TOWN OF CHARLTON
Minutes of Regular Selectmen’s Meeting
Tuesday – May 21, 2019, 6:30pm
Selectmen’s Meeting Room, 37 Main St., Charlton MA


NOTE: Some matters may have been taken out of agenda order but were typed up in agenda order for ease of locating information when necessary.

I. Call to Order:
Chairman Singer called the meeting to order at 6:30pm with the pledge to the flag.

II. Consent Agenda:
1. Minutes of Regular Meeting – May 7, 2019. Motion by Mr. Borowski to approve as written, seconded by Mr. McGrath, motion passes with Mr. McGrath abstaining due to being at only part of the meeting remotely.

III. Community Relations, Announcements and Open Forum:
• Chairman Singer read the announcements.
• Todd Girard came before the board as a town veteran. He wanted to thank everyone for their service to our town, our state and our country. He also thanked them for being defenders of freedom. He said the United States motto for the army on June 14, 1775 is this will defend. On May 24, 1917, the first infantry division or Big Red 1 was formed. It's the longest continuing division in the United States Army. Our motto is no mission to difficult, no sacrifice to great, duty first. He deployed to Iraq with that division. During his deployment, 148 of his fellow soldiers were killed in action. 145 of his fellow soldiers were killed through non battle related injuries. 15 of those soldiers were females. 467 of his comrades were wounded in action. He’s lucky to come home and be here. May 27th is right around the corner and he would just like everyone to take a few minutes and remember what the day is about. It’s about the sacrifice that these people, men and women, have made for our country. This is the ultimate sacrifice that he personally witnessed. Please help everyone, help yourselves. Show the respect and do the right thing on Memorial Day. Come show some respect to his fellow comrades who couldn’t come home and he would just wonder if the select board would like to lead off in a moment of silence in honor of those people during this trying time that we are going through. Chairman Singer thanked Mr. Girard and asked him if he wanted that today or at Memorial Day and Mr. Girard would like it right now. The board agreed to honor Mr. Girard’s wishes and a motion made by Mr. Borowski and seconded by Mr. McGrath to do so.
Chairman Singer asked everyone to join them in a moment of silence. He thanked Mr. Girard.

IV. Appointments/Resignations:
1. Appointment – Board of Registrar. Mrs. Craver stated that we were notified by Town Clerk Karen
LaCroix that a Board of Registrar member is not allowed to be on any other town boards or committees. Jordan Evans can no longer serve as a registrar as she is on several boards. As required, we sent a letter by certified mail to Joanne Powell, Chairman of the Republican Town Committee asking for a list of three names of candidates for consideration. Town Clerk LaCroix stated that they needed someone that was available during the day when needed. After reviewing the three names provided, the Town Clerk is recommending the Board appoint Joanne Powell as a Board of Registrar member with a term expiration date of April 1, 2020. She would recommend the board make the appointment as requested. **Motion by Mr. Borowski to approve, seconded by Ms. Spiewak, motion carries unanimously.**

2. Resignation – Council on Aging. Mrs. Craver stated that attached is a letter from the Council on Aging stating that Gail Stokes has resigned from the Board after seven years. We have advertised the opening on cable and the town’s website as the board’s policy states. You are asked to accept Ms. Stokes resignation. A letter has been prepared thanking her for her time. **Motion by Mr. Borowski to approve with regret, seconded by Ms. Spiewak, motion carries unanimously.**

3. Resignation – Council on Aging – Outreach Coordinator. Mrs. Craver stated that attached is a letter from Debra Ciesluk, Council on Aging Outreach Coordinator notifying the Council on Aging that she will be retiring on August 29, 2019. The board should accept her resignation effective August 29, 2019. As we get closer to the date of her retirement, a certificate will be prepared for the board to sign and acknowledge Ms. Ciesluk for her service to the town. She said that Ms. Ciesluk has been a true asset to the town. **Motion by Mr. Borowski to accept her resignation and wish her a wonderful retirement, seconded by Ms. Noble.** Ms. Noble asked how long has Ms. Ciesluk worked for the town. Mrs. Craver will get that information. Ms. Noble asked when would we start advertising. Mrs. Craver will check with Council on Aging on what their process and working with HR is. **Vote on motion carries unanimously.**

V. Scheduled Appointments:

**6:45pm – Pole Hearing – Partridge Hill Road.** Mrs. Craver stated attached you will find a request from National Grid and Verizon New England, Inc. seeking to install 1 JO Pole on Partridge Hill Road. Also attached is the notice that was sent to the abutters. This request has been forwarded and approved by both the Chief of Police and Highway Superintendent. No comments or concerns have been received. Chairman Singer read the public hearing notice as sent to abutters. (attached) He declared the hearing open at 6:54pm. Joseph & Richard March from 190c Partridge Hill Rd. came forward. Joe March said the pole they are putting in is at the end of the right of way to his house. He asked if they are trying to lay the wires underground. Mark from National Grid came forward. He said they do not intend to run any wires underground as far as he’s aware. It will go towards the end of the right of way and they have an easement to run and maintain on the left hand side that goes up towards 190b Partridge Hill Rd. They will be moving the two poles in that right of way to remove an aero trespass where they have a wire going over a building. Chairman Singer recommended continuing the hearing until the designer can be here to answer the questions. Mr. McGrath would suggest to the designer is to bring actual pictures showing exactly what he is going to do. Mrs. Craver would recommend to Mark that he get their information and contact them to do a site walk with them. Robin Levangle and Tom Strenk from 190 Partridge Hill Road came forward. They think the pole being addressed is on town property. Part of the wires are on the March’s property. Chairman Singer would ask to hold this discussion until the designer is here and also ask Highway Superintendent Foskett to attend. Mrs. Craver said it’s always helpful if National Grid can work with the neighborhood. Ms. Levangle said they did reach out to the March’s who have refused to help in any way. She said that National Grid has their legal team working on this because it says that poles can go in on the left hand side of the right of way. She
said this is a benefit to everyone safety wise. The March’s said that National Grid never contacted them. Mr. Borowski asked them to state what their biggest concerns are so they can let National Grid know. Mr. March said the pole they show for 43-50, they have no problem with that whatsoever. He said the gentleman from National Grid said they will be moving poles onto the right of way. That is the problem because it is a private right of way. He said if they move the poles into the right of way, it affects snow plowing that he does. Right now the poles are on the edge of the right of way. It’s the modification to the other poles which is their concern. Mr. Borowski asked if the board had any jurisdiction over this. **Motion by Mr. Borowski to continue the hearing until the next selectmen’s meeting, seconded by Mr. McGrath.** Ms. Levangle said she spoke with Jay the designer and he stated that he has reached out to the March’s. Chairman Singer would recommend that he bring proof that he tried to contact them, such as an email to the next meeting. **Vote on motion: motion passes unanimously.**

**6:50pm** – Chapter 61 removal request – Gunter, LLC. Mrs. Craver stated that attached is a request from Gunter, LLC, Roy C. Gunter III, Managing Member requesting to sell and convert parcels 10, 11, 12, 13 & 15 on Boucher Road as identified on Assessors Map 40 currently held in Chapter 61. The Planning Board, Board of Assessors, Conservation Commission and Water/Sewer Commission have all reviewed the request and have no objection to the Town of Charlton choosing not to exercise their right of first refusal for this request. Chairman Singer read the public hearing notice. (attached) He declared the hearing open at 7:12pm. No questions heard. Mr. Borowski would like to recommend for the future that the Town Administrator prepare a very brief pro and con list why it makes more sense to not purchase as opposed to purchase. Mrs. Craver said that we do this that’s why it’s sent to other departments to review and if they feel there is a use, they would tell us. With no further discussion, Chairman Singer closed the hearing at 7:16pm. Mrs. Craver would also invite the board to review the parcel(s) and let the office know if you do see something or have questions that you would like us to explore. **Motion by Mr. McGrath to close the public hearing, seconded by Ms. Noble, motion carries unanimously.**

**Motion by Mr. Borowski for the board not to exercise our right of first refusal, seconded by Ms. Spiewak, motion passes unanimously.**

**7:00pm** – Northeast Energy Center, LLC – update regarding project. Mrs. Craver stated that Boris Brevnov, Managing Member for Liberty Energy Trust, LLC is here to provide an update regarding the Northeast Energy Center project. NEC is on track and moving forward. In an effort to continue development efforts in Charlton, the Project team is completing an updated analysis to be submitted to the Massachusetts Energy Facilities Siting Board. Following their November 13th public hearing, the analysis determined that an alternative site along Route 169 is the optimal location for the facility. This site is in an area with an existing, gas-fired power plant, active industrial use and a large solar array. Mr. Brevnov came forward and said that in 10 days they will have a public hearing conducted by the state Energy Facilities Siting Board. Also present Jay Gambell, Weston & Sampson and Eric Govoni with Bond Brothers. Mr. Brevnov reviewed the picture he had of the plan. The area they are going with is by the Incom property. This project could become a back up supply for Millennium Power Plant. Chairman Singer thanked them. He asked if this is adjacent to Incom or on the same property and the size. He asked them to work with the Planning Board. Mr. Brevnov said it is contiguous to Incom. The develop site is about 10 acres. Mr. McGrath asked when the public hearing is by the state. Mr. Brevnov said the public hearing is May 29th at 7pm at the Charlton Middle School. Mr. Borowski asked what tangible benefits are there to local residents? Mr. Brevnov said that Incom and other businesses will be able to benefit from this. Mr. Borowski asked if we have done the financial forecast for what the potential income would be from this? Mr. Brevnov said they have started this process. Mr. Borowski said as part of the application to the state, they have asked for multiple zoning waivers.
He said if it's not zoned properly and they are bypassing our boards, he asked them to convince him this was the right way to go. Mr. Brevnov said it would be an exception not to ask the state for zoning preemption. You want to make sure you have enough experts to deal with this. They will be going through a zoning process with the town voluntarily. Mr. Borowski asked them as soon as they get their financial impact numbers to please distribute them to the board and any neighbors impacted in the vicinity not just the abutters but anyone close to that, there has to be a good working relationship there. Mr. McGrath asked Mr. Brevnov, your plant would make Millennium more economically viable and the answer was yes. He said the way it sounded was there emergency fuel supply which is currently diesel or oil, that would go away and there emergency fuel supply would be this fuel supply, LNG and the answer was yes. Ms. Spiewak thanked them for the presentation. She asked five years down the road, is there any kind of expansion plan? Mr. Brevnov said this is a proven energy storage. They will continue to look at technology. He doesn’t think it will just be energy increase. It will be how to make community benefits more tangible. They don’t expect the footprint to change. Mrs. Craver said the Planning Board has submitted the paperwork to become an intervener so they will be involved in guiding this process. Mr. Borowski asked if there is a reason this board didn’t file as an intervener. Mr. McGrath believes we can only have one intervener. We didn’t choose who the intervener was, the state chose the intervener. Chairman Singer thanked them for being proactive.

