c. Construction

6. Change “A bond” to “A cash surety”

(Submitted by Planning Board)

2/3 Vote Required

(Finance Committee will make recommendation at Town Meeting)

**ARTICLE 8.** To see if the Town will vote to amend the Hubbardston General Bylaws by adding the following new section to establish and authorize revolving funds for use by certain town departments, boards, committees, or officers under Massachusetts General Laws Chapter 44, Section 53E1/2, or take any other action relative thereto.

[Recommended placement: Chapter IV Financial Year & Finances, Section 6. Departmental Revolving Funds]

**SECTION 6. Departmental Revolving Funds**

**A. Purpose**

This bylaw establishes and authorizes revolving funds for use by town departments, boards, committees and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, §53E1/2.

**B. Expenditure Limitations**

A department head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw without appropriation subject to the following limitations:

1. No liability shall be incurred in excess of the available balance of the fund.

2. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any authorization that is later approved during that fiscal year by the Board of Selectmen and Finance Committee.
3. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

### C. Interest

Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the general fund.

### D. Procedures and Reports

Except as provided in General Laws Chapter 44, §53E1/2 and this bylaw, all applicable state and local laws and regulations that govern the receipt, custody, expenditure and payment of town funds shall apply to the use of revolving funds established and authorized by this bylaw.

### E. Authorized Revolving Funds

Fund	Authorization By	Revenue Source	Use of Fund
Con Com Fund	Conservation Commission	Receipts from fees for site inspections and plan review	Payment to member performing site inspection and expenses relating to such inspections or plan review
DPW Temporary Driveway Fund	DPW Director	Charges and fees collected by the DPW upon payment of permit fees for temporary driveway applications	Expenses associated with road repairs made necessary by the temporary driveway installation.
Gas Fund	Gas Inspector	Gas Permit Fees and Applications	Pay inspector for inspection services
Grave Fund	Cemetery Commissioners	Payments for grave openings	Payment to party hired to open grave
Haz Mat Fund	Fire Chief	Service charges for clean-up and disposal of hazardous materials	Expenditures related to clean-up and disposal of hazardous materials
Hazardous Building Demolition Fund	Board of Health and the Building Department	Reimbursement from property owners for demolition of hazardous buildings	Payment of expenses associated with the demolition of hazardous buildings and related clean-up of underlying property
Hubbardston Special Events Fund	Town Administrator	Donations, sale of promotional items and other sources	Payment of the costs associated with organizing and hosting various special community celebratory events throughout the year
Late fee Dog License Fund	Town Clerk	Fees for late licensing of dogs and kennels	Payment of costs associated with the regulation of dogs, including ACO capital expense.



MART Transportation Management Fund	Executive Admin Assist	MART Reimbursement	Payment of costs associated with the supervision and operation of the MART Transportation
Open Burn Fund	Fire Chief	Receipts for fees for open burning	Payment of expenses related to fighting brush fires in town, including payment of part-time wages, forest firefighting equipment and other costs of fighting such fires
PEG Access	Cable Advisory Committee	License Fees from Cable TV providers	Expenses associated with providing recording and broadcasting of town meetings, events, and other costs associated with cable access.
Planning Board Fund	Planning Board	Site Plan Review, Site Inspection Fees, Special Permit & Subdivision and Application fees.	Expenses related to Site Plan Review, Special permit, Subdivision Applications and Zoning Bylaw & Subdivision Regulations revisions, Training, Consultants, and Administrative support.
Plumbing Fund	Plumbing Inspector	Plumbing Permit Fees and Applications	Pay inspector for inspection services
Public Records	Town Clerk	Charges and fees collected upon payment of public records fees.	Expenses associated with providing public records, and other costs associated with public records requests.
Recycling Fund	Board of Health	Fees collected for use of center and drop-off of recyclables	Costs associated with programs and facilities needed to recycle materials, including employee wages
Septic Fund	Board of Health	Fees for septic system plan review, agent inspections, and perc tests	Payments to septic system plan review engineers and to agents witnessing perc tests or performing inspections
Tax Title Collection Fund	Treasurer/Collector	Charges and fees collected upon redemption of tax titles or sales of property	Expenses associated with making a tax taking and to pay out of pocket expenses incurred in connection with a redemption or tax title foreclosure proceeding.
Vaccine Administration Account	Board of Health	Fees, health insurance reimbursements and receipts for vaccine related services	Payments for vaccine, supplies, and services deemed necessary by the Board of Health
Wiring Fund	Wiring Inspector	Electrical Permit Fees and Applications	Pay inspector for inspection services and clerical wages

