

ANNUAL TOWN MEETING

**Tuesday, June 4, 2019 • 7p.m.** 

CENTER SCHOOL

# STABILIZATION: \$ 390,950 MUNICIPAL CAPITAL STABILIZATION: \$158,910 FREE CASH: \$401,513

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 4, 2019 at 7 '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, 2019; or take any other action relative thereto. (Submitted and Recommended by the Board of Selectmen) (Finance Committee Recommends)

<u>ARTICLE 4.</u> To see if the Town will vote to accept educational grants and aid for Fiscal Year 2020, 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 and Recommended by the Board of Selectmen)

(Finance Committee Recommends)

**ARTICLE 5.** To see if the Town will vote to authorize the continuation of the Holden Hospital Account #220-512-5580-0000 for Fiscal Year 2020, to be used for the purposes specified in the trust fund settlement; or take any other action relative thereto:

(Submitted and Recommended by the Board of Selectmen)

(Finance Committee Recommends)

<u>ARTICLE 6</u>. To see if the Town will vote to amend the Town's General Bylaw, Chapter IV, Section 6, entitled "Departmental Revolving Funds," to as set forth below: (new language in bold and deleted language struck through), and to transfer any and all funds in the "Vaccine Administration Account" revolving fund into the "Board of Health Fund"; or take any other action relative thereto.

Fund	Authorization By	Revenue Source	Use of Fund
Vaccine Administration Account Board of Health Fund	Board of Health	Fees, health insurance reimbursements and receipts for vaccine related services  Fees for Board of Health	Payments for vaccine, supplies, and services deemed necessary by the Board of Health  Payments for Activities related to disease prevention, public health & environmental protection deemed
runa		applications and permits	necessary by the Board of Health

Plumbing Fund	Plumbing Inspector	Plumbing Permit Fees and Applications	Pay inspector for inspection services
Gas Fund	Gas Inspector	Gas Permit Fees and Applications	Pay inspector for inspection services

And, further, to see if the Town will vote, pursuant to G.L. c.44, 53E ½, to set the FY 2020 spending limit for the Board of Health Fund at \$10,000; or take any action relative thereto:

(Submitted and Recommended by the Board of Selectmen) (Finance Committee Recommends)

ARTICLE 7. To see if the Town will vote to fix the maximum amount that may be spent during Fiscal Year 2020 beginning on July 1, 2019 for the revolving funds established in Chapter IV of the Hubbardston General By-Laws-laws for certain departments, boards, committees, agencies or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E½ or take any other action relative thereto. (NOTE: proposed changes from Fiscal Year 2019 are shown in **BOLD**)

Revolving Fund	Department, Board, Committee, Agency of Officer	FY2020 Spending Limit
Con Com Fund	Conservation Committee	\$3,000
Temporary Driveway Permit Fund	DPW Director	\$2,500
Gas Fund	Gas Inspector	\$3,000
Grave Fund	Cemetery Commission	\$10,000
Hazmat Fund	Fire Chief	\$3,000
Hazardous Building Demo Fund	Board of Health; Building Dept.	\$20,000
Hubbardston Special Events Fund	Town Administrator	\$50,000
Late Fee Dog License Fund	Town Clerk	\$10,000
MART Trans. Manage. Fund	Executive Assistant	\$35,000
Open Burn Pit Fund	Fire Chief	\$11,000
PEG Access	Cable Advisory Committee	\$25,000
Planning Board Fund	Planning Board	\$20,000
Plumbing Fund	Plumbing Inspector	\$6,000
Public Records	Town Clerk	\$5,000
Recycling Fund	Board of Health	\$5,000
Septic Fund	Board of Health	\$20,000
Tax Title Collection Fund	Treasurer/Collector	\$10,000
Vaccine Administration Account	Board of Health	\$5,000
Wiring Fund	Wiring Inspector	\$50,000

(Submitted and Recommended by the Board of Selectmen)

(Finance Committee Recommends)

### **BUDGET ARTICLES**

ARTICLE 8. 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, including the incremental cost of the first year of the collective bargaining agreement between the Town and Hubbardston Professional Firefighters – Local 4957 - IAFF effective July 1, 2019, and other sundry and miscellaneous, but regular, expenditures necessary for the operation of the Town for Fiscal Year 2020 (July 1, 2019 through June 30, 2020) as printed in the attached Appendix A, and further, to accept and expend Federal and State Funds to offset certain salaries or expenses and outlay; or take any other action relative thereto.

