



COMMONWEALTH OF MASSACHUSETTS
TOWN OF HUBBARDSTON

ANNUAL TOWN MEETING

MINUTES

June 5, 2012

Pursuant to the foregoing warrant, the voters of the Town of Hubbardston assembled at the Center School gymnasium to act on the articles in said warrant. Present were Moderator Edward Leonard; Board of Selectmen members Ernest Newcomb (Chair), Michael Stauder, and Matt Castriotta; Town Clerk Joyce Green; Finance Committee members Edward Blanchard (Chair), Benjamin Prentiss, Chris Norcross, Patrick Girouard, Faye Zukowski, and Raeanne Siegel; Interim Town Administrator Brian Bullock; and representative for Town Counsel, Joel Bard.

A total of 298 registered voters were checked in by Marcia Howlett and Shonna Larson. A quorum of 50 voters was present throughout the meeting.

Moderator Leonard called the meeting to order at 7:30pm. The Moderator chose two voters as counters, Bella Kaldera and Steven Harmon.

Chairman of the Board of Selectmen Ernest Newcomb dedicated the 2011 Annual Report to Thomas Howlett for his relentless volunteerism for the town.

The Moderator reviewed the procedures for Town Meeting and the following actions were taken on the articles presented in the aforesaid warrant:

ARTICLE 1. All necessary officers will be chosen at the Annual Town Election on Tuesday, June 12, 2012.

ARTICLE 2. The reports of the Town Officers and Committees will be published in the 2011 Annual Town Report.

ARTICLE 3. Motion, Matt Castriotta, that the Town 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, 2012.

(Fin Com Recommends)

Second: Michael Stauder

Vote: Motion Carries, Majority Affirmative Vote

ARTICLE 4. Motion, Matt Castriotta, that the Town vote **to accept educational grants and aid for Fiscal Year 2013**, to be expended for authorized purposes by the Montachusett Regional Vocational Technical School and the Quabbin Regional School District. (Fin Com Recommends)

Second: Michael Stauder

Vote: Motion Carries, Majority Affirmative Vote

ARTICLE 5. Motion, that the Town vote **to authorize the continuation of the following Holden Hospital Accounts for Fiscal Year 2013:**

a. Vehicle Replacement Assistance Account

Funded by monies received from the establishment of a \$2,500,000.00 trust fund under a settlement between Medical Center of Central Massachusetts (MCCM) and the eleven communities formerly served by Holden Hospital. This fund would be used to assist in funding the replacement of a RESCUE VEHICLE for the Town of Hubbardston. 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 Board of Selectmen.

b. Education and Training Account

Funded by monies received from the establishment of a \$2,500,000.00 trust fund under a settlement between Medical Center of Central Massachusetts (MCCM) and the eleven communities formerly served by Holden Hospital. This fund would be used to reimburse Hubbardston residents for successfully completing EMT training only after one full year of active service with the Hubbardston EMS Division of the Fire Department. 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 Board of Selectmen.

c. Health Related Account

Funded by monies received from establishment of a \$2,500,000.00 trust fund under a settlement between Medical Center of Central Massachusetts (MCCM) and the eleven communities formerly served by Holden Hospital. 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, co-signed by the Board of Selectmen.

d. Excess Investment Surplus Account

Funded by monies received from the establishment of a \$2,500,000.00 trust fund under a settlement between Medical Center of Central Massachusetts (MCCM) and the eleven communities formerly served by Holden Hospital. 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 Board of Selectmen.

(Fin Com Recommends)

Second: Michael Stauder

Vote: Motion Carries, Majority Affirmative Vote

ARTICLE 6. Motion, Matt Castriotta, that the Town vote **to authorize the following Revolving Accounts for Fiscal 2013** under MGL Ch. 44 §53E ½, as shown on the following chart:

(Fin Com Recommends)

Recommended change from prior year use is noted in bold within chart.

Fund	Authorization By	Revenue Source	Use of Fund	Limit
Wiring Fund	Wiring Inspector	Electrical Permit Fees and Applications	Pay inspector for inspection services and clerical wages	\$ 20,000
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 fire fighting 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	COA Director	MART Reimbursement	Payment of costs associated with the supervision of the MART Transportation	\$10,000
Hubbardston 250th Anniversary Fund	250th Anniversary Committee	Donations, sale of promotional items and other sources	Payment of the costs associated with the 250th Anniversary Celebration of Hubbardston's Founding	\$50,000

Second: Michael Stauder

Vote: Motion Carries, Majority Affirmative Vote

BUDGET ARTICLE

ARTICLE 7. Motion, Matt Castriotta, that the Town vote **to raise \$6,758,788.00** to defray Town charges and expenses for the year ensuing (July 1, 2012 through June 30, 2013) and to fix the salary and compensation for all the elected officers of the Town, as provided by MGL Ch. 41 §108, as amended, and to **make appropriations** therefor. (Fin Com Recommends)

Second: Michael Stauder

Motion to Amend: Albert Afonso [Board of Assessors], to increase Assessor's Expense Account #141-5201 from \$5,600 to \$8,003 as originally requested by the department to cover costs associated with assessor training. **Second:** Diane Lanney. **Vote on Motion to Amend:** Motion Fails, Majority Negative Vote

Vote to Raise & Appropriate \$560,124 for General Government: Motion Carries, Majority Affirmative Vote

Vote to Raise & Appropriate \$912,693 for Public Safety: Motion Carries, Majority Affirmative Vote

Vote to Raise & Appropriate \$3,983,532 for Education: Motion Carries, Majority Affirmative Vote

Vote to Raise & Appropriate \$723,877 for Public Works: Motion Carries, Majority Affirmative Vote

Vote to Raise & Appropriate \$121,756 for Human Services, Culture & Recreation: Motion Carries, Majority Affirmative Vote

Motion to Amend: Karen Chick [Town Accountant] to change the account number for Wage Adjustment under Unclassified from 129-5100 to 912-5200. **Second:** Ernest Newcomb. **Vote on Motion to Amend:** Motion Carries, Majority Affirmative Vote

Vote to reaffirm total Article 7 to raise & appropriate \$6,758,788: Motion Carries; Majority Affirmative Vote

ARTICLE 8. Motion, Michael Stauder, that the Town vote **to raise and appropriate** an additional sum of **\$453,723.00** (Four Hundred Fifty Three Thousand Seven Hundred Twenty Three Dollars and Zero Cents) to additionally fund the operations of the Quabbin Regional School District provided however that said appropriation shall be **contingent upon successful passage of a Proposition 2 ½ Override**.

(Fin Com recommends a ballot vote to let the voters decide)

Second: Michael Foley

Motion: Allura Overstreet, to vote by secret ballot on Article 8. **Second:** Janice Belleisle. **Vote on secret ballot:** Motion Fails, Majority Negative Vote.

Motion: Thomas Howlett, to move the question. **Second:** Elaine Peterson. **Vote:** Motion Carries, Majority Affirmative Vote.

Vote on Article 8: Motion Carries, Majority Affirmative Vote

ARTICLE 9. Motion, Matt Castriotta, that the Town vote **to transfer a sum not to exceed \$900.00**(Nine Hundred Dollars and Zero Cents) **from the Library Dog Fund (#24-210-5200) to the Library Books and Materials Account (#610-5400).** (Fin Com Recommends)

Second: Ernest Newcomb

Vote: Motion Carries, Majority Affirmative Vote

ARTICLE 10. Motion, Matt Castriotta, that the Town vote **to raise and appropriate the sum of \$11,500 (Eleven Thousand Five Hundred Dollars and Zero cents) to fund the Senior Citizen Work-off Tax Abatement Program for Fiscal Year 13.** (Fin Com Recommends)

Second: Michael Stauder

Vote: Motion Carries, Majority Affirmative Vote

ARTICLE 11. Motion, Matt Castriotta, that the Town **accept the provisions of Chapter 44 Sec 53F ½ of the Massachusetts General Laws establishing Ambulance Services as an Enterprise Fund** effective for the FY13 Fiscal Year. (Fin Com Recommends)

Second: Ernest Newcomb

Vote: Motion Carries, Majority Affirmative Vote

ARTICLE 12. Motion, Matt Castriotta, that the town vote to **transfer a sum not to exceed \$200,000.00 (Two Hundred Thousand dollars and Zero Cents) from the Ambulance Reserve Receipts for Appropriation Account (Account # 28-000-5200) to the Hubbardston Ambulance Enterprise Fund** established above. (Fin Com Recommends)

Second: Michael Stauder

Vote: Motion Carries, Majority Affirmative Vote

ARTICLE 13. Motion, Matt Castriotta, that the town vote **to authorize the expenditure of funds to pay Town debts and charges for the ensuing year, the sum of \$215,018.00 (Two Hundred, Fifteen Thousand, Eighteen Dollars and Zero cents) for the proposed budget for the AMBULANCE SERVICES ENTERPRISE FUND, and to raise said sum through fees and charges.**

(Fin Com Recommends)

Second: Michael Stauder

Vote: Motion Carries, Majority Affirmative Vote

ARTICLE 14. Motion, Matt Castriotta, that the Town vote to **transfer from the Stabilization Account the amount of \$100,000 (One Hundred Thousand Dollars and Zero cents)** to be used to purchase, accept by gift, or take by eminent domain a parcel of land on which the Town would develop a Senior/Community

Center, affordable housing or other legal municipal purpose and to further authorize the design of said municipal facilities. **2/3 Vote Required** (Fin Com Recommends)

Second: Ernest Newcomb

Vote: Motion Carries; Yes-143, No-43, Abstain-0

ARTICLE 15. Motion, Matt Castriotta, that the Town vote **to transfer from the Stabilization Account the amount of \$7,500 (Seven Thousand Five Hundred Dollars and Zero Cents)** to be used to retain the services of a qualified architect and/or firm to conduct a building needs study for the Town.

2/3 Vote Required (Fin Com Recommends)

It is the Town's intention to replenish the Stabilization Account with the sale of lots below and the State Ice Storm Reimbursement Funds

Second: Michael Stauder

Vote: Motion Carries; Yes-152, No-19, Abstain-0

ARTICLE 16. Motion, Matt Castriotta, that the Town vote **to authorize the Board of Selectmen to sell 5 parcels of land on Ragged Hill Road** described as Assessors Map 2 Lots 33, 217, 218, 219, & 220 by Auction, Request for Proposals or other legal means. **2/3 Vote Required** (Fin Com Recommends)

Second: Michael Stauder

Vote: Motion Carries; Yes-145, No-16, Abstain-0

ARTICLE 17. Motion, Matt Castriotta, that the Town vote to **raise and appropriate \$210,000.00** (Two Hundred Ten Thousand Dollars and Zero Cents) **to the Municipal Capital Stabilization Account.**

2/3 Vote Required (Fin Com Recommends)

Second: Michael Stauder

Vote: Motion Carries; Yes-137, No-1, Abstain-0

ARTICLE 18. Motion, Matt Castriotta, that the Town vote to **transfer from the Municipal Capital Stabilization Account**, a sum not to exceed **\$214,588.00** (Two Hundred Fourteen Thousand Five Hundred Eighty Eight Dollars and Zero cents) to pay for the following:

EXISTING OBLIGATIONS

Rehabilitation of 1993 Ford Truck	\$ 7,000.00
HPD Police Cruiser #1	\$ 8,500.00
Slade Building Rehabilitation Project (Payoff)	\$ 45,000.00
Fire Department Engine #3 Principal	\$ 50,078.00
Fire Department Engine #3 Interest	\$ 5,010.00
Fire Department Forestry Unit	\$ 12,500.00
<u>Short Term Interest</u>	<u>\$ 9,000.00</u>
Sub Total	\$137,088.00

FY2013 OBLIGATIONS

HPD Police Cruiser #2	\$ 12,000.00
Highway Fuel Pump System	\$ 20,000.00
Town Accountant Software	\$ 17,000.00
Underground Conduit Connection	\$ 3,500.00
Fire Station Asbestos Abatement	\$ 7,500.00
Revolving Computer Upgrade Account	<u>\$ 17,500.00</u>
Sub Total	\$ 77,500.00

TOTAL \$ 214,588.00

2/3 Vote Required

(Fin Com Recommends)

Second: Michael Stauder

Vote: Motion Carries; Yes-134, No-4, Abstain-0

ARTICLE 19. Motion, Matt Castriotta, that the Town vote **to appropriate and/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 2013, with each item to be considered a separate appropriation: (Fin Com Recommends)

Appropriations:

From FY 2013 estimated revenues for Committee Administrative Expenses (5%) \$2,960.63

Reserves:

From FY 2013 estimated revenues for Historic Resources Reserve (10%) \$5,921.25

From FY 2013 estimated revenues for Community Housing Reserve (10%) \$5,921.25

From FY 2013 estimated revenues for Open Space Reserve (10%) \$5,921.25

From FY 2013 estimated revenues for Budgeted Reserve (65%) \$38,488.12

Second: Michael Stauder

Vote: Motion Carries, Majority Affirmative Vote

ARTICLE 20. Motion, Matt Castriotta, that the Town vote **to appropriate \$15,000.00** (Fifteen Thousand Dollars and Zero Cents) **from the Community Preservation Budgeted Reserve Account** (#24-600-5040) to cover year five (of five) for the borrowing associated with the Malone Road Project approved Article 8 at the Special Town Meeting December 4, 2007. (Fin Com Recommends)

Second: Michael Stauder

Vote: Motion Carries, Majority Affirmative Vote

ARTICLE 21. Motion, Matt Castriotta, that the Town vote **to appropriate \$11,000.00** (Eleven Thousand Dollars and Zero Cents) from the **Community Preservation Budgeted Reserve Account** (#24-600-5040) to cover year four (of five) for the borrowing associated with the Steeple, Bell Tower, Roof and for masonry work and painting of the First Parish Unitarian Church of Hubbardston approved Article 14 of the Annual Town Meeting June 3, 2008. (Fin Com Recommends)

Second: Michael Stauder

Vote: Motion Carries, Majority Affirmative Vote

ARTICLE 22. Motion, Matt Castriotta, that the Town vote **to appropriate \$10,000.00** (Ten Thousand Dollars and Zero Cents) **from the Community Preservation Act Open Space Reserve to reclaim a 2 or 3 acre section of the Malone Road property.** (Fin Com Does Not Recommend)

Second: Ernest Newcomb

Vote: Motion Carries, Hand Count Vote; Yes-87, No-51

ARTICLE 23. Motion, that the Town vote **to appropriate \$51,744.00** (Fifty One Thousand Seven Hundred Forty Four Dollars and Zero Cents) **from the Community Preservation Budgeted Reserve for the conservation and preservation of Town historic records** as requested by and under the supervision of the Town Clerk. (Fin Com recommends)

Second: Ernest Newcomb

Vote: Motion Carries, Majority Affirmative Vote

ARTICLE 24. NO ACTION TAKEN

[To adopt a Zoning Bylaw on JUNK, ACCUMULATION THEREOF]

Planning Board has not held a public hearing on the proposed Zoning Bylaw as required by Massachusetts General Laws and therefore Town Meeting takes no action.

ARTICLE 25. Motion, Matt Castriotta, that the Town vote **to create a Town of Hubbardston 250th Anniversary Committee** to help plan, coordinate and authorize functions in conjunction with the Town of Hubbardston 250th Anniversary in calendar year 2017, said Committee to consist of five members appointed by the Board of Selectmen, two members to be appointed to initial terms of three years, two members to be appointed to initial terms of two years, and one member to be appointed to an initial term of one year, with all subsequent appointments to be for three years each. Said Committee will upon completion of all business transactions present a final report to the Board of Selectmen and a recommendation that the Committee be dissolved by Town Meeting vote. (Fin Com Recommends)

Second: Ernest Newcomb

Vote: Motion Carries, Majority Affirmative Vote

ARTICLE 26. Motion, Matt Castriotta, that the Town vote **to raise and appropriate \$5,000.00 (Five Thousand Dollars and Zero cents)** to be deposited into the “Hubbardston 250th Anniversary Fund” for expenses related to the planning of the anniversary celebration. (Fin Com Recommends)

Second: Ernest Newcomb

Vote: Motion Carries, Majority Affirmative Vote

ARTICLE 27. Motion, Matt Castriotta, that the town vote **to transfer the balance of \$1,077.19 (One Thousand Seventy Seven Dollars and Nineteen Cents) from the Founders Day Revolving Account (Account # 24-000-1752-000) to the Hubbardston 250th Anniversary Fund** established above.

(Fin Com Recommends)

Second: Ernest Newcomb

Vote: Motion Carries, Majority Affirmative Vote

ARTICLE 28. Motion, Matt Castriotta, that the Town of Hubbardston vote to **amend the Hubbardston General Bylaws by adding Chapter XXIII, Section 1; The Sex Offender in Child Safety Zone Bylaw** or act to do anything relative thereto.

Sex Offender in Child Safety Zones:

Definition of Child Safety Zone: A park, playground, recreation center, library, school, day care center, private youth center, video arcade, bathing beach, swimming pool, gymnasium, sports field, sports facility, including the parking area and land adjacent to any of the aforementioned facilities.

Prohibitions:

- 1) A level 3 registered sex offender is prohibited from entering upon the premises of a school or day care center unless previously authorized specifically in writing by the school administration or day care center owner.
- 2) A level 3 registered sex offender is prohibited from entering upon the premises of an elderly housing facility unless previously authorized in writing by the on-site manager of the elderly housing facility.
- 3) A level 3 registered sex offender is prohibited from entering upon the premises of a park or any recreational facility.
- 4) A level 3 registered sex offender, after having received notice from the Hubbardston Police Department that he/she is loitering by having remained for more than fifteen (15) minutes within a five-hundred (500) foot distance of a school, a day care center, a park, any recreational facility or elderly housing facility, is prohibited from continuing to so loiter. For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the registered sex offender to the outer property line of the school, a day care center, a park, any recreational facility, elderly housing facility.

Exceptions:

- 1) The prohibitions defined above shall not be construed or enforced so as to prohibit a registered sex offender from exercising his/her right to vote in any federal, state or municipal election, or from attending any religious service.
- 2) The prohibitions defined above do not apply to a registered sex offender's place of residence.
- 3) Any person whose name has been removed from the Massachusetts Sex Offender Registry or from the registry of any other state or in the federal or military system by act of a court or by expiration of the term such person is required to remain on such registry or reclassified as a level 1 in Massachusetts or lowest offender category in another jurisdiction.
- 4) The facility in a child safety zone also supports a church, synagogue, mosque, temple or other house of religious worship, subject to all of the following conditions:
 - The child sex offender's entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted by the public; and
 - The child sex offender shall not participate in any religious education programs that include individuals under the age of eighteen (18).
- 5) The property also supports a use lawfully attended by a child sex offender's natural or adopted child(ren), which child's use reasonably requires the attendance of the child sex offender as the child's parent upon the property, subject to the following condition:
The child sex offender's entrance and presence upon the property occurs only during

hours of activity related to the use as posted to the public.

Penalties:

Any violation of this section may be enforced by noncriminal disposition pursuant to M.G.L., Chapter 40, section 21D, resulting in a noncriminal fine of \$150.00 for a first violation and a noncriminal fine of \$300.00 for each additional violation of this section. A registered sex offender commits a separate offense for each and every violation of this section.

Enforcement:

- A. The Hubbardston Police Department shall be charged with the enforcement of this chapter.
- B. A written list describing the prohibited areas defined in this chapter and a map depicting the safety zones, shall be created by the Town and maintained. The list, the maps and a copy of this chapter will be available to the public at the Hubbardston Police department and Town Clerk's office.

(Submitted by Citizen Petition)

Second: Michael Stauder

Motion to Amend: Matt Cloutier; to amend the definition of Child Safety Zone, by replacing "recreation center" with "any recreational facility." **Second:** Ronald Ruston

Vote on Amendment: Motion Carries, Majority Affirmative Vote.

Motion to Amend: Matt Cloutier; to amend Prohibitions, Section 3 by replacing "of a park or any recreational facility" with "as defined in the definition of Child Safety Zone." **Second:** Allura Overstreet.

Town Counsel suggested a friendly amendment to change "defined" to "listed" which was accepted by the maker and second of the motion to amend.

Vote on Amendment: Motion Carries, Majority Affirmative Vote.

Motion to Amend: Matt Cloutier; to amend Prohibitions, Section 4, in both the first and second sentences, by replacing "school, a day care center, a park, any recreational facility" with "Child Safety Zone." **Second:** Allura Overstreet

Town Counsel wanted it known that "Child Safety Zone" should be capitalized.

Vote on Amendment: Motion Carries, Majority Affirmative Vote.

Motion to Amend: Matt Cloutier; to amend Penalties by changing the fine for the first violation from \$150 to \$300 and for each additional violation, changing the fine from \$300 to \$1000.

Town Counsel stated that the State maximum is a non-criminal fine of \$300 for each violation.

Mr. Cloutier amended his motion to changing the fine to \$300 for each violation which was affirmed by the second of the motion. **Second:** Diane Lanney.

Town Counsel suggested the following wording: "resulting in a noncriminal fine of \$300 for each violation of this section." This wording was approved by the maker and second and so voted.

Vote on Amendment: Motion Carries, Majority Affirmative Vote.

Vote on Article 28 as Amended: Motion Carries, Majority Affirmative Vote

Seeing no further business before the meeting, the Moderator adjourned the Annual Town Meeting at 10:08pm.

Respectfully Submitted,

Joyce E. Green
Town Clerk

(Town Seal)