(Submitted by Bylaw Review Committee)

(Finance Committee does not recommend)

**ARTICLE 9.** To see if the Town will vote to: amend the Hubbardston General Bylaws by adopting under Chapter I, General Provisions, a new Section 7., as follows, or take any action relative thereto:

**Section 7. Authorization for Numbering**

With the approval of the Town Administrator, the Town Clerk is authorized to correct internal cross-references and assign appropriate alphanumeric references to chapters, articles, sections, subsections, paragraphs and subparagraphs of the Hubbardston General and Zoning Bylaws where none are approved by Town Meeting and if such are approved by Town Meeting, to make non-substantive editorial revisions to ensure consistent and appropriate sequencing and numbering.

(Submitted by Town Clerk)

**ARTICLE 10.** To see if the Town will vote to amend the Hubbardston General Bylaws by adopting a new Section 4 under Chapter XVI Streets and Sidewalks the following:

**Section 4: Removal of Snow and Ice from Sidewalks**

**Section 4.1 Time Period**

The owner of any real property that abuts any sidewalk shall remove any and all accumulation, whether natural or otherwise, of snow and/or ice within 24 hours of the end of the precipitation that caused the accumulation. If the snow and/or ice has accumulated other than by precipitation, it shall be removed within 24 hours of its accumulation on such sidewalk. In order to comply with this bylaw, all sidewalks shall be cleared to the surface of the sidewalk, or, where it is impracticable to do so, the sidewalk shall be treated with sand or otherwise. It is the express intent of this bylaw to assure safe and convenient access on sidewalks to all travelers, including those with disabilities and/or mobility impairments, including people who use wheelchairs.

**Section 4.2 Penalty**

Any owner of real property who violates Section 4.1 of this bylaw shall pay a fine of ten dollars (\$10). Each 24-hour period in which snow and/or ice is not removed or treated as provided herein shall constitute a separate offense. No prosecution or other proceeding hereunder shall be commenced more than 60 days from the violation. The provisions of this bylaw may be enforced by the Hubbardston Police Department through the non-criminal disposition method as provided in M.G.L. Ch. 40, Sec. 21D.

**Section 4.3 Additional Penalty**

In addition to the remedies provided in section 4.2 of this bylaw, the Board of Selectmen in its discretion, may, after due notice to the owner of the real property and an opportunity to be heard, perform otherwise cause the clearing or treating of snow and/or ice to be performed, and recover from said owner the expense therefore that shall not exceed five hundred dollars (\$500). Such expenses shall constitute a municipal lien against the real property as provided in M.G.L. Ch. 40, Sec. 58.

(Submitted by Department of Public Works)

**ARTICLE 11.** To see if the Town will vote to add Article 22 to the Zoning Bylaw with respect to Marijuana establishments, or take any action in relation thereto:

**Sections**

- 22.1 Purpose
- 22.2 Definitions
- 22.3 General Requirement
- 22.4 General Zoning Districts
- 22.5 Procedure for Obtaining a Marijuana Establishment

**22.1 Purpose**

The purpose of this bylaw is to ensure safe access to the growing, distribution, and sale of Marijuana in the Town of Hubbardston. No Marijuana establishment shall impinge on any property owner's right to freedom of noise, odor, light pollution, or to the natural, scenic, historic and aesthetic qualities of their property.

**22.2 Definitions**

All definitions in MGL Chapter 94G Sections 1 Definitions and 935CMR 500.000 Adult Use of Marijuana Section 500.002 Definitions are made part of this bylaw.

**22.3 General Requirements**

All Marijuana Establishments including cultivating, retail sales, product manufacturing, independent testing laboratory, or any other type of marijuana type establishment shall be in conformance with Massachusetts General Law 94G, 935 CMR 500.00 Adult use of Marijuana. The Planning Board shall be the permit granting authority. The enforcement authority of this bylaw shall be the Building Inspector.

**22.4 General Zoning Districts for Marijuana Establishment**

22.4.1 Marijuana Establishment as described in MGL 94G and 935 CMR 500.00 shall be allowed in the following districts:

22.4.2 Marijuana Establishment permitted by Right in Residential District:

Outdoor Marijuana cultivation establishment licensed for Tier 1 (up to 5,000 sf).

22.4.3 Marijuana Establishment permitted by Special Permit in Residential District:

Outdoor Marijuana cultivation establishment licensed for Tier 2 (between 5001 and 10,000 sf).

22.4.4 Marijuana Establishments are allowed by special permit in the Town Center District

Retail Marijuana Establishments are allowed in the Town Center District by special permit.

22.4.5 Marijuana Establishment Permitted in the Commercial District

All Marijuana Establishments as defined by MGL 94G are allowed by special permit after the applicant has been approved by the Cannabis Control Commission.

**22.5 Procedure for obtaining any Marijuana Establishment Licenses**

22.5.1 Conduct a "Community Outreach Hearing"

22.5.1.1 The Planning Board will hold a joint Community Outreach Hearing with Hubbardston Board of Selectmen. All costs associated with this hearing shall be paid for by the applicant.

22.5.1.2 The Outreach Hearing shall be advertised twice in (14) days period prior to the hearing in the Gardner News and posted on the town website.

22.5.1.3 A copy of the notice filed with the Town Clerk, Planning Board, Board of Selectmen, Board of Health, building inspector and Police Chief.

22.5.1.4 A copy of hearing notices must be sent to abutters within 300' of the proposed Marijuana Establishment by registered mail.

22.5.1.5 The content of the hearing shall include discussion of type of Marijuana establishment to be located, security information, steps taken by applicant to prevent diversion to minors, plan for positive community impact, information to demonstrate location will not be a nuisance.

22.5.1.6 The applicant is required to answer questions from the community members.

**22.5.2 Enter into Host Community Agreement. (HCA)**

After the hearing the applicant shall make application to the Board of Selectmen for a Host Community Agreement with the Town of Hubbardston. The HCA will follow MGL 94G and 935CMR 500.000 Adult Use of Marijuana.

**22.5.3 Certify compliance with local zoning, including buffer zone requirement.**

After the Host Agreement has been executed between the Board of Selectmen the applicant will meet with Planning Board to review a general site plan to show that the proposal conforms to the zoning and buffer zone requirements. If the zoning and buffer zone requirements are in compliance with Town of Hubbardston Zoning the Planning Board will vote to a send letter to Cannabis Control Commission that the proposed Marijuana establishment is in compliance with zoning and buffer zone requirement.

**22.5.4 Final Approval**

**22.5.4.1** After Cannabis Control Commission has contacted the town that the application is complete the applicant, if required by zoning, must apply to the Planning Board for a Special Permit for Marijuana Establishment per Articles 7, 8, 9 and 21 of the Hubbardston Zoning Bylaw.

**ARTICLE 12** To see if the Town will vote to add a section to the Zoning Bylaw with respect to Marijuana establishments by making deletions and insertions to Sections as follows, or take and action in relation thereto:

**Article 2 Definitions (changes)**

Add to index list:

**2.40 Commission****2.41 Marijuana Establishment****Article 2 - Definitions:****Add 2.40 Commission**

The Cannabis Control Commission established by Section 76 of Chapter 10 of the Massachusetts General Laws.

**Add 2.41 Marijuana Establishment**

Marijuana Establishment means a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.

**Article 4 – Use Regulation (changes)****Add the following to Article 4.1 Uses Permitted by Right in Residential Districts**

q. Tier 1 outdoor marijuana establishment (subject to Article 22)

**Add the following to Article 4.2 Uses permitted by Special Permit in Residential Districts**

n. Outdoor Marijuana cultivation establishment licensed for Tier 2, (subject to Article 22)

**Add the following to Article 4.3.1 Use Permitted by Special Permit in the Town Center District**

c. Marijuana Establishments. Any and all marijuana businesses must comply with all Cannabis Control Commission rules and regulations and town of Hubbardston Zoning and General Bylaws, (subject to Article 22)

**Add the following to Article 4.5 Uses Permitted by Special Permit in Commercial Districts**

g. Marijuana establishment. Any and all marijuana businesses must comply with all Cannabis Control Commission rules and regulations and town of Hubbardston Zoning and General Bylaws, (subject to Article 22)

(Submitted by Planning Board)

2/3 Vote Required

◆—————◆  
You are hereby directed to serve this warrant by posting attested copies thereof at the Place of Meeting, Hubbardston Center School, “Mr. Mike’s” convenience store, the Town Office, and the Post Office fourteen days, at least, before the day of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of meeting as aforementioned.

Given under our hands this \_\_\_ day of May 2018:

BOARD OF SELECTMEN of HUBBARDSTON

\_\_\_\_\_  
Daniel S. Galante

\_\_\_\_\_  
Michael S. Stauder

\_\_\_\_\_  
Jeffrey L. Williams

\_\_\_\_\_  
Patrick R. Girouard

\_\_\_\_\_  
Richard Haddad

A true copy, Attest:

\_\_\_\_\_  
Joyce E. Green, Town Clerk

Date of Posting: \_\_\_\_\_

Method: \_\_\_\_\_

By: \_\_\_\_\_, Constable

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HUBBARDSTON



ANNUAL TOWN MEETING

Tuesday, June 5, 2018 • 7:30 p.m.

CENTER SCHOOL

STABILIZATION: \$ 324,830  
MUNICIPAL CAPITAL STABILIZATION: \$156,759  
FREE CASH: \$495,561

**Worcester, ss.** To either of the Constables of the Town of Hubbardston in the County of Worcester:  
In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Hubbardston qualified to vote in elections and Town affairs to meet at the **Center School located at 8 Elm Street in said Hubbardston on Tuesday, June 5, 2018 at 7:30 o'clock** in the evening, then and there to act on the following articles:

**ARTICLE 1.** To choose all necessary officers.

**ARTICLE 2.** To hear the reports of the Town Officers and Committees and act thereon.

**ARTICLE 3.** To see if the Town will vote to authorize the Board of Selectmen to enter into agreements with the Commonwealth of Massachusetts Department of Transportation for the construction and maintenance of public highways for the twelve month period beginning July 1, 2018; or take any other action relative thereto.  
(Submitted by Board of Selectmen) (Finance Committee Recommends)

**ARTICLE 4.** To see if the Town will vote to accept educational grants and aid for Fiscal Year 2019, to be expended for authorized purposes by the Montachusett Regional Vocational Technical School and the Quabbin Regional School District; or take any other action relative thereto.  
(Submitted by Board of Selectmen) (Finance Committee Recommends)

**ARTICLE 5.** To see if the Town will vote to authorize the continuation of the following Holden Hospital Account #220-512-5580-0000 for Fiscal Year 2019; or take any other action relative thereto:

The Holden Hospital Account is funded by monies received from the establishment of a \$2,500,000 trust fund under a settlement between the Medical Center of Central Massachusetts (MCCM) and the eleven communities formerly served by Holden Hospital. Any purchases to be presented for payment from this account shall be authorized by the appropriate board, and shall only be used for the following:

a. Vehicle Replacement Assistance - This fund would be used to assist in funding the replacement of a rescue vehicle and medical equipment for the Town of Hubbardston. This fund would accumulate, and would supplement any town funds utilized for the purchase. Any purchases to be presented for payment from this Account shall be preauthorized by the Board of Selectmen with voucher authorized by the Town Administrator.

b. Education and Training - This fund would be used to reimburse and/or off set a portion of the cost for members of the Hubbardston Fire Department in good standing who successfully completed EMT training and receive EMT certification from the State of Massachusetts. This fund would also be used to reimburse EMTs for successfully completing advanced training in the same manner. Any purchases to be presented for payment from this Account shall be preauthorized by the Board of Selectmen with voucher authorized by the Town Administrator.

c. Health Related - This fund would be utilized for other Health related programs within the Town of Hubbardston, under the direction of the Board of Health, or other health related agencies. Funds to be withdrawn by voucher submitted by the Board of Health or other Town Health related agencies.



d. Excess Investment Surplus - Any return on investment above 8% will be placed in this account which will accumulate and can be used for any special project or acquisition associated with any of the above three categories of distribution, or any other health related projects deemed compatible with the fund's design, with the approval of the Board of Selectmen. Funds may be withdrawn by voucher submitted by the Town Administrator.

(Submitted by Board of Selectmen)

(Finance Committee Recommends)

**ARTICLE 6.** To see if the Town will vote pursuant to MGL Ch. 44 §53E ½ and 53F 3/4, to re-authorize the use of existing revolving fund accounts in Fiscal Year 2019; to determine whether such revolving fund accounts shall be credited with the following receipts; to determine which boards, departments or officers shall be authorized to expend amounts from such revolving fund accounts; and to determine whether the maximum amounts that may be expended from such revolving fund accounts in Fiscal Year 2019 shall be the following amounts or any other amounts shown on the following chart; or take any other action relative thereto.

Fund	Authorization By	Revenue Source	Use of Fund	FY2019 Spending Limit
Wiring Fund	Wiring Inspector	Electrical Permit Fees and Applications	Pay inspector for inspection services and clerical wages	\$50,000
Gas Fund	Gas Inspector	Gas Permit Fees and Applications	Pay inspector for inspection services	\$3,000
Plumbing Fund	Plumbing Inspector	Plumbing Permit Fees and Applications	Pay inspector for inspection services	\$6,000
Recycling Fund	Board of Health	Fees collected for use of center and drop-off of recyclables	Costs associated with programs and facilities needed to recycle materials, including employee wages	\$5,000
Grave Fund	Cemetery Commissioners	Payments for grave openings	Payment to party hired to open grave	\$5,000
Haz Mat Fund	Fire Chief	Service charges for clean-up and disposal of hazardous materials	Expenditures related to clean-up and disposal of hazardous materials	\$3,000
Septic Fund	Board of Health	Fees for septic system plan review, agent inspections, and perc tests	Payments to septic system plan review engineers and to agents witnessing perc tests or performing inspections	\$20,000
Vaccine Administration Account	Board of Health	Fees, health insurance reimbursements and receipts for vaccine related services	Payments for vaccine, supplies, and services deemed necessary by the Board of Health	\$5,000
Con Com Fund	Conservation Commission	Receipts from fees for site inspections and plan review	Payment to member performing site inspection and expenses relating to such inspections or plan review	\$3,000

Open Burn Fund	Fire Chief	Receipts for fees for open burning	Payment of expenses related to fighting brush fires in town, including payment of part-time wages, forest firefighting equipment and other costs of fighting such fires	\$11,000
Late fee Dog License Fund	Town Clerk	Fees for late licensing of dogs and kennels	Payment of costs associated with the regulation of dogs, including ACO capital expense.	\$10,000
MART Transportation Management Fund	Executive Administrative Assistant to the Board of Selectmen	MART Reimbursement	Payment of costs associated with the supervision and operation of the MART Transportation	\$35,000
Hubbardston Special Events Fund	Town Administrator	Donations, sale of promotional items and other sources	Payment of expenses associated with organizing and hosting various special community celebratory events throughout the year.	\$50,000
Hazardous Building Demolition Fund	Board of Health and the Building Department	Reimbursement from property owners for demolition of hazardous buildings	Payment of expenses associated with the demolition of hazardous buildings and related clean-up of underlying property	\$20,000
Planning Board Fund	Planning Board	Site Plan Review, Site Inspection Fees, Special Permit & Subdivision and Application fees.	Expenses related to Site Plan Review, Special permit, Subdivision Applications and Zoning Bylaw & Subdivision Regulations revisions, Training, Consultants, and Administrative support.	\$10,000
Tax Title Collection Fund	Treasurer/Collector	Charges and fees collected upon redemption of tax titles or sales of property	Expenses associated with making a tax taking and to pay out of pocket expenses incurred in connection with a redemption or tax title foreclosure proceeding.	\$10,000



DPW Temporary Driveway Fund	DPW Director	Charges and fees collected by the DPW upon payment of permit fees for temporary driveway applications	Expenses associated with road repairs made necessary by the temporary driveway installation.	\$2,500
PEG Access	Cable Advisory Committee	License Fees from Cable TV providers	Expenses associated with providing recording and broadcasting of town meetings, events, and other costs associated with cable access.	\$25,000
Public Records	Town Clerk	Charges and fees collected upon payment of public records fees	Expenses associated with providing public records, and other costs associated with public records requests	\$5,000
			Total of all Revolving Funds:	\$278, 500

(Submitted by Board of Selectmen)

(Finance Committee Recommends)

### **BUDGET ARTICLES**

**ARTICLE 7.** To see if the Town will vote to raise and appropriate from taxation, transfer from available funds, or otherwise provide the following sums of money to meet the salaries and compensation of Town Employees, and Town Officers, as provided by MGL Ch. 41 §108, expense, and outlays of the Town Departments, and other sundry and miscellaneous, but regular, expenditures necessary for the operation of the Town for Fiscal Year 2019 (July 1, 2018 through June 30, 2019), 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:

General Government	\$ 627,262
Public Safety	\$ 1,263,830
Growth Management	\$ 75,116
Education	\$ 5,192,552
Public Works and Cemeteries	\$ 803,780
Resident Services	\$ 177,673
Unclassified	\$ 860,392
<b>TOTAL GENERAL FUND OPERATING BUDGET</b>	<b>\$ 9,000,605</b>

*Note: The detailed Fiscal Year 2019 Operating Budget included with this warrant is only a guide and non-binding as to the raise and appropriate vote of the category totals shown above and/or as a motion.*

(Submitted by Board of Selectmen)

(Finance Committee Recommends)

**ARTICLE 8.** To see if the Town will vote to transfer from Free Cash the sum of \$15,000 (Fifteen Thousand Dollars and 00/100 Dollars) to fund the Senior Citizen Work-off Tax Abatement Program Account # 001-141-5120-0000 for Fiscal Year 2019; or take any action relative thereto:

(Submitted by the Board of Selectmen)

(Finance Committee Recommends)

**ARTICLE 9.** To see if the Town will vote to transfer from Free Cash, the following sums to pay for the following Fiscal Year 2019 cash capital expenses; or take any other action relative thereto:

<b>FY19 Capital Article Table</b>			
	<b>New Obligations</b>	<b>Amount</b>	<b>Funding Mechanism</b>
A	To fund the purchase of an exhaust mitigation system for the Hubbardston Fire Department	\$57,300	Free Cash Allocation
B	To fund structural firefighting gear for the Hubbardston Fire Department	\$16,800	Free Cash Allocation
C	To fund engineering costs for Town Center Reconstruction Project	\$150,000	Free Cash Allocation
D	To fund various maintenance projects for the Hubbardston Library	\$6,000	Free Cash Allocation
	<b>New Obligations Total</b>	<b>\$230,100</b>	

(Submitted by Board of Selectmen)

(Finance Committee Recommends)

**ARTICLE 10.** To see if the Town will vote to raise and appropriate the sum of \$200,000 by taxation, by transfer from available funds, by borrowing or any combination thereof, to purchase a 6-wheel dump truck with plow and sander, including all costs incidental and related thereto, and to purchase any related equipment; and that to meet said appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow the full amount of such appropriation under General Laws Chapter 44 or any other general or special law or other enabling authority, and to issue bonds or notes of the Town therefor, and further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payments of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; provided, however, that the expenditure of funds taken hereunder shall be expressly contingent upon approval by the voters of a ballot question to exclude the amounts required to pay for the bond or notes issued for such projects from the provisions of Proposition 2 ½, so called; or take any other action relative thereto.

(Submitted By Board of Selectmen)

2/3 Vote Required

(Finance Committee Recommends)

Note: Article 10 is asking voters to approve a debt exclusion which is a “temporary” Prop 2 ½ over-ride. This Prop 2 ½ over-ride would end when the bond is paid off (at the end of the term of the borrowing.) A debt exclusion requires this article to be approved and the successful passage of the ballot question at the special election to be held before September 15, 2018.

**ARTICLE 11.** To see if the Town will vote to authorize the Board of Selectmen to enter into renewable energy purchase and/or net metering credit purchase agreements, including solar energy and related new metering credits, for terms of more than three years and on such other terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town, and to take all actions necessary to implement and administer such agreements; or take any action relative thereto.

(Submitted by Town Administrator)

(Finance Committee Recommends)

**ARTICLE 12.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of funding the first year of collective bargaining agreements between the Town and the Teamsters Local 170 (DPW) and the New England Police Benevolent Association, Inc. Local 092 effective July 1, 2018, and further, that the Town Accountant be authorized to allocate said sums to such accounts as are proper and required; or take any other action relative thereto.

(Submitted by Town Administrator)

(Finance Committee Recommends)

**ARTICLE 13.** To see if the Town will transfer from Free Cash the sum of \$3,000 for the purpose of funding an updated wage and job classification study in Fiscal Year 2019; or take any other action relative thereto.  
(Submitted by Town Administrator) (Finance Committee Recommends)

**ARTICLE 14.** To see if the Town will vote to transfer from Free Cash the sum of \$7,834 for the purpose of funding a cafeteria steamer and kettle with a CombiOven for the Hubbardston Center School; or take any other action relative thereto.  
(Submitted by School Committee) (Finance Committee Recommends)

**ARTICLE 15.** To see if the Town will vote to raise and appropriate the sum of \$100,000 by taxation, by transfer from available funds, by borrowing or any combination thereof, for the historical refurbishment of the Jonas G. Clarke Library’s slate roof, including all costs incidental and related thereto, and to purchase any related equipment; and that to meet said appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow the full amount of such appropriation under General Laws Chapter 44 or any other general or special law or other enabling authority, and to issue bonds or notes of the Town therefor, and further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payments of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; provided, however, that the expenditure of funds taken hereunder shall be expressly contingent upon approval by the voters of a ballot question to exclude the amounts required to pay for the bond or notes issued for such projects from the provisions of Proposition 2 ½, so called; or take any other action relative thereto.  
(Submitted by Library Board of Trustees) 2/3 Vote Required (Finance Committee Recommends)

Note: Article 15 is asking voters to approve a debt exclusion which is a “temporary” Prop 2 ½ over-ride. This Prop 2 ½ over-ride would end when the bond is paid off (at the end of the term of the borrowing.) A debt exclusion requires this article to be approved and the successful passage of the ballot question at the special election to be held before September 15, 2018.

**CPA ARTICLES**

**ARTICLE 16.** To see if the Town will vote to appropriate or reserve from the Community Preservation annual revenues in the amounts recommended by the Committee Preservation Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2019, with each item to be considered a separate appropriation; or take any other action relative thereto:

Appropriations:

From FY 2019 estimated revenues for Committee Administrative Expenses (5%) \$3,276.94

Reserves:

From FY 2019 estimated revenues for Historic Resources Reserve (10%)	\$6,253.88
From FY 2019 estimated revenues for Community Housing Reserve (10%)	\$6,253.88
From FY 2019 estimated revenues for Open Space Reserve (10%)	\$6,253.88
From FY 2019 estimated revenues for Budgeted Reserve (65%)	\$43,500.33

(Submitted by Community Preservation Committee) (Finance Committee Recommends)

**ARTICLE 17.** To see if the Town will vote to appropriate \$133,000 to fund the cost of repairing and replacing the historic roof of the Hubbardston Public Library, including all costs incidental and relate thereto, and to meet said appropriation, to transfer the sum of \$33,000 from the Community Preservation Act Undesignated Reserve Fund, and further to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$100,000 pursuant to G.L. c.44B, §11, G.L. c.44, §7 or any other enabling authority, and to issue bonds and notes therefor, with the understanding that although such bonds shall be general obligation bonds of the Town, it is anticipated that the principal and interest thereon shall be paid from the Community Preservation Fund, and further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payments of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; or take any other action relative thereto.



(Submitted by Community Preservation Committee)  
(Finance Committee Recommends)

2/3 Vote Required

**ARTICLE 18.** To see if the Town will vote to appropriate \$100,000 to fund the cost of exterior painting and exterior repair work to siding, sills, venting and trim to the preserve and restore the historic Evangelical Congregational Church (dba Day Spring Church), including all costs incidental and relate thereto, and to meet said appropriation, to transfer the sum of \$50,000 from the Community Preservation Act Undesignated Reserve, and further to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$50,000 pursuant to G.L. c.44B, §11, G.L. c.44, §7 or any other enabling authority, and to issue bonds and notes therefor, with the understanding that although such bonds shall be general obligation bonds of the Town, it is anticipated that the principal and interest thereon shall be paid from the Community Preservation Fund; further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payments of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; to authorize the Board of Selectmen to enter into a grant agreement with the Evangelical Congregational Church setting forth the terms and conditions thereof; and to authorize the Board of Selectmen to acquire an historic preservation restriction from said Church; or take any other action relative thereto.

(Submitted by Community Preservation Committee)  
(Finance Committee Recommends)

2/3 Vote Required

**ARTICLE 19.** To see if the Town will vote to appropriate \$76,620 to fund the cost of repairing and replacing the roof, and thereby restoring and preserving the historic First Parish Unitarian Church of Hubbardston, including all costs incidental and relate thereto, and to meet said appropriation, to transfer the sum of \$35,000 from the Community Preservation Act Historic Reserves Fund and \$3,310 from the Community Preservation Act Undesignated Reserve Fund, and further to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$35,000 pursuant to G.L. c.44B, §11, G.L. c.44, §7 or any other enabling authority, and to issue bonds and notes therefor, with the understanding that although such bonds shall be general obligation bonds of the Town, it is anticipated that the principal and interest thereon shall be paid from the Community Preservation Fund; further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payments of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; to authorize the Board of Selectmen to enter into a grant agreement with the First Parish Unitarian Church setting forth the terms and conditions thereof; and to authorize the Board of Selectmen to acquire an historic preservation restriction from said Church; or take any action relative thereto.

(Submitted by Community Preservation Committee)  
(Finance Committee Recommends)

2/3 Vote Required

### **GENERAL ARTICLES**

**ARTICLE 20.** To see if the Town will accept M.G.L Chapter 59, Section 5, Clause 56 that the board of assessors may grant real and personal property tax abatements up to 100 percent of the total tax assessed to members of the Massachusetts National Guard and reservists on active duty in foreign countries for the fiscal year they performed such service subject to eligibility criteria to be established by the board of assessors. The authority to grant abatements under this section shall expire after two (2) years of acceptance unless extended by a vote of the town; or take any action relative thereto.

(Submitted by Board of Assessors)

(Finance Committee Recommends)

**ARTICLE 21.** To see if the Town will reduce the age of eligibility for qualification for exemption under MGL Chapter 59, Section 5, Clause 41c Minimum Age requirement from any person aged 70 or older to 65 years or older, and to increase the qualifying gross receipts limit to \$20,000 if single and \$30,000 if married and to increase the whole estate limit to \$40,000 if single and \$55,000 if married; or take any action relative thereto.

(Submitted by Board of Assessors)

(Finance Committee Recommends)

**ARTICLE 22.** To see if the Town will increase the income (gross receipts) threshold of \$20,000 to the allowed income limit for the "circuit breaker" state income tax credit for single non-head of household filers under

M.G.L. Chapter 59, Section 5, Clause 41A, and to reduce the interest on deferred taxes from 8 percent to five percent; or take any action relative thereto.

(Submitted by Board of Assessors)

(Finance Committee Recommends)

**ARTICLE 23.** To see if the Town will vote to transfer from Free Cash the sum of \$20,000 for the purpose of surveying, engineering, and legal fees, including all costs incidental and relate thereto, for the purposes or preparing Streeter Road for acceptance as a town way; or take any action relative thereto.

(Submitted by Board of Selectmen)

(Finance Committee Does Not Recommend)

**ARTICLE 24.** Motion, the abutters/residents of Hubbardston, that the Town vote to accept Streeter Road, Hubbardston, Massachusetts, as a public road, owned by the respective abutting land owners, and further to authorize the Board of Selectmen to acquire, after layout, by gift or eminent domain property interests in said way sufficient to use the way for all purposes for which public ways are used in the Town of Hubbardston; or take any action relative thereto.

(Submitted by Citizen Petition)

(Finance Committee Does Not Recommend)

**ARTICLE 25.** To see if the town will vote to amend the composition of the Open Space Committee by deleting one Conservation Committee member and deleting one at-large member. The remaining composition of the board will be seven at-large members appointed by the Board of Selectmen; or take any action relative thereto.

(Submitted by Open Space Committee)

**ARTICLE 26.** To see if the Town will vote to authorize the Board of Selectmen to negotiate and execute a tax agreement for payments-in-lieu of taxes ("PILOT") with 978 Solar Development LLC, its successors and assigns pursuant to M.G.L. Chapter 59, Section 38H(b) and Chapter 164, Section 1, or any other enabling authority, upon the terms and conditions as said Board shall deem in the best interest of the Town, for both real property and personal property associated with a solar photovoltaic facility having a proposed nameplate capacity of approximately 4.95 megawatts DC and land (on a portion thereto) located on 147 Williamsville Road and described as Assessors Map 4 Block 127 upon which such facility is to be located, and to take all actions necessary to implement and effectuate the terms of such agreement; or take any action relative thereto.

(Submitted by Planning Board)

(Finance Committee Recommends)

You are hereby directed to serve this warrant by posting attested copies thereof at the Place of Meeting, Hubbardston Center School, "Mr. Mike's" convenience store, the Town Office and the Post Office fourteen days, at least, before the day of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of meeting as aforementioned.

Given under our hands this \_\_\_ day of May 2018:

**BOARD OF SELECTMEN of HUBBARDSTON**

\_\_\_\_\_  
Daniel S. Galante

\_\_\_\_\_  
Michael S. Stauder

\_\_\_\_\_  
Jeffrey L. Williams

\_\_\_\_\_  
Patrick R. Girouard

\_\_\_\_\_  
Richard J. Haddad

A true copy, Attest:

\_\_\_\_\_  
Joyce E. Green, Town Clerk

Date of Posting: \_\_\_\_\_

Method: \_\_\_\_\_

By: \_\_\_\_\_, Constable