PURPOSE	AMOUNT
General Government	\$628,464
Public Safety	\$1,331,405
Growth Management	\$88,014
Education	\$5,373,680
Public Works and Cemeteries	\$838,050
Resident Services	\$147,430
Unclassified	\$862,387
<b>Total General Fund and Operating Budget</b>	\$9,269,431

Note: The detailed Fiscal Year 2020 Operating Budget included in Appendix A of 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 and Recommended by the Board of Selectmen) (Finance Committee Recommends)

ARTICLE 9. 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 2020; or take any action relative thereto.

(Submitted and Recommended by the Board of Selectmen)

(Finance Committee Recommends)

**ARTICLE 10.** To see if the Town will vote to transfer from Free Cash the sum of \$6,500 (Six Thousand Five Hundred Dollars and 00/100 Dollars) to fund the purchase of a towed commercial truck loader for leaf removal, a backpack leaf blower and weed maintenance equipment, including all costs incidental and related thereto, for the town's cemeteries for Fiscal Year 2020; or take any action relative thereto.

(Submitted and Recommended by the Board of Selectmen)

(Finance Committee Recommends)

**ARTICLE 11.** To see if the Town will vote to transfer from Free Cash to the Hubbardston Preservation Fund (Fund 211) the amount of \$1,755.00 for prior fiscal year deposits made in error to the Selectmen's Miscellaneous Account; or take any other action relative thereto.

(Submitted and Recommended by the Board of Selectmen)

(Finance Committee Recommends)

**ARTICLE 12.** To see if the Town will vote to transfer from free cash the sum of \$147.55 for the purpose of supplementing the FY2019 appropriations for the following accounts; or take any other action relative thereto.

218-491-5380-0000	Grave Opening	\$60.00
298-630-5780-0000	Parks and Rec Expenses	\$11.13
299-210-5130-0000	PD Underage Drinking Grant	\$76.42

(Submitted and Recommended by the Board of Selectmen)

(Finance Committee Recommends)

ARTICLE 13. To see if the Town will vote to transfer the sum of \$58,910 from Municipal Capital Stabilization Fund and the sum of \$204,810 from Free Cash to pay for the following Fiscal Year 2020 cash capital expenses, including all costs incidental and related thereto; or take any other action relative thereto. (2/3 vote required to transfer funds from Stabilization Fund)

	FY2020 Capital Article Table	
	New Obligations	Amount
1	To fund the purchase of a pavement roller and trailer for the Department of Public Works	\$35,000
2	To fund a dump truck with plows for the Department of Public Works	\$95,000
3	To repair the library roof and skylight on the so-called annex building	\$11,000
4	To fund new handguns for the Police Department	\$3,000
5	To fund a new cruiser with necessary equipment for the Police Department	\$46,000
6	To fund the purchase of new cafeteria equipment for the Hubbardston Center School	\$25,000
7	To fund the purchase of a water pump booster system for the Hubbardston Center School	\$18,000
8	To fund the purchase of new computers and related IT hardware and software for the Town Offices	\$30,000
	New Obligations Total	\$263,000

(Submitted and Recommended by the Board of Selectmen)

(Finance Committee Recommends)

<u>ARTICLE 14</u>. To see if the Town will vote to transfer from the following accounts those sums as noted below, with those sums being the remaining balances from prior spending authorizations from the general fund or Free Cash approved on the dates noted, to the General Stabilization Account, as follows; or take any other action relative thereto.

Account #	Description	Amount to Return
001-122-5380-9000	STM 8/10/15 Art#3 Design Services	\$11,361.25
301-000-5840-9002	STM 10/24/17 A2 COMPLETE STS RTE 68	\$347.60
301-220-5870-9000	ATM 6/6/17 A12 FIRE TRUCK & REL EQU	\$1,019.00
001-220-5870-9001	ATM 6/5/18 A9 FD Turnout Gear	\$61.78
301-422-5870-9000	ATM 6/6/17 A14 6 WHEEL DUMP TRUCK	\$667.00
TOTAL:		\$13,456.63

(Submitted and Recommended by the Board of Selectmen)

(Finance Committee Recommends)

<u>ARTICLE 15</u>. To see if the Town will vote to rescind the following unissued borrowing authorizations approved under certain previously voted Town Meeting articles; or take any action relative thereto:

Purpose	Vote Date	Article #	Amount Authorized	Amount Spent	Amount Unissued
CPA	12/4/2007	8	\$475,000.00	\$351,501.00	\$123,499.00
EMERGENCY ICE STORM RECOVERY	6/2/2009	4	\$600,000.00	\$585,000.00	\$15,000.00
PLAYGROUND	4/23/2013	3	\$40,000.00	\$30,000.00	\$10,000.00

ROUTE 68 ENGINEERING	11/19/2013	3	\$115,000.00	\$95,000.00	\$20,000.00
DEPT EQUIPMENT - PUBLIC WORKS	7/29/2014	1	\$140,000.00	\$135,000.00	\$5,000.00
				TOTAL	\$173,499.00

(Submitted and Recommended by the Board of Selectmen)

(Finance Committee Recommends)

## **CPA ARTICLES**

**ARTICLE 16.** To see if the Town will vote to appropriate or reserve from the Community Preservation annual revenues the amounts recommended by the Committee Preservation Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2020, with each item to be considered a separate appropriation; or take any other action relative thereto:

### Appropriations:

From FY 2020 estimated revenues for Committee Administrative Expenses (5%) \$3,267.39

From FY 2020 estimated revenues for Historic Resources Reserve (10%) \$6,534.77 From FY 2020 estimated revenues for Community Housing Reserve (10%) \$6,534.77 From FY 2020 estimated revenues for Open Space Reserve (10%) \$6,534.77 From FY 2020 estimated revenues for Budgeted Reserve (65%) \$42,475.92

(Submitted by Community Preservation Committee)

(Finance Committee Takes No Action)

(Recommended by the Board of Selectmen)

**ARTICLE 17.** To see if the Town will vote to transfer the remaining balances from prior spending authorizations approved under certain previously voted Town Meeting articles as noted below to the CPA Undesignated Reserve, as follows; or take any other action relative thereto.

Account #	Description	Amount to Return
246-183-5840-0001	ATM 6/4/13 A23 Tennis Courts	\$27.78
246-183-5840-0002	ATM 6/2/15 A21 Library Roof	\$2,600.00
246-161-5780-2012	ATM 6/5/12 A23 Town Historic Records	\$4,183.72
	Preservation	
TOTAL:		\$6,811.50

(Submitted by Community Preservation Committee) (Recommended by the Board of Selectmen)

(Finance Committee Takes No Action)

**ARTICLE 18.** To see if the Town will vote to appropriate \$21,200.00 from the Community Preservation Open Space Reserve Account for the purpose of restoring and rehabilitating for recreational use the Curtis Recreational Field (Hubbardston Youth Baseball Fields) to become compliant accordance with the Cal Ripken league regulations, including all costs incidental and related thereto; or take any action relative thereto.

(Submitted by Community Preservation Committee)

(Finance Committee Takes No Action)

(Recommended by the Board of Selectmen)

**ARTICLE 19.** To see if the Town will vote to appropriate \$2,618.00 from the Community Preservation Open Space Reserve Account to purchase a portable ice-skating rink for winter recreational and open space purposes, including all costs incidental and related thereto; or take any action relative thereto.

(Submitted by Community Preservation Committee)

(Finance Committee Takes No Action)

(Recommended by the Board of Selectmen)

ARTICLE 20. To see if the Town will vote to appropriate \$8,000 from the Community Preservation Historic Reserve Account for excavating and repairing areas of the Hubbardston Public Library brick foundation, including backfilling, seeding, and all costs incidental and related thereto, for historic preservation and restoration purposes; or take any action relative thereto.

(Submitted by Community Preservation Committee)

(Finance Committee Takes No Action)

(Recommended by the Board of Selectmen)

ARTICLE 21. To see if the Town will vote to appropriate \$26,690.00 from the Community Preservation Historic Reserve Account for the purpose of reimbursing the First Parish Unitarian Church for the cost of repairing and replacing the historic building's roof, including all costs incidental and related thereto; or take any action relative thereto.

(Submitted by Community Preservation Committee) (Recommended by the Board of Selectmen)

(Finance Committee Takes No Action)

## **GENERAL ARTICLES**

ARTICLE 22. To see if the Town will vote pursuant to G.L. 40, §5B to create a special purpose stabilization fund for Municipal Road Repair and Maintenance, and, as funding therefor, to raise and appropriate the sum of \$350,000 to said stabilization fund; provided, however that the vote taken hereunder shall be expressly contingent upon approval by the voters of a Proposition 2 ½, so called, override question in accordance with G.L. c.59, §21C (g), or take any other action relative thereto. (2/3 vote required)

(Submitted and Recommended by the Board of Selectmen)

(Finance Committee Recommends)

ARTICLE 23. To see if the Town will vote to amend the Town of Hubbardston General Bylaws by adding a new Chapter XXXIII, entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of January 1, 2020, a copy of which is on file with the Office of the Town Clerk; or take any other action relative thereto.

(Submitted and Recommended by the Board of Selectmen)

(Finance Committee Recommends)

**ARTICLE 24.** To see if the Town will vote to accept Massachusetts General Laws Chapter 64N, Section 3 to impose a local excise tax on the retail sales of marijuana for adult use on marijuana retailers operating within the Town at the rate of 3 percent; or to take any other action relative thereto.

(Submitted and Recommended by the Board of Selectmen)

(Finance Committee Recommends)

ARTICLE 25. To see if the town will vote to accept the layout of Streeter Road as a public way in the location depicted on the plan entitled, "Layout Plan of Streeter Road, Hubbardston, MA" dated November 30, 2018 and page three revised on April 1, 2019, prepared by Szoc Surveyors, as heretofore laid out by the Board of Selectmen and filed with the Town Clerk's office, and to authorize the Board of Selectmen to acquire by purchase, gift, or eminent domain or otherwise the fee to and/or easements in said Streeter Road as depicted on said plan and to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisitions and other acts authorized herein; or take any action relative thereto. (2/3 vote required)

(Submitted and Recommended by the Board of Selectmen)

(Finance Committee Recommends)

**ARTICLE 26.** To see if the town will vote to authorize, pursuant to G.L. Chapter 30B, Section 12, the Board of Selectmen to enter into a five year contract with Lance Laine for the haying of the Mount Jefferson Recreation Area; or take any action relative thereto.

(Submitted and Recommended by the Board of Selectmen)

(Finance Committee Recommends)

<u>ARTICLE 27.</u> To see if the town will vote to amend the Hubbardston Zoning Bylaw Article 7, Special Permits, Section 7.6, as follows:

First sentence:

Delete: "recommended" Insert: "appointed"

Delete "and appointed by the Select Board"

Insert "from the residents of the Town, per MGL40A, Section 9"

Such that the sentence, as amended, will read:

There shall be one Associate Member, appointed by the Planning Board from among the residents of the Town, per MGL Chapter 40A, Section 9...

### (2/3 vote required)

(Submitted by Thomas Robinson, Hubbardston elected official) (Finance Committee Recommends) (Not recommended by the Board of Selectmen)

ARTICLE 28. To see if the town will vote to amend the Hubbardston General Bylaw Chapter III Vacancies and Appointments, Section 1. Town Officers & Election or Appointment of the same as follows:

### OTHER OFFICERS TO BE APPOINTED BY THE SELECTMEN:

Delete: PLANNING BOARD, ASSOCIATE MEMBER OF; per Town Zoning Bylaws Article 7.6.

(Submitted by Thomas Robinson, Hubbardston elected official) (Finance Committee Recommends) (Not recommended by the Board of Selectmen)

<u>ARTICLE 29</u>. To see if the town will vote to amend Chapter XXXI, Section 2 of the Hubbardston General Bylaws by inserting a new Section 2.6 as follows; or take any action relative thereto:

## Section 2.6 – Powers of the Agricultural Commission

A commission may conduct research and prepare agricultural-related plans, including a comprehensive local agricultural land plan which shall be, to the extent possible, consistent with any current town master plan and regional area plans. The plan shall show or identify: (i) agricultural land areas and facilities; (ii) matters which may be shown on a tract index under section 33 of chapter 184; (iii) acquisitions of interest in land under this section; (iv) municipal lands that are held as open space; (v) non-municipal land subject to legal requirements or restrictions to protect that land or use it for open space, conservation, recreation or agriculture; (vi) land that should be retained as a public necessity for agricultural use; and (vii) any other information that the commission determines to be relevant to local agricultural land use. The commission may amend the plan whenever necessary.

A commission may receive gifts, bequests or devises of personal property or interests in real property as described in this subsection in the name of the municipality, subject to the approval of the city council or board of selectmen, as the case may be. The commission may purchase interests in the land only with funds available to the commission. A city council or a town meeting may raise or transfer funds so that the commission may acquire in the name of the municipality, by option, purchase, lease or otherwise, the fee in the land or water rights, conservation or agricultural restrictions, easements or other contractual rights as may be necessary to acquire, maintain, improve, protect, limit the future use of or conserve and properly utilize open spaces in land and water areas within the municipality. The commission shall manage and control the interests in land acquired under this subsection. The commission shall not take or obtain land by eminent domain.

The commission shall adopt rules and regulations governing the use of land and water under its control and prescribe civil penalties, not exceeding a fine of \$100, for a violation.

(h) A municipality may appropriate money to an agricultural preservation fund of which the treasurer of the municipality shall be the custodian. The treasurer shall receive, deposit or invest the funds in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation or national banks or invest the funds in: (i) paid up shares and accounts of and in cooperative banks; (ii) shares of savings and loan associations; or (iii) shares of federal savings and loan associations doing business in the commonwealth. Any income derived from

deposits or investments under this subsection shall be credited to the fund. Money in the fund may be expended by the commission for any purpose authorized by this section.

(Submitted by Agricultural Commission) (Recommended by the Board of Selectmen) (Finance Committee Recommends)

ARTICLE 30. To see if the town will vote to accept Streeter Road as a public way, all other requirements of G.L. c. 82, § 21-24, having been met, the dimensions and location of said proposed public way being set forth on the plan entitled, "Layout Plan of Streeter Road, Hubbardston, MA" dated November 30, 2018, prepared by Szoc Surveyors, a copy of which is available in the Town Clerk's office, and to authorize the Board of Selectmen to acquire by purchase, gift, or eminent domain any rights in the land within the layout and/or related easements as may be necessary for said public way, and further transfer from available funds such sums of money as may be necessary to defray the expenses hereof; or take any action relative thereto.

(Submitted by Citizen's Petition)

(Finance Committee Recommends)

(Recommended by the Board of Selectmen)

**ARTICLE 31.** To see if the town will vote to authorize the Board of Selectmen to petition the General Court for special legislation as follows:

AN ACT relative to private road maintenance.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. For the purposes of this act, the following words shall have the following meanings unless the context clearly requires otherwise:

"Common usage", a road or any portion thereof that has been commonly used by the general public for a period of at least 20 consecutive years for travel directly from 1 public road to another public road.

"Improvement", construction, alteration or reconstruction of 1 or more permanent fixtures upon, over or under a private way open to the public and of the type which the town may undertake with respect to town ways.

"Maintenance" incidental repairs and snow and ice removal upon, over or under a private way open to the public of the type which the town may undertake with respect to town ways.

SECTION 2. Notwithstanding sections 6C and 6N of chapter 40 of the General Laws, and bylaws adopted thereunder, or any other general or special law to the contrary, the town of Hubbardston may, from time to time, to ensure the safety of the general public, enter onto and make expenditures to undertake maintenance and improvements, within any portion thereof, on 1 or more private ways within the town following: (i) a declaration of common usage of the private way by the general public, by vote of the Board of Selectmen; and (ii) an appropriation therefor. The board of selectmen shall determine the extent of any maintenance improvements. No declaration, appropriation, expenditure, maintenance or improvement pursuant to this act shall constitute the taking, layout, acceptance or establishment of the private way as a town way or constitute repairs under section 25 of chapter 84 of the General Laws.

SECTION 3. This act shall take effect upon its passage;

or take any action relative thereto.
(Submitted by Citizen's Petition)
(Recommended by the Board of Selectmen)

(Finance Committee Recommends)

ARTICLE 32. To see if the Town will vote to accept the provisions of M.G.L. Ch. 44 §53F3/4, establishing a separate revenue fund effective fiscal year 2020, which begins on July 1, 2020, to be known as the PEG Access and Cable Related Fund, into which shall be deposited cable franchise fees and other cable-related revenues for appropriation to support public, educational and governmental ("PEG") access cable television services and oversight and renewal of the cable franchise agreements; and, upon such establishment, that the

Town vote to transfer the balance of all funds as of June 30, 2019 held in the PEG Access revolving account for the benefit of the Cable Advisory Committee to said PEG Access and Cable Related Fund; or take any other action relative thereto.

(Submitted and Recommended by the Board of Selectmen)

(Finance Committee Takes No Action)

ARTICLE 33. To see if the Town will vote to appropriate the sum of Eighty-Five Thousand and no cents (\$85,000.00) for the salaries, benefits, committee stipends and other operating expenses of the Hubbardston Cable Advisory Committee for fiscal year 2020, and to meet said appropriation, that the sum of \$85,000 be transferred from the PEG Access and Cable Related Fund; or take any other action relative thereto.

(Submitted and Recommended by the Board of Selectmen)

(Finance Committee Takes No Action)

You are hereby directed to serve this warrant by posting attested copies thereof at the Place of Meeting, Hubbardston Center School, Hubbardston One Stop Shop 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 14th day of May 2019:

BOARD OF SELECTMEN of HUBBARDSTON

Daniel S. Galante  Michael S. Stauder	A true copy, Attest:  Joyce E. Green, Town Cler	k
Jeffrey J. Williams	Date of Posting:	
Patrick R. Girouard	Method:	
	By:	. Constabl

Richard J. Haddad