VI. New Business:

1. FY20 – Fuel Procurement bid award. Mrs. Craver stated that Charlton participated in the FY20 Joint Fuel Procurement for the purchase of propane, gasoline, diesel and heating oil through the Central Massachusetts Regional Planning Commission. Staff also sought bids from local providers who did not bid on the CMRPC procurement. Bids were submitted by Peterson Oil, Ferrel Gas and Charlton Oil who is our current FY19 provider of heating oil and propane. She would recommend the board enter into contracts for the overall lowest pricing with the following vendors:

Heating Oil - Charlton Oil - $2.40/gallon May – October: $2.41/gallon November – April. (Fixed)
(FY19 - $2.50)
Propane- Charlton Oil - $1.40/gallon
(FY19 - $1.50)
Unleaded Gasoline – Peterson Oil - $ 2.0909/gallon; super unleaded - $2.2409/gallon
(FY19 - $2.6054)
Diesel – Peterson Oil - $2.4484/gallon
(FY19 - $ 2.7782)

Motion by Mr. Borowski to approve as submitted, seconded by Mr. McGrath. Ms. Noble asked how many companies bid and the answer was three. She asked how are we reaching out to companies. Mrs. Craver said we are in a joint procurement through the Regional Planning and we reached out to a local which is Charlton Oil. Ms. Noble asked going forward in the future if we could try to reach out to more local businesses as possible so that we are spending our money locally and keeping it in the community. Vote on motion: motion carries unanimously.

2. Code RED – contract award. Mrs. Craver stated that the contract with our current emergency notification system, otherwise known as Reverse 911 ends in August. CodeRED has been the provider. After reviewing performance, cost of services and getting feedback from staff that utilize the system, such as dispatch, fire and police it is consensus to enter into another 3 year contract with CodeRED for the reduced price of $5,000.00 per
year. See attached for quotes and recommendation. She would recommend the Board sign another 3-year contract with CodeRED. Chairman Singer said in the past the town has had the option of utilizing the reverse 911 system if the system was not in use for an emergency purpose for non-emergency purposes. He asked for us to check and see if that is available. Mrs. Craver’s understanding is that we have that option. She will get the exact procedure for non-emergency. Chairman Singer would like the information on the website so residents would know they have the option to opt in to receive notices and asked to follow up with the number of opt ins at some point. Motion by Mr. McGrath to renew the contract with CodeRED, seconded by Ms. Noble. Ms. Noble mentioned that we are saving money. It’s $5,000 a year down from $6,309. Vote on motion: motion carries unanimously.

3. Request for Common Victualler license (coffee/food) – George’s Pizza III Charlton. Mrs. Craver stated that attached is a request for a Common Victualler’s (coffee/food) license for Aneis Zkhary – George’s Pizza III Charlton, located at 9 City Depot Road. He has completed the proper paperwork needed for this request. It is recommended the board approve the request. Motion by Mr. Borowski to approve, seconded by Mr. McGrath, motion carries unanimously.

4. Request for Special Alcoholic Beverage License – Allan R. Turmelle – Knights of Columbus. Mrs. Craver stated that attached is a request from Allan R. Turmelle on behalf of St. Joseph Council, Knights of Columbus to hold a “Night at the Races, including the Kentucky Derby” at St. Joseph’s Church, 10 H. Putnam Road Ext. in the Parish Hall on October 19, 2019 from 5:30pm – 11:30pm. The application was reviewed and approved by the Police Department, Fire Department and Building Commissioner with no stipulations. Per the Board’s policy, the license if approved, should be issued for two additional days which is to allow delivery the day before the event and for pick up the day after the event with no sales allowed. She would recommend the Board approve the special license as requested with the dates on the license to be October 18, 2019 – October 20, 2019. Motion by Mr. Borowski to approve, seconded by Mr. McGrath, motion carries unanimously.

5. Planning Board invitation – Local review committee for LNG Terminal – designation of member(s). Mrs. Craver stated that attached is a letter from the Planning Board stating that the LNG terminal proposed by the Northeast Energy Center, LLC for its preferred site on Route 169 is likely to have significant impacts on Charlton. While the project is exempt from local approval, the proponent has committed to engaging with the community in an open and transparent process as the project works its way through the Department of Public Utilities siting process. The Planning Board discussed the idea of creating a local review committee with the applicant and received strong encouragement to do so. They believe that this is in the best interest of Charlton to create a multi-disciplinary committee of members of local boards and the Town’s professional staff to thoroughly vet the application to protect public health and safety and minimize environmental impacts. The Planning Board is inviting committees and department heads to designate a representative to participate in this process. They anticipate monthly meetings at a time and place that enables the greatest participation. This will be a working committee that will review plans and technical memoranda on the application and meet with experts to assess the impacts of the project. Their intent is that the committee provide balanced information to the Planning Board who will provide the board with critical information to present to the DPU to help shape the project to have the least impact and greatest benefit to the town. They have set the introductory session for 6:30pm on Wednesday, June 12, 2019. What is the board’s
wishes? Jean Vincent, a member of the Planning Board said the date might change. Mr. Borowski asked Ms. Vincent if they would consider meeting on a different night. He can’t do Wednesdays. He said if other members don’t want to do it, he would volunteer with the knowledge that he may not be able to do it. Mrs. Craver suggested having a member and an alternate. **Motion by Ms. Noble to have Mr. Borowski be the primary and Mr. McGrath as an alternate, seconded by Ms. Spiewak, motion carries unanimously.**

6. **Dudley-Charlton Regional School District Liaison (Deb has been meeting with them).** Ms. Spiewak asked for this item to be on the agenda. She said after our last meeting she was asked to reach out to Superintendent Nash by Ms. Noble who informed her she had been the liaison. Her understanding is that it should be some kind of an official process. Mr. McGrath said that was outreach from the budget meetings. Ms. Noble agreed and didn’t know this was going to be on the agenda and asked to speak on it. Ms. Spiewak is just trying to find the history on it. Chairman Singer thinks it’s a good idea that the board should make a motion and second it to make it official. Mrs. Craver asked for clarity. She said generally it’s been the Town Administrator and the Superintendent. While she was out, Selectman Noble stepped in. She would not recommend the board starting a process where a member meets with the superintendent. Ms. Spiewak said she was looking for the history behind this because she doesn’t remember the board taking any votes on this. Chairman Singer thinks a good idea to have a member of the board involved. Ms. Noble said just as we have a member for the LNG Committee and an alternate, she said perhaps we could have the Town Administrator and an alternate. Ms. Spiewak asked to attend what? That’s what she is trying to find out. She said she didn’t know Ms. Noble was stepping in for the Town Administrator. Mr. McGrath asked if this is something that needs to be continued and what is the board’s wishes to have a board member involved with the school committee/superintendent all year long not just for the budget. Ms. Spiewak thinks we should all be involved with the school as much as we can be. She brought it forward because she was uncomfortable acting as a liaison without the whole board knowing what she was doing. Mrs. Craver brings the information back to the board. The board took no action.

7. **Sex offender bylaw committee –** Chairman Singer asked for this item to be on the agenda. He knows the board will be discussing Goals & Objectives but he feels this item needs to be acted on sooner rather than later. He said we had a sex offender bylaw, he did the research and it was comprised of bylaws that had already been enacted throughout the communities throughout the commonwealth and approved by the Attorney General. At one point and time due to certain requests it was put back on the town meeting warrant and removed. He was never in favor of that action. He would like to see this board move on establishing a new sex offender bylaw committee so that we could have members of this board that may want to volunteer and members on the police department to do the research and come back to town meeting with a viable and strong sex offender bylaw. **Motion by Mr. Borowski to begin the process to create a sex offender bylaw committee, seconded by Mr. McGrath.** Mr. Borowski would ask Chairman Singer to come up with a proposal of how he would like to see this formed at the next meeting. Chairman Singer said he would like to mimic the solar committee. A five or six member board. 2 Selectmen, 2 Citizens and the Police Chief or a police representative. Ms. Noble would recommend that a member of this committee have a background in civil rights or is a human rights officer. Chairman Singer said if no one from the community fits that, who would we have? Ms. Noble said she is a human rights officer. **Motion by Mr. McGrath that the make up of the committee will be 2 Selectmen, 2 Citizens at Large and a police representative,**
seconded by Ms. Spiewak, motion carries unanimously. Motion by Ms. Spiewak that Selectman Singer and Selectman Noble be the board’s representatives on said committee, seconded by Mr. McGrath, motion carries unanimously. Mrs. Craver was asked to contact the Police Chief to see who his designee is going to be and put it on the town website and however else we are going to notify the citizens that we are looking for two members. Mr. Borowski made a motion that we work with the Police Chief and or Cable Access Coordinator to see if it’s possible to post Sex Offender information because it is readily available online, seconded by Mr. McGrath. Ms. Noble would like to see what policies these other towns have on the books before we just starting putting pictures up on the internet. Chairman Singer asked Mr. Borowski if he would be willing to come back in two weeks with a sample from another town and also a list of communities that already do this? Mr. Borowski withdrew his motion. Mr. McGrath withdrew his second. Ms. Spiewak asked to review the timeline of when people should apply by. Mrs. Craver said we will get it up on the web immediately and bring you the names at your next meeting.

VII. Old Business:

1. Discussion with Attorney Jonathan Silverstein
   o Available permits – Attorney Silverstein came forward. His understanding for this request comes from Four Score whose representative is here today. The board is asked to consider an amended Host Community Agreement that will allow for retail sales of adult use marijuana products at their site where they have already received a Host Community agreement for cultivation. The Board’s question or concern is whether the cap on two special permits for retail facilities would preclude the board from negotiating with Four Score. He said in his opinion there is no legal reason the board could not negotiate with Four Score with respect to a retail facility at the Four Score site. The Zoning Bylaw provides for a cap on two special permits that the Planning Board may issue for retail facilities. The Valley Green Grow retail facility that is proposed under the development agreement has not been actively proposed at this point through site plan or any other formal application. If that retail facility is to take shape, it will not require a special permit from the Planning Board. The reason being is that the applicant submitted a definitive subdivision plan and that preliminary subdivision plan preceded the town’s adoption of the zoning bylaw we are talking about. If ultimately that definitive plan is ordered by the court to be endorsed, then Valley Green Grow will not need a special permit for retail facility. If that definitive plan is never endorsed, then a special permit would not be available for that because that is not in a district where a special permit could be approved. Healthwise did receive a building permit for their facility prior to the first publication of the Planning Board’s public hearing on that zoning bylaw. In that sense an argument could be made that Healthwise a/k/a Green Gold is grandfathered from the requirement of a special permit and they too would not count towards the cap. However, he thinks they require a special permit because the site plan approval issued by the Planning Board specifically states that it’s only for a medical marijuana dispensary and if they wanted to come back for adult use retail. they would require a new site plan approval or a modified site plan approval from the Planning Board. To Attorney Silverstein’s knowledge, they have not done that. The building permit issued by the Building Commissioner use the term dispensary. He said if you take all this together, what they had prior to the zoning bylaw was authorization to proceed with a medical retail facility therefore would
require compliance with local zoning for a special permit. As he's noted for the board, state law does provide that a local zoning bylaw cannot prohibit conversion of a facility that had provisional certificate of registration of PCR prior to July 1, 2017. Healthwise at the time had that so there would be an argument on whether or not you could deny a special permit. He couldn't give any definitive guidance on a special permit denial. If this is issued, that would count as 1 of the 2 if it was issued. Either way there would still be a special permit available under the cap for Four Score to seek. As he understands it, this board did not want to proceed with negotiating a retail host community agreement with Four Score not because it was prohibited from the zoning bylaw but more for the spirit of town meeting's vote. Chairman Singer thanked Attorney Silverstein. He asked from his point of view as our counsel, we have zero retail licenses awarded for recreational marijuana use. One party in question could end up being denied and not getting one. They could get one by the Planning Board or by right and not count towards the cap. We have another facility in town that is approved for medical and would have to go to the Planning Board for a special permit for retail as well. We would still have one left if Four Score wanted to pursue it. Attorney Silverstein said that is correct. Mr. Borowski is in favor of Four Score, they followed all the rules. His concern is that we all sat in that town meeting and when the amendment was made to go from 3 to 2, his assumption has always been regardless of what we can legally do, the spirit is that 2 is our limit. He would have concerns entering into another Host Agreement knowing that 2 could be put forth, we would go above the spirit of the bylaw because hypothetically we could have 4. Attorney Silverstein said that Green Gold had the first Host Community Agreement with the board. From the beginning they contemplated both medical and retail use but they also had their PCR prior to July 1, 2017. The statute says a zoning bylaw cannot prohibit conversion of a medical facility to an adult use facility, it doesn't say it could require a special permit. Chairman Singer has a question regarding one of the parties which he will not participate in any discussions, what he heard was that other party was not seeking or going after a retail which would make that point moot. He said because there is another party involved in another case, how long can our town be held up while this is in land court while other parties want to come in town and do business are kept in limbo? Attorney Silverstein said he doesn't want to give a prediction on when this is going to end but he thinks that's entirely up to the board. There is nothing from a legal standpoint preventing the board from moving forward. Mr. McGrath said we've heard a lot from citizens of what they like and don't like about this business. One of the consensus on it is that they want this type of business in IG which Four Score fits that. Most of the people that have appeared before the board have said nice things about Four Score and about the way they handled their approach and have been transparent and have worked with the board. He also feels it is unfair to hold up a license to a company. Mr. Borowski said that we need to recognize that if we let another facility in, down the road at some point we could surpass that 2. Mrs. Craver believes they have gone through the Planning Board process successfully. Dan Glissman from Four Score came forward. He said they have applied to the Planning Board for a modification of their site plan and special permit to add a retail location on site. Mrs. Craver said she sent the board today, a revised host agreement that would allow it if the board were to entertain it. Ms. Noble suggested since we just received the revised host agreement and other documents today that we all take the next two weeks to review it and then regroup on June 4th. Mr. Glissman said they will be scheduling their community
meeting as well. He would be more comfortable with the 18th. He did ask if they were able to have the meeting soon could they come to the 4th? Ms. Noble asked to hold a placeholder. Mrs. Craver said it may be helpful for a member to attend the meeting to name that there may be 3. Jean Vincent came forward. She said when the board is talking about the special permits, she is under the impression that there are two medical and two recreational and that was the intent of the bylaw. She said for the other large facility, she said from the Planning Board’s point which was said at many meetings, they cannot use the parcel on Route 20 that is zoned CB for a retail facility because they have used all of their square footage for their grow facility. They would have to come back and change it. Chairman Singer recused himself and left the room at 8:52 pm.

- Short term investigation (regarding letter sent to judge from VGG) / (archived) email request. Ms. Spiewak asked where the backup material is? It’s not in the packet. Mrs. Craver said she wasn’t asked to write anything. She wasn’t sure where this was going. She thought the board would have an opportunity to discuss what you were looking for and provide direction for your next meeting or since Attorney Silverstein is here, he would be able to answer any questions the board may have. Ms. Spiewak asked if we could talk about the archived email first. Ken Hahn from Micronet and Jeff Sorel, IT Technician came forward. Ms. Spiewak said one of the things they discussed was collecting archived email. She asked if we have a software that archives all town email? Mr. Hahn said yes, all incoming and outgoing town of Charlton email. Ms. Spiewak asked how long have we owned that and the answer was 2007. She asked what the procedure is if one wants to search and extract emails? Mrs. Craver said the board has a policy. Mr. Sorel said the request has to come from the Town Administrator or the chairman of the board to the network administrator. Mrs. Craver read the policy into the record. Ms. Spiewak asked if requests have been made before by anyone? Mr. Sorel said not since he’s been here but that’s not something he does. Mr. Hahn said he is the only one that does that. Ms. Spiewak asked Mr. Meskus to explain his role. He said he has been on the Technology Committee for many years and has worked on the board’s policies. He also said we have had requests before. Ms. Spiewak provided copies of what she would like to request to members of the board, some search terms she has. She asked the board if they would like anything added. Ms. Spiewak asked what the turn around time is? Mr. Hahn said it depends on what the request is. Ms. Craver said in viewing the list, this will be a huge request due to some of the terms. Ms. Spiewak said this is for the short term investigation for trying to find out how the audio. Mrs. Craver thought this was already answered. This was about Ms. Rydlak wanting to know how the VGG attorneys found out. She said that Attorney Silverstein answered that in a newspaper article. Mr. McGrath would recommend that Ms. Spiewak narrow her date down to sometime in March. She recommended March 1 – May 1. Deb LaPlaca asked for clarification for members in the audience. We don’t know what your looking at and what your looking for. Ms. Spiewak asked the Planning Board chair if she had anything to say. Mrs. Craver said she thought this was the board’s short term investigation. Ms. Spiewak said it is but it has to do with how this came to be. Mr. McGrath said when we were in a Board of Selectmen’s meeting, the chair of the Planning Board made a statement and that statement caused numerous things to happen. One of the items that came up during the meeting was how did this happen and were any members of the Selectmen involved. Ms. Spiewak requested we get to the bottom of this and find out if any members of the board told the judge that Ms. Rydlak had this information. The second portion is that the IT people are here because they are involved in our MIS system. Ms.
LaPlaca clarified that the board is looking to see if any member of the board reached out to VGG or the Judge? Ms. Spiewak said they are trying to see how they found out about it. Mr. Borowski reviewed the timeline. He said March 16th, it’s been alleged that the Planning Board Chair made a facebook comment that she had audio of the meeting, March 18th at a Special Meeting of the Board of Selectmen which was not televised, only audio, the Planning Board chair made a similar comment that she had listened to the lawyers speak. The very next day knowing it wasn’t televised and the audio not released yet, one of the attorneys reached out to Attorney Silverstein and asked a question have you heard that Ms. Rydlak had been on the call and had potentially taped it. It was clarified that was in the paper. He also believes that was alleged in a court filing. The intent behind this is to either prove or disprove that anyone in this town had anything to do with informing the attorneys whether or not that Ms. Rydlak had listened inappropriately on the call. Attorney Silverstein thinks it was the day after the board’s meeting he was contacted by VGG’s council who said he was looking at a facebook post which stated that Ms. Rydlak “was listening to the attorneys”. He asked Attorney Silverstein if he knew she had been on the call and he said he wasn’t aware that she was on the call but he had learned the previous evening that she had a recording of the call. He said what he speculates is that he reached a conclusion that the court had asked if anyone else was on the call although they had heard a beep which they thought someone else might have entered the call, no one identified themselves that’s why the court had asked if anyone else was on. That was apparently an erroneous assumption on his part. He corrected it in his subsequent letter based upon Ms. Rydlak’s statements that she was not on the call but someone had emailed her the call. Mr. Borowski thinks the request is for, did anyone offer anything from the March 18th Board of Selectmen’s meeting, contact any attorney and provide information that was not said. Mr. McGrath asked regarding the request, is there anything else we need to change or cross out. Ms. Noble agrees with Selectmen McGrath to tighten up the dates from March 18th. Mr. Borowski asked if we could start with the alleged facebook post on March 16th. Ms. Spiewak would like to move it to early March and change the ending to early May. Mr. McGrath recommended when this first hit the public which is what the attorney from VGG is claiming, March 16th. He believes this should be the start date. Ms. Spiewak would like it to be March 14th. Ms. Rydlak asked if we could move this to sometime in May. They want to make sure the search includes any state or federal offices. Mrs. Craver asked if this is an investigation of the board or is it Planning Board? Mr. McGrath said if we are investigating this one item and it was in the paper, he would recommend March 14th to March 21st, is exactly what we are looking for. Mr. McGrath believes the larger scope will be covered under Selectmen’s Singer’s request. He is fine with the search terms Ms. Spiewak is looking for and he would caution that there is probably stuff in there that is attorney client privileged. Mr. Meskus said as it was pointed out there could be some attorney client privileged or anything else that might be rightfully redacted, will be given the information to do this? Ms. Spiewak said this board will be reviewing it. Motion by Mr. McGrath that the dates we do the email search be March 14th through March 21, 2019 with the search terms as listed with the request in writing sent to the Town Administrator and from the Town Administrator to Ken Hahn, seconded by Mr. Borowski. Mr. Hahn asked how the board wants the data presented, thumb drive or paper. The response was thumb drive. Mrs. Craver recommended putting it on a thumb drive and put it on the Selectmen’s computer or a lap top and the board could review it there. Vote on motion: motion passes unanimously. Ms. Spiewak asked how long would this take and would we have it before our next meeting and the answer was yes.
2. Independent auditor to investigate actions between BOS/Planning/Staff (as discussed 4/9/19) as an agenda item. Chairman Singer re-entered the room. He said he asked for this item. In the past we had a chair from another board come to our board and request that we hire an independent auditor that comes from the outside and goes through everything. He would like to do the same. There’s been a lot of talk around town lately and there is no price you can put on trust for the public. He feels we need to show that the Board of Selectmen are hard working and want nothing more than what’s best for this town and the people that live here and that we treat everyone the same. He would like to hire an independent auditor as we did for Water/Sewer when they asked to come in and not only look through relations and communications between the Board of Selectmen and Planning Board. He would use three words that he would have them look for: Illegalities, irregularities or even improprieties. While they are looking for that through our two boards, should they find anything else, any department in this town, private email services, anything at all that is discovered between our two boards should be brought forward. They should have access to any requests or departments. The report should be published on the town’s website in full view. Mr. McGrath asked how do we go about selecting an auditor and most importantly, there is a price tag to this. Chairman Singer said the last auditor cost the town about $10,000. He said the auditor should have access to everything. He also thinks the auditor should report back if people refuse to cooperate. For the auditor selection, he would refer to Mrs. Craver. Mrs. Craver said they took a look at firms that did audits. She would recommend for this one that the Chairman contact town counsel and get a recommendation from him. She will make sure all the departments are on board and he has full access. **Motion by Mr. Borowski to authorize Chairman Singer to contact Town Counsel for recommendations, seconded by Mr. McGrath.** Chairman Singer said he will bring back those recommendations to the board. **Vote on motion: motion carries unanimously.**

VIII. Committee Reports:

IX. BOS Policy Review:
Mr. McGrath wanted to thank the Public Safety Building Committee for all their hard work. They did a great job and had answers to all the questions. He also thanked the townspeople at town meeting for supporting the public safety building. Mr. Borowski stated that we will have to start thinking of when and if we need to call a debt exclusion vote. Mrs. Craver said she can add that to the next agenda so the board can have a conversation with them on the next steps.

X. Student Selectperson Report: Anya Grondalski provided an update on Shepherd Hill activities.

XI. Town Administrator Report – Mrs. Craver reviewed her report. Mr. McGrath said while budgets are being discussed with the MBTA, he thinks it would behoove us to contact our state reps and state senator and tell them that this is unacceptable by the WRTA. The WRTA should be able to find enough money to make sure that the bus comes through Charlton as they have set it up. **Motion by Mr. Borowski to craft a letter from this board stating our very strong feelings on this topic, seconded by Ms. Spiewak, motion carries unanimously.**

XII. Other Business:
Chairman Singer said that the board received a letter regarding the process of bridge naming. He would like to get this conversation started on the next selectmen’s meeting and ask Mr. Foskett if he can attend and provide some guidance on bridge naming.

Mr. Borowski thinks that all board members have received calls or emails regarding the Mushroom farm. He doesn’t know what can be done but thinks we need to have a discussion. Mrs. Craver asked if they submitted anything to the Planning Board and the answer was they don’t have to. Ms. Rydlak said it was deemed by right so it wouldn’t come to them. Chairman Singer stated that this board could reach out to Masonic Home that owns the property and ask them if they could work with the neighbors. Mrs. Craver will reach out to Overlook to see if they and the Developer can reach out to the neighbors. Ms. Rydlak said because this is actually in the Village District, it’s only 15ft from the front and everyone will see it. She has done a lot of research on mushrooms and many of them are in Industrial zones. **Motion by Mr. McGrath to have the Town Administrator contact Masonic Home and the Developer to see if they can compromise with the neighbors**. Ms. Rydlak asked if they could be asked to come to the Planning Board. She said she’s heard there isn’t a lot of funds and said that maybe they could waiver some fees and they could do some sort of a review with them. Mr. McGrath said the first thing you would do is reach out to Masonic Home and the Developer and explain there are issues and people are upset and we would appreciate if the developer would contact the Planning Board office and just have a sit down with them so things can be worked out.

**XIII. Next Meeting Announcement:**
- Mock Town Meeting – May 30, 2019 – 9:00am, Charlton Middle School
- Regular Board of Selectmen’s meeting – June 4, 2019 – 6:30pm – Selectmen’s meeting room

**XIV. Adjourn/Executive Session:** **Motion by Mr. Borowski to enter executive session at 9:53pm under M.G.L. c. 30A, Sec. 21(a) #3 – to discuss strategy / reassessing legal strategy with respect to litigation – Valley Green Grow, if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares, seconded by Ms. Spiwak. Roll call vote: Ms. Spiwak – aye, Mr. Borowski – aye, Ms. Noble – aye, Mr. McGrath – aye and Chairman Singer – aye.**

Submitted by:
Mary C. Devlin
Administrative Assistant
Accepted by:

David M. Singer, Chairman

Karen A. Spiwak, Vice-Chairperson

William Borowski, Clerk

Deborah B. Noble, Member

John P. McGrath, Member
TO: Board of Selectmen
FROM: Robin L. Craver, Town Administrator
DATE: May 15, 2019
SUBJECT: Town Administrator’s Report – for Selectmen’s meeting of 5/21/19

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**List of MACWIC 2019 Honorees** – Superintendent John LaFleche has provided you with a list of names of Bay Path students receiving certificates from MassMEP on June 3rd. The Webster Adult Basic Education program will also be recognized.

**WRTA update** – We have been informed that the Worcester Regional Transit Authority will be eliminating their route in Charlton. They will be extending the route in downtown Southbridge. We will keep you updated as we receive more information.

**Electronic Sign Board** – Ms. Normann, a resident, came in with concerns regarding the Electronic Sign Board that the town has been working on. We did go out for quotes and had a recommendation to bring to you tonight but hearing her concerns, we will be bringing this to you at your next meeting as well as a policy for review and consideration. In the policy, we could limit to the sign to black and white and for special occasions such as Old Home Day and fireworks, we could have color. There will be a recommendation for a time to turn off at night as well.
Add to next meeting TA report

Sincerely,

Robin Leal Craver, Town Administrator
Town of Charlton
37 Main Street
Charlton, MA 01507
508-248-2206 office
508-243-3905 cell

Effective July 1, 2014, new town hall hours:
Monday, Wednesday, Thursday – 7:30am – 5:00pm
Tuesday – 7:30am – 7:00pm
Friday – closed

Please be advised that the Massachusetts Secretary of State and the Massachusetts Attorney General consider e-mail to be a public record, and therefore subject to the Massachusetts Public Records Law, M.G.L. c. 66 § 10.

From: Lafleche, John [mailto:JLafleche@baypath.net]
Sent: Tuesday, May 14, 2019 9:21 AM
To: Auburn Town Manager; North Brookfield; Oxford Town Manager; Paxton; Craver, Robin; Rutlan town Administrator; Southbridge; Spencer Administrator; Town Administrator; Webster Town Administrator
Subject: List of MACWIC Honorees

Good Morning,

Attached is a list of Bay Path students receiving certificated from MassMEP on June 3rd. Also, the Webster Adult Basic Education program will be recognized.

John
Level 1:
Aidan Aissis (10) Charlton
Nathaniel Beauchesne (10) Dudley
Lucien Carlbo (10) Dudley
Timothy Crowell (10) Dudley
Eliana Lasell (10) Dudley
Samuel Messler (10) Charlton
Zachary Messina (10) Paxton
Franklyn Rodriguez (10) Rutland
Aidan Romanelli (10) Charlton
Cole Burke (12) Southbridge

Level 2:
Lillian Berry (11) Southbridge
Gavyn Floury (11) North Brookfield
Anna Israeliian (11) Webster
Danielle Mandella (11) Oxford
Sadie Smith (11) Dudley
Xavier Adamuska (12) Dudley
Demetrious Davila (12) North Brookfield
Michael Grant (12) Dudley
Ryan LePage (12) Dudley
Neftali Morales (12) Charlton
Charles Morse (12) Webster
JUNE 2019 SERVICE OPTIONS:

ROUTE 29

- Eliminate portion of route in Charlton Center
- Extend route in downtown Southbridge
JUNE 2019 SERVICE OPTIONS:

ROUTE 29

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- Extend route in downtown Southbridge
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ROUTE 29

- Eliminate portion of route in Charlton Center
- Extend route in downtown Southbridge
# HOW TO COMMENT

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PUBLIC HEARING NOTICE

Please be advised that the Board of Selectmen will hold a public hearing on Tuesday, May 21, 2019 at 6:50pm at the Charlton Town Hall, 37 Main Street, Charlton MA 01507, to act on a request by Gunter, LLC, Roy C. Gunter III, Managing Member, who intends to sell parcels 10, 11, 12, 13 & 15 located on Boucher Road as described on that Plan of Land recorded on January 31, 2019 in the Worcester District Registry of Deeds at Plan Book 940, Plan 54 as identified on Assessors Map 40.

Anyone interested should appear at the date and time specified or submit concerns in writing.
RETRIEVAL OF ARCHIVED EMAIL

The Town of Charlton archives all incoming, outgoing and internal E-Mail that is sent or received by persons using TownofCharlton.net E-Mail address.

The following procedures will be used to request archived e-mail:

All requests will be in writing and provide a reasonable description of the requested records and the reason for the request, including person(s), date(s) or date ranges, subject, and/or key words.

The written request will be submitted through the Town Administrator and/or Chairman of the Board of Selectmen.

The Department Head and/or Chairman of the Board or Committee will review the request to determine:

The nature of request i.e. public records is this sensitive or information that is subject to withholding under public records laws.

Does the record request include information that is or may be subject to litigation involving the Town or any of its committees?

If records might be used for litigation Town Counsel shall be consulted with proper permission before the records are released.

The Department Head and/or Chairman of Board or Committee will provide a cost estimate to requester. Cost will be determined as prescribed by the Secretary of States bulletin for Public Records found at http://www.sec.state.ma.us/pre/prepdf/guide.pdf.

When the request has been reviewed by Department Head and/or Chairman of Board or Committee and the Town Administrator and/or Chairman of the Board of Selectmen, the written request will be submitted to the Network Administrator for retrieval.

If request is denied, the denial must be specific and the basis for withholding the requested materials must be stated.

All responses should be fulfilled or denied in writing, within ten (10) calendar days from date of request in accordance with the Public Records Law and

Secretary of States bulletin for Public Records found at: http://www.sec.state.ma.us/pre/prepdf/guide.pdf
Questions: Process? Has it been done before?

Email Search Terms:

Search dates: Feb 4, 2019 end date, May 20, 2019

Search: sent, received

Terms: VGG, Valley, Green, Gold, Jonathan, Silverstein, Bradley, Croft, Michael, Rosen, Mike, Duffy, Judge, Jim, James, Cosgrove, Robin, Craver, Deb, Deborah Noble, John, McGrath, David, Singer, Karen, Spiewak, Cathy, Nate, Benjamin, Curt, Curtis, Meskus, Jeff, Sorel, Ken, Hahn, Patsy, Patricia, Ryldak, Attorney, General, Katherine, Laughman, Mary, Devlin, Kara, Hmielowski, Selectman, Selectmen, Town Administrator, Judge, Foster, audio, felony, Pill, land court, complaint, investigation, cannabis, Bobrowski, Mark, IG, Inspector General, Bill, William, Scanlon