



TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
January 15, 2008

Submitted by _____

Date _____

Received by _____

Date _____

Present: Chairman – Peter J. Boria, Vice-Chairman - Scott D. Brown and Clerk – Kathleen W. Walker. Also present, Town Administrator - Robin L. Craver and Student Selectperson Katie Walsh. Members Frederick C. Swensen and John R. Bacon were absent.

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 Boria called the meeting to order at 6:30pm with the pledge to the flag.

II. Consent Agenda:

- Chairman Boria read the agenda.
- Minutes of Special Selectmen's Meeting – December 11, 2007. **Motion by Mr. Brown to approve the minutes of the Special Selectmen's Meeting of December 11, 2007, seconded by Ms. Walker, motion carries.**
- Minutes of Regular Selectmen's Meeting – December 18, 2007. **Motion by Mr. Brown to approve the minutes of the Regular Selectmen's Meeting of December 18, 2007, seconded by Ms. Walker, motion carries.**

III. Community Relations, Announcements and Open Forum:

- Chairman Boria read the announcements.

IV. Appointments/Resignations:

1. Mrs. Craver noted that at the Board's last regular meeting, a vote was taken to establish a Fire Station Building Committee under the recommendations and guidelines provided by Fire Chief Cloutier. