TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
Tuesday – June 4, 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. In the absence of the Town Administrator, Chairman Singer read all memos.

II. Consent Agenda:
1. Minutes of Regular Meeting – May 21, 2019. Motion by Ms. Noble to accept the minutes of the regular meeting of May 21, 2019, seconded by Mr. Borowski, motion carries unanimously.

III. Community Relations, Announcements and Open Forum:
- Chairman Singer read the announcements.
- Todd Girard, Conservation Agent came forward. He said on Saturday, July 20th they will be having a garden tour that will finish up at Fay Mountain Farm. It’s a two town tour with the Dudley Women’s Club. There will also be a rain garden demonstration. The Board thanked Mr. Girard. Ms. Noble said that Fay Mount Farm is still selling community shares. Go to FayMountainFarm.org.
- Mr. Borowski said for those that ride motorcycles, please be aware and try to refrain from putting grass clippings in the road. It’s like riding on grass. Roger Cloutier from 17 Colburn Road came forward and agreed. He said he rides a bicycle and it’s the same thing.

IV. Appointments/Resignations:
1. Re-Appointments to the Insurance Advisory Committee. The Insurance Advisory Committee appointments expire on May 31, 2019. You are asked to re-appoint the following until May 31, 2020:
   Primary Insurance Advisory Committee Members
   Donna Foglio
   Paul Morelli
   Harold Piehl, III
   Rob Barton
   Deborah Ceccarini
   Cheryl Hansen
   Alternate Insurance Advisory Committee Members
   Jessica Lewerenz
Mary Stone  
Ben Locke  
Ashley Ingram  
Jason Martocci  

It is recommended the board make the appointments as requested. **Motion by Mr. Borowski to approve, seconded by Ms. Spiewak, motion carries unanimously.**

2. Appointment – Sex Offender Bylaw Committee – Police Representative. At the Board’s May 21, 2019 meeting, you formed a Sex Offender Bylaw Committee consisting of the following:

- 2 Selectmen  
- 2 Citizens at Large  
- 1 Police Representative  

Ms. Noble and Mr. Singer have been appointed as the Selectmen representatives. You are asked to appoint Police Chief Maxfield as the police representative. We have not received any requests from citizens as of yet and will bring those to you when we do. The Board also requested that the Town Administrator work with the Police Chief and our Cable Access Coordinator to post Sex Offender Information on cable. In speaking with Chief Maxfield, he stated that there are specific cautions for this. She would respectfully ask the board to allow herself and the committee when it’s fully formed, time to review those cautions. Town Counsel had provided some information from the original bylaw and we will be reviewing that as well. **Motion by Mr. Borowski to appoint Chief Maxfield to the Sex Offender Bylaw Committee, seconded by Ms. Spiewak, motion carries unanimously.**


**Appointment – Full Time Police Officer**

Attached is a letter from Chief Maxfield asking the Board to appoint Special Officer Jennifer Burdett to the Full Time Patrolman opening due to the promotion of Daniel Dowd from Detective Sergeant to Lieutenant. Ms. Burdett has been working full time hours at the Charlton Police Department as a Special Officer since April 14, 2019. With her up to date training and years of experience, she has been a welcome and valuable addition to the Department. After a discussion with the command staff and the Human Resource Director, they are all in agreement with this promotion of Ms. Burdett. Chief Maxfield would recommend the appointment contingent upon successful reinstatement and completion of the lateral transfer process thru Civil Service. The Town Administrator would recommend the board make the appointment. Chief Maxfield introduced Ms. Burdett. **Motion by Mr. Borowski to approve the appointment, seconded by Ms. Spiewak, motion carries unanimously.** The board congratulated her.

**Appointment – Part Time Police Officer**

Attached is a letter from Chief Maxfield stating that they currently have two openings for Permanent Reserve Intermittent Police Officers due to one of their Intermittent Officers leaving for employment in another town and the other, Officer Bullock, having been promoted to Full Time Patrolman. Part time officers are an inexpensive way to enhance the Patrol Force and to reduce overtime. They currently have the opportunity to hire an individual who is at the top of the Civil Service list, Michael Fournier. Mr. Fournier is a graduate of American Military University with a Bachelor of Arts in Intelligence Studies and is a Veteran of the United States Air Force. He is willing to self sponsor to the Full Time MPTC Academy therefore Chief Maxfield is requesting the appointment of Michael Fournier off of the Civil Service list to the position of Permanent Reserve Intermittent Police Officer contingent upon passing the required background investigation, physical and psychological exams as well as successful completion of the Full Time MPTC recruit academy. Chief Maxfield introduced Mr. Fournier. **Motion by Mr. Borowski to make the appointment, seconded by Ms. Spiewak, motion carries unanimously.** The board congratulated him.
V. Scheduled Appointments:

6:45pm – Dangerous Dog Hearing – Wendy & Kevin DeJesus. Chairman Singer asked anyone that is here to speak on the hearing to please sign in. (attached) He also stated that anyone that will be speaking will be signed in. If you are not signed in on the sheet, you will not be allowed to speak during the hearing. He asked all to stand up and raise their right hand. He said we have a quorum of the board of selectmen and stated that this public hearing is called pursuant to the Massachusetts General Law Chapter 140, Section 157 on the complaint of a nuisance dog by reason of dangerous dog owned by Kevin & Wendy DeJesus of 23 McKinstry Dr., Charlton, MA. He asked all those here to give testimony to please raise their right hand and repeat the following oath: “I (state your name), do solemnly swear and affirm that the testimony that I am about to give in this matter will be the truth, the whole truth and nothing but the truth, acknowledging this oath under the pains and penalties of perjury, so help me God.” Chairman Singer read how the hearing will be handled. (attached) Ms. Flynn recommended having the summary first. She read the statement of facts. (attached) Chairman Singer read Officer Mead’s report. (attached)

- Robert Zalewski came forward. He said the goats were about a year old and his granddaughter raised them. They put a lot of money into it. He has two other granddaughters who are scared to go outside without an adult now. He spoke with the owner of the dogs about restitution. He wanted the dogs put down but his granddaughter would rather have them given to a rescue. The owner agreed to pay him restitution but he never has so now he has to file in small claims court. Mr. Zalewski said it’s a safety thing. What happens if one of the kids were in there? He wants something done with these dogs, more than restitution.

- David Goodall and Campbell Haire came forward. Mr. Goodall owns the small horse. He reiterated what happened with the horse and dogs. He also has other small dogs that were in pens. He was afraid the dogs would attack his small dogs. Mr. Haire said he did chase the two dogs twice. Mr. Goodall said he received a call from Kelly Flynn on Sunday that the dogs were loose again. He and his wife were going to go out but stayed home in case the dogs showed up. Kelly called him in the afternoon to say they found the dogs. He’s had the horse for about 20 years so it’s family.

- Jeremy Cowen came forward. He is representing the dogs and the DeJesus’s. He provided facts from their side. He said it’s not right what happened with these goats. His firm represents responsible pet owners. He said we can only better dog owners. He believes they have a plan where these dogs could be kept at their house without a problem. He said the ACO read 15 different times the dogs have gotten loose from this house. He said it’s unfair because 8 of these have nothing to do with these 2 dogs. He said it’s absolutely their fault that these dogs got out. He said he had to ask 15 times, where was the ACO. Where is anyone coming to their house and saying let’s look at this, why are they getting out? In January 2019, the ACO went to look at the fence. He asked did she go in there and look at it? This isn’t her fault but she could have had some suggestions such as training, how to leash the dogs. He said their son was some of the problem as well. He would walk the dogs and set them free. They took some measures with that with their son. He just wants the board to come to the right decision. He is disappointed that no one has shown up to his clients saying here’s what you can do to get them not to escape anymore. He also said there is no law, no authority that this town has the right to hold these dogs right now. The 10 days quarantine was for rabies only. For public safety, he said to show him the law for which you can hold them. He said it’s a violation of their constitutional rights. He said he’s read two statements from the goat owner and it is troubling to him. The first statement to a police officer, he said he was there, played with the goats and
left for an appointment. When he came back he sees the dogs in the pen, everything was alive. He went in to get his rifle, came back out and the goats are dead. In his own written statement, he doesn’t mention that. He doesn’t mention that he saw the dogs in there. He is questioning the investigation. He would like to listen to some of the testimony about the remedies that have happened. He would like to have Linda Smith speak to the board about the dogs and the DeJesus’s.

- Linda Smith came forward. Chairman Singer asked her if she is a resident of Charlton or what her relationship to the situation is. Ms. Smith said she lives in Enfield Ct. and owns Dog Watch of Western Massachusetts. She put the second electric fence in for the DeJesus’s. She said they got involved when they had two dogs previously and they had a wireless electric fence. She doesn’t know if they had training done. She said a wireless electric fence is not appropriate for huskies. She said unless you’re a professional who understands the differences in products, they made a bad decision. She doesn’t think it was negligence, it was lack of knowledge. After they lost their first dogs, they contacted her because they wanted to make sure they had a good fence. Dog Watch is rated the best fence out there. They have a 4ft chain link fence so she went and put a wire around the fence in addition to that. She said that pretty much solved their problems. It is her understanding that there are circumstances outside of the fence why all these escapes have happened. Mr. Borowski asked when was the fence installed and Ms. Smith said she thinks 2 ½ years ago. Mr. Cowen asked her when did she go to the house and make new changes? Has she been to the house since the incident with the goats and the answer was yes. Mr. Cowen said they meaning the DeJesus’s called you and she said yes. He provided a map to the board. (attached) Ms. Smith said the fence went around the entire yard. The dogs were confined to the back yard. The fence always worked in the back yard. The dogs were never supposed to be out in the front so they were never trained in the front. She said the statement that they blew through the fence, the dogs didn’t know that fence even existed. Chairman Singer said training with invisible fences, generally there is a flag system, dogs learn the flags and zapping and eventually it’s to get them to recognize the zap not the flag. Ms. Smith said right. Chairman Singer said regardless of whether the fence was in the back or the front, if they approached the fence in the front they would have gotten zapped. There should have been a warning regardless of training. Ms. Smith said they were going full speed ahead. They had no idea, they were already threw it before they knew it. Chairman Singer said that could happen in the back yard as well and Ms. Smith said no. Chairman Singer said she is saying that if a husky wants something bad enough that they won’t go through that fence to get it. Ms. Smith said for 2 ½ years they have never done that. Chairman Singer said he knows other dogs that have been trained and if they want something bad enough, they will go through the fence. Mr. Cohen said the invisible fence isn’t the only thing, they also have a chain link fence. Chairman Singer said Ms. Smith said an invisible fence is designed to stop dogs like huskies, dogs that are that big and that fast and aggressive. Ms. Smith said that isn’t what she said. Mr. Cohen asked Ms. Smith, is there a certain strength or voltage, he asked if she knew what it was on and she has no idea. She didn’t change the setting. Mr. Borowski asked about the fence. He asked Ms. Smith if she would consider it a fair statement that approximately 7 times with these dogs, they’ve all been through the front yard? Ms. Smith said there were circumstances having nothing to do with the fence. She thinks that’s why they got out. Mr. Cowen asked Ms. Smith after this incident, she went to the house, what did she do to make improvements? Ms. Smith said they went back and wired the area where the dogs got out. She said all of their fencing has wires in the ground. They extended it to the guard loop. The deck area and the stairs are wired by an invisible fence. Mr. Borowski is having a hard time thinking these dogs would be responsive to any kind of an electronic fence. Ms. Smith
said in the 2 ½ years they never got out of that area. It wasn’t the fence that was the issue.
Chairman Singer said they didn’t see the dogs kill the goats. Unless they saw the dogs leave
every single time, they didn’t know where they got out from unless someone saw them. Mr.
Cohen said some of them were when they were off the property. Ms. Noble was looking at
the map and sees there is a 4 ft wire fence going around the back and on the interior of that just
under the ground is the electronic fence. Ms. Smith said right. Ms. Noble said when we look at
the front of the house, we see just the electronic fence that goes underneath the driveway and
around. We don’t see a 4 ft chain link fence that goes around the front and Ms. Smith said
that’s correct. Ms. Noble said then that’s a problem because you are protecting the back and
doing nothing for the front that leads to the road that leads to other people’s homes. She is just
pointing out the obvious. Ms. Smith said their job was to contain the dogs in the back yard.
Ms. Noble said she did quite well because they were contained in the back yard. Ms.
Noble said there is a whole lot of property where they are not contained. Ms. Smith said that’s
beyond what their job was. Mr. Borowski said that’s what he was getting at. Chairman Singer
said it comes back to him regardless of the fence, it’s the owner. He’s a dog owner and takes
responsibility. He said huskies are built for running. He said at some point, ignorance of the
law does not absolve you from not following the law. If you really care about your dogs, you
make an investment. Mr. Borowski said in defense of Ms. Flynn, the onus to the point, in his
opinion is 100% upon the owners. It’s not onus of the ACO to say here’s what they could do.
He said as far as he’s concerned, she did exactly what she was supposed to do. The only thing
he would recommend in the future is to bring these to them sooner. ACO Flynn said she did
have some conversations with the DeJesus’s. They informed her when they fixed the fence.
She thinks the first fence was wireless. She said they have tried to do things to keep the dogs
in, huskies are very smart and her personal feeling is that it’s the male dog but she can’t prove
that. She said they also have another husky and to her knowledge, has never been loose.

• Wendy DeJesus came forward. She said the back yard is contained as all gates. They don’t go
out the front door. Her son was the problem. He left the gates open. It was his negligence.
They put a padlock on the gate. Ms. Smith came and did a zap line. The stairs going down to
the driveway have been repaired. The dogs have never jumped the gate. Ms. Noble asked the
line going around front now, is that new? Ms. DeJesus said no, there was always a loop. Ms.
Noble asked Ms. DeJesus if she has invited Ms. Flynn out to look at what they have done and
the answer was yes. Ms. DeJesus said they reinforced everything. Ms. Noble said in spite of
everything they’ve done and she appreciates it, it is enough? Chairman Singer said there were
7 times alone in 2014 that the dogs got out. 14 total. If we remove 7 of those due to Ms.
DeJesus’s son letting the dogs out, that means there are still 7 times the dogs got out. At what
point as a dog owner do you decide that this is not the right property for these dogs or you
need to hire a trainer to come in or take action on the underground fence before it got to the 4th
or 5th offense? Ms. Spiewak said that when their son walks the dogs that’s when they get out.
She asked when was the last time they allowed their son to walk the dogs? Why did it take 7
times? Mr. DeJesus came forward. He said they had to take the dog leashes away from their
son. He said his son has a mental illness. He is in a community housing in Tallahassee right
now. They have locks on the gates and when Linda came and did the fence, she came out five
days in a row to train his huskies. They have fixed all the issues with the fence and he even
installed chicken wire. Mr. Borowski thanked Mr. Zalewski and his granddaughter for their
willingness to not have the dogs put down. He said as much as he would like to call these dogs
a nuisance, they are dangerous. They have now killed and harassed horses. He is not willing to
put the dogs to sleep at this point. He is amendable to conditions. Chairman Singer said a
rescue would work to help place the dogs if needed. Ms. Noble said we have a letter dated
May 29, 2019 from Kelly Flynn with her suggestions. Mr. DeJesus said that Kelly did go to their house. They want to work with her. They don’t want the dogs put down and will do what they need to make it work. Ms. Flynn said she spoke with legal counsel about this and also the DeJesus’s about surrendering their dogs to the shelter. She said that counsel said if they were willing to voluntarily surrender the dogs to the shelter, the board could stop the hearing. Ms. Spiewak would encourage them to put their dogs up for adoption. She said this board has to live with the what if’s. What if the dogs get out.

- Attorney Cohen said one thing that hasn’t been talked about is if they are allowed the dogs back, he asked Mr. DeJesus if he would put them on a tie out? He is just suggesting there is more to do.

- With no further testimony, motion by Mr. Borowski to close the public hearing at 8:05pm, seconded by Ms. Noble, motion carries unanimously. Chairman Singer said the board has a few options. We could take action this evening or we can continue this to another date and talk to counsel. The board called for a two minute recess. The board returned to the table and discussed their feelings on this matter.

- Ms. Noble would like to give the DeJesus’s time to consider the options afforded to them tonight. Which would mean that the two husky’s would stay in quarantine. Give the family time to sit down and review everything that’s occurred, because they need more than two minutes to make their deliberations. Mr. Borowski asked if the DeJesus’s and their counsel would have an answer tonight or wait till the 18th. The attorney said the conversation they are having is to surrender the older male, Kado. They could fill out the paperwork and the dog could move from quarantine and work with the ACO to move the husky to a husky rescue and the DeJesus could keep the other dog.

- Motion by Ms. Noble that we continue this hearing for 2 weeks for the sole purpose of allowing the DeJesus’s to work with the husky rescue organization via Kelly, Patriot Siberian Husky Rescue, to come up with a remedy either separating the 2 dogs and come back in 2 weeks and see how far the DeJesus’s have progressed with that plan, seconded by Mr. Borowski for discussion. He would like to add that if that is agreed to, that it be expedited that the other dog is returned to the family as quickly as possible. Ms. Noble amended her motion to include that. Mr. Borowski amended his second. Mr. Cowen asked the board to confer with the DeJesus’s as they might have a solution now. He reviewed the motion with the DeJesus’s. Ms. Flynn has a question about returning Jade to the home before any decision is made. Chairman Singer said that’s what they are doing now. Mr. DeJesus asked if they have to do the rehoming or what if he knows someone that would take him leaving the town. The answer was no. Mr. DeJesus said they agree to give up Kado. After discussion, Ms. Noble amended her motion the male dog, Kado be surrendered from Mr. DeJesus’s custody and remain in Kelly’s custody for the sole purpose of having the dog rehomed through the husky rescue organization mentioned in her letter dated May 29th, that the female dog, Jade, be remanded to the owners and in two weeks time, the DeJesus’s will submit a report to the board letting them know how the situation is going so they can revisit this in two weeks, seconded by Mr. Borowski. Ms. Spiewak would recommend for the dog being returned home, that they adhere to the recommendations provided by the ACO. Ms. Noble amended her motion to state that the DeJesus’s adhere to the list of stipulations in the May 29th letter submitted by the ACO which will be provided to the DeJesus’s and their counsel, and we would ask them to adhere to such stipulations because we would declare Jade a nuisance dog, seconded by Mr. Borowski. Chairman Singer would urge them to hire and work with a trainer. With no further discussion,
vote on motion: motion carries unanimously.
7:15pm – Four Score – Amended Host Agreement & Development Agreement - Four Score has asked the Board to consider an amended Host Community Agreement that will allow for retail sales of adult use marijuana products at their site. At the Board’s last meeting, Attorney Silverstein explained that there would be a special permit available under the cap for Four Score to seek. He also reviewed the changes regarding the host agreement to include retail marijuana. The board was asked to review the agreements prior to tonight’s meeting. We were asked to place it on tonight’s agenda. Four Score held their community meeting on June 3, 2019. What are the board’s wishes? Ms. Noble said it’s a very small amendment on page 31. Mr. Borowski read the amendment. Dan Glissman from Four Score was present. Mr. Borowski said it is zoned properly and in a good location. He would like to know if the applicant would be amendable to putting some type of date in here basically saying that if they don’t have approval by such and such, they would have to come back here and talk to us. Chairman Singer would agree. He doesn’t want to prevent other businesses and their rights. Mr. Glissman said they would be amendable to putting a time line in it. He’s not sure what the board has in mind. He reviewed the timeline of how it all takes place. Ms. Noble said in talking with the staff, they wanted to be up and running by 2020. She said realistically based on the timeline he just gave, she asked if he thought they would be really up and running by 2020? Mr. Glissman said that is their goal but 2021 would probably fit more realistically.
Motion by Mr. Borowski to make it 12/31/2020. Chairman Singer thinks he is being generous with the state. He would go with 24 months. Ms. Noble was thinking March 1, 2021. Motion by Mr. Borowski contingent upon developing language that this will expire on March 1, 2021 unless approved and to approve the amended host agreement, seconded by Ms. Noble, motion carries unanimously.

VI. New Business:
1. Electronic Sign Board
   - Policy
   - Bid Award
Policy - As you know, town meeting approved the funding for an electronic sign board which will replace the current sign board at the Library. This sign required a Special Permit/Variance from the Zoning Board of Appeals which we did apply for and were approved. At the end of the Zoning Board of appeal period, a resident contacted various town officials with concerns but never appealed the decision of the Zoning Board in the time frame required. One of her concerns was that the sign should not be allowed because she thinks it’s in an Historic District of the town and doesn’t want the sign on 24/7. I explained that the area of the sign is not in an Historic District (see information provided by Curt Meskus) and that we were working on a policy that would limit the times and style of the sign. Attached is a policy for the board’s consideration – Electronic Display 40 Main St. (Library) In writing this policy, we have addressed some of her concerns such as turning on and off the sign at designated times. (off at 10:00pm and resume at 6:30am) Our bylaws prohibit her concerns about animation. Please note that the sign, given its proximity to the center of town, will generally consist of black and white lettering for informational messages. Special town sponsored town wide events including Old Home Day and Earth Day may display color but only for 7 days preceding the event. You are asked to approve the policy as submitted. Motion by Mr. Borowski to approve the policy as accepted, seconded by Ms. Noble. Ms. Spiwak asked why do we have to turn the sign off? She thinks it is doing a disservice to the community for people who are
looking for information. She would recommend striking that. Curt Meskus came forward and said that there is no prohibition in our bylaws. He was involved in some of the discussions and some of the concerns of a neighbor, it was explained to them. This is an accommodation to that. **Vote on motion: motion carries unanimously.**

Bid Award Recommendation – Quotes were requested and due April 17, 2019 for the purchase and install of an Electronic Sign Board to be installed in place of the existing manual sign in front of the Library. Three quotes were received and thoroughly reviewed by Jeff Sorel, Information Technology. The following is his recommendation:

- Lowest quote - $31,856.00 – Guthman Signs. Did NOT meet all criteria requirements
- Second lowest quote - $34,137.89 – Diversified Sign – met all criteria requirements
- RECOMMENDED TO AWARD

Highest quote - $34,470.00 – Graphics Unlimited

See attached quotes and evaluation sheet. The Town Administrator would agree with Mr. Sorel and recommend the board award the bid to Diversified Sign in an amount not to exceed $34,137.89. **Motion by Mr. Borowski to award the winning bid to Diversified Sign because they met all criteria requirements for an amount not to exceed $34, 137.89, seconded by Ms. Spiewak, motion carries unanimously.**

2. Knights of Columbus – request for toll road. St. Joseph Council of the Knights of Columbus – Charlton Council #11379 is seeking to conduct a Toll Road at the intersection of Route 31 and Masonic Home Road using the required amount of traffic cones and barricades on Saturday, October 12, 2019 from 8:00am – 2:00pm. This request has been forwarded and approved by Chief Maxfield contingent upon the following safety precautions:

- All volunteers must wear bright colored vests (yellow, orange, green or red) while soliciting donations;
- Orange traffic cones must be set out on Main St. and Masonic Home Rd. for a distance of not less than 50 ft on each respective way prior to reaching the toll station. A minimum of 5 traffic cones on each roadway should be put in place at a distance no greater than 10 ft. apart;
- Signs warning “Voluntary Toll Road Ahead” must be erected on both Masonic Home Rd. and Main St. not less than 75 ft. from the toll collection area. Should the Board approve this request, she would ask that you consider including Chief Maxfield’s recommendations into the motion. **Motion by Mr. Borowski to approve, seconded by Ms. Noble, motion carries unanimously.**

3. CMG Proposals – 4 Dresser Hill Road and 54 North Main Street. Attached are two proposals from CMG Environmental, Inc. for Environmental Services for the period covering July 1, 2019 through June 30, 2020 for the old Highway Barn located at 54 N. Main St. and the Community Center located at 4 Dresser Hill Road. In FY10, CMG Environmental reduced its fees for both sites and will continue to hold the same 2% discount. Gary Magnusson from CMG Environmental will be here to review the proposals with you. These costs are paid from the Environmental Account. Gary Magnusson came forward. For 4 Dresser Hill Road they are proposing a budget of $5,996 as they did last year. This is the same scope as last year. Mr. Magnusson said for 54 North Main St., they proposed $8,753 last year and would be the same amount for this year. **Motion by Mr. Borowski that we approve the proposals in the aggregate of $14,749.00, seconded by Ms. Spiewak, motion carries unanimously.**

4. Papa Gino’s – Mass Pike East & West – change of ownership – Common Victualler. We
have been notified that Papa Gino's, Inc. and D'Angelo's sold all of their assets to New England Authentic Eats, LLC (d/b/a Papa Gino's & D'Angelo) as a result of the Chapter 11 Bankruptcy filing. They hold a Common Victualler license at both sites. You are asked to approve new Common Victualler's licenses for both establishments, Mass Pike East & West, changing the name to New England Authentic Eats, LLC, d/b/a Papa Gino's. Everything else in their licenses remains the same. Motion by Ms. Noble to approve the new common vic licenses for both establishments east and west and changing the name to New England Authentic Eats, LLC, seconded by Mr. Borowski, motion carries unanimously.

5. Review Modification of Special Permit & Site Plan – Four Score, 144 Sturbridge Road. The Planning Board has provided you with a copy of an application submitted to them by Four Score Holdings, LLC, One International Place, Suite 3700, Boston, MA 02110 for modification of a special permit and site plan approval to include a medical and recreational retail marijuana establishment. The applicant has received a special permit for marijuana cultivation and processing in an existing 20,000 sq. ft. building with a proposed 1,000 sq. ft. addition. The property is located at 144 Sturbridge Rd., Assessors Map 30, Block C, Parcel 13 and is zoned Industrial General. The board is asked to review and provide any comments no later than June 5, 2019. (Notice states 4th but they have allowed the board until tomorrow morning) No comments.

6. Review of Site Plan – Charlton Realty Co. Trucking Center & Repair Garage, 299 Sturbridge Rd. The Planning Board has provided you with a copy of an application submitted to them by Charlton Realty Company, LLC, P.O. Box 33, Sturbridge, MA 01566 for site plan approval to operate a trucking center and repair garage on property that was formerly used as a concrete mixing plant. The site is located at 299 Sturbridge Road and is owned by Craig Moran, Sturbridge, MA. The parcel subject to the application contains approximately 3.67 acres and is listed as Assessor’s Map 31, Block D, Lot 2. Said property is zoned Industrial General. The board is asked to review and provide any comments no later than June 5, 2019. (Notice states 4th but they have allowed the board until tomorrow morning) No comments.

VII. Old Business:

1. Update – Independent Auditor. Chairman Singer asked for this item to be placed on the agenda. He said the Board authorized him to contact town counsel in the board’s quest for an independent auditor and he came back with recommendations. Out of three, there is one we should lean towards who haven’t been involved with anything in town. If this board chooses to use JAMS then we could have the Town Administrator reach out to them and have them submit multiple names for this board to choose from. Ms. Noble asked what does JAMS stand for? Chairman Singer said there is a link you can check which explains more about JAMS. The investigators are former judges. The board asked for this to be tabled until the June 18th meeting. Ms. Spiewak asked if we could get an estimate. Ms. Noble would ask if they could provide a writing sample of their work. Mr. Borowski asked as well as other towns they may have done.

2. Sex Offender Registry and Residence. At the board’s last meeting, in discussing the sex offender bylaw committee, Mr. Borowski had made a motion that we work with the Police Chief and our Cable Access Coordinator to see if it’s possible to post Sex Offender information because it’s readily available online. Ms. Noble said she would like to see what policies these other towns have on the books before we starting putting pictures up on the internet. Mr. Borowski was asked if he would be willing to come back with a sample
from another town and also a list of communities that already put sex offender information on its’ cable access. She also had a conversation with Chief Maxfield regarding this and he stated that there are specific cautions for this. He had concerns about putting them up on our own as offenders come on and off the roll (liability if they were found to be innocent and it’s still on our system) or they may change levels such as go from a Level 1 to a Level 3 (liability if we have it wrong). The Chief suggested putting a link to the State Registry for Sex Offenders on our website. That is what he does. Mr. Borowski stated that the towns that currently do it around us are Webster, Auburn and Millbury. Sutton does not do this per their chief for similar reasons as stated by our chief. It’s resourcing finding someone who has time and is dedicated to always keeping this updated. There is a state registry that notifies this. He would recommend as a potential compromise until we figure out what we want to do with resourcing as well as the overall bylaw committee is, he would recommend we work with Cable to put up a link with some language that the chief approves of that would direct someone to the state website to do a query. Motion by Mr. Borowski that we work with Drew and the Police Chief via the Town Administrator to put some type of notification up on our local access channels with a link with basic information to the state’s website, seconded by Ms. Noble. Ms. Spiewak pointed out that right now we do post Level 3 sex offenders at the library, here at the town hall and the police station. Ms. Spiewak said when she was at the cape, they had it on their cable and she talked to the chief and he said it’s a fairly easy process. Vote on motion: motion carries unanimously.

VIII. Committee Reports:

IX. BOS Policy Review:
Finance Director Donna Foglio is asking the board to review the following policies and approve:
1. Appendix I – Policy Adoption/Revision Log
2. Appendix II – Municipal Calendar
3. Appendix III – Indirect cost Calculation Methodologies
4. Appendix IV – Investment Policy Statements
5. Forecasting
6. Indirect Cost Allocation
7. Investment Policy
8. Travel Reimbursement Policy
Ms. Foglio came forward. She said that 1 – 4 are just appendix’s for policies that have been previously approved. She reviewed 5-8 with the board. Motion by Mr. Borowski to approve all of the policies we have in front of us, seconded by Ms. Noble, motion carries unanimously. The board thanked Ms. Foglio for her work.

X. Student Selectperson Report: Anya Grondalski provided an update on Shepherd Hill activities. She also stated that this is her last meeting for this year. Ms. Noble said that Ms. Grondalski has done an amazing job these last two years putting the Mock Town Meetings together for the students.

XI. Town Administrator Report – Chairman Singer read the Town Administrator report.

XII. Other Business:
Mr. Borowski asked for one topic for a future meeting, if the vote stands for the safety building
complex, in a month or so we should meet with the building committee around scheduling a debt exclusion question.

Ms. Spiewak asked if we could start reviewing the policies again sometime in July.

XIII. Next Meeting Announcement:
- Annual Town Meeting – continued – June 12, 2019 – 7pm – 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 adjourn at 9:25pm, seconded by Ms. Noble, motion carries unanimously.

Submitted by:
Mary C. Devlin
Administrative Assistant

Accepted by:
David M. Singer, Chairman
William Borowski, Clerk
Karen A. Spiewak, Vice-Chairperson
Deborah B. Noble, Member
John P. McGrath, Member (absent)
TO: Board of Selectmen
FROM: Robin L. Craver, Town Administrator
DATE: May 30, 2019
SUBJECT: Town Administrator’s Report -- for Selectmen’s meeting of 6/4/19

**Flood Insurance Rate Map** – Attached is a revised Flood Insurance Rate Map for Charlton provided by the Federal Emergency Management Agency. The map has been revised for unnamed tributary to glen Echo Lake – from just upstream of the confluence with Glen Echo Lake to approximately 3,300 feet upstream of the confluence with Glen Echo Lake and an unnamed area of flooding – an area on the left overbank of Glen Echo Lake and approximately 1,070 feet southeast of the intersection of Brookside Drive and State Highway 31.

**Expansion of Senior Center** – I had a discussion with Elaine Materas, Director for Council on Aging who stated that they wanted to expand the senior center downstairs in the Town Hall. With the possibility of a new Public Safety Building Committee and the Police Department relocating if it’s approved, they would like to consider that building as a possibility. I will provide you with more information as I get it.
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable David Singer
Chairman, Town of Charlton
Board of Selectmen
37 Main Street
Charlton, MA 01507

IN REPLY REFER TO:
Case No.: 19-01-0726P
Community Name: Town of Charlton, MA
Community No.: 250299
Effective Date of
This Revision: October 2, 2019

Dear Mr. Singer:

The Flood Insurance Rate Map (FIRM) for your community has been revised by this Letter of Map Revision (LOMR). Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals issued in your community.

Additional documents are enclosed that provide information regarding this LOMR. Please see the List of Enclosures below to determine which documents are included. Other enclosures specific to this request may be included as referenced in the Determination Document. If you have any questions regarding floodplain management regulations for your community or the National Flood Insurance Program (NFIP) in general, please contact the Consultation Coordination Officer for your community. If you have any technical questions regarding this LOMR, please contact the Director, Mitigation Division of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) in Boston, Massachusetts, at (617) 956-7564, or the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at https://www.fema.gov/national-flood-insurance-program.

Sincerely,

Patrick "Rick" Sacbmit, P.E., Branch Chief
Engineering and Services Branch
Federal Insurance and Mitigation Administration

List of Enclosures:
Letter of Map Revision Determination Document
Annotated Flood Insurance Rate Map

cc: Mr. Curtis Meskus, CBO
Building Commissioner
Zoning Enforcement Officer
Town of Charlton
# LETTER OF MAP REVISION DETERMINATION DOCUMENT

## COMMUNITY AND REVISION INFORMATION

| COMMUNITY | Town of Charlton  
| Worcester County  
| Massachusetts |
| --- | --- |

| COMMUNITY NO.: | 250299 |

| IDENTIFIER | Town of Charlton Zone A LOMR |

| PROJECT DESCRIPTION | NO PROJECT |

| BASE OF REQUEST | BASE MAP CHANGES  
| HYDRAULIC ANALYSIS  
| HYDROLOGIC ANALYSIS  
| UPDATED TOPOGRAPHIC DATA |

<table>
<thead>
<tr>
<th>ANNOTATED MAPPING ENCLOSURES</th>
<th>ANNOTATED STUDY ENCLOSURES</th>
</tr>
</thead>
</table>

| TYPE: FIRM*  
| NO.: 25027C0788E  
| DATE: July 4, 2011 |

| TYPE: FIRM  
| NO.: 25027C0788E  
| DATE: July 4, 2011 |

| APPROXIMATE LATITUDE AND LONGITUDE: 42.163, -71.985  
| SOURCE: Precision Mapping Streets  
| DATUM: NAD 83 |

Enclosures reflect changes to flooding sources affected by this revision.  
* FIRM - Flood Insurance Rate Map

## FLOODING SOURCES AND REVISED REACHES

- **Unnamed Tributary to Glen Echo Lake**: from just upstream of the confluence with Glen Echo Lake to approximately 3,300 feet upstream of the confluence with Glen Echo Lake
- **Unnamed Area of Flooding**: an area on the left overbank of Glen Echo Lake and approximately 1,070 feet southeast of the intersection of Brookside Drive and State Highway 31

## SUMMARY OF REVISIONS

<table>
<thead>
<tr>
<th>Flooding Source</th>
<th>Effective Flooding</th>
<th>Revised Flooding</th>
<th>Increases</th>
<th>Decreases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unnamed Tributary to Glen Echo Lake</td>
<td>Zone A</td>
<td>Zone A</td>
<td>YES</td>
<td>NONE</td>
</tr>
<tr>
<td>Zone X (shaded)</td>
<td>Zone A</td>
<td>YES</td>
<td>NONE</td>
<td></td>
</tr>
<tr>
<td>Zone A</td>
<td>Removed</td>
<td>NONE</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>Zone X (shaded)</td>
<td>Removed</td>
<td>NONE</td>
<td>YES</td>
<td></td>
</tr>
</tbody>
</table>

| Unnamed Area of Flooding |
| --- | --- | --- | --- |
| Zone A | Removed | NONE | YES |
| Zone X (shaded) | Removed | NONE | YES |

## DETERMINATION

This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2527 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-5426. Additional information about the NFIP is available on our website at https://www.fema.gov/national-flood-insurance-program.

Patrick "Rick" F. Sachbit, P.E., Branch Chief  
Engineering and Services Branch  
Federal Insurance and Mitigation Administration  
Case No.: 19-01-0726P  
1024-A-C
LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)

COMMUNITY INFORMATION

APPLICABLE NFIP REGULATIONS/COMMUNITY OBLIGATION

We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria, including adoption of the FIS report and FIRM, and the modifications made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State/Commonwealth or local requirements to which the regulations apply.

COMMUNITY REMINDERS

We based this determination on the 1-percent-annual-chance discharges computed in the submitted hydrologic model. Future development of projects upstream could cause increased discharges, which could cause increased flood hazards. A comprehensive restudy of your community’s flood hazards would consider the cumulative effects of development on discharges and could, therefore, indicate that greater flood hazards exist in this area.

Your community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State/Commonwealth law have been obtained. State/Commonwealth or community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If your State/Commonwealth or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

We will not print and distribute this LOMR to primary users, such as local insurance agents or mortgage lenders; instead, the community will serve as a repository for the new data. We encourage you to disseminate the information in this LOMR by preparing a news release for publication in your community's newspaper that describes the revision and explains how your community will provide the data and help interpret the NFIP maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-338-2527 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3501 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6425. Additional information about the NFIP is available on our website at https://www.fema.gov/national-flood-insurance-program.

[Signature]
Patrick "Rick" F. Saccblit, P.E., Branch Chief
Engineering and Services Branch
Federal Insurance and Mitigation Administration

19-01-0726P 102-4-A-C
LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Mr. Dean Savramis
Director, Mitigation Division
Federal Emergency Management Agency, Region I
99 High Street, Sixth Floor
Boston, MA 02110
(617) 956-7564

STATUS OF THE COMMUNITY NFIP MAPS

We will not physically revise and republish the FIRMs for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRMs panels warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.
A notice of changes will be published in the Federal Register. This information also will be published in your local newspaper on or about the dates listed below, and through FEMA’s Flood Hazard Mapping website at https://www.floodmaps.fema.gov/fhm/bfe_status/bfe_main.asp

Name: Worcester Telegram & Gazette
Dates: May 28, 2019 and June 4, 2019

Within 90 days of the second publication in the local newspaper, any interested party may request that we reconsider this determination. Any request for reconsideration must be based on scientific or technical data. Therefore, this letter will be effective only after the 90-day appeal period has elapsed and we have resolved any appeals that we receive during this appeal period. Until this LOMR is effective, the revised flood hazard determination presented in this LOMR may be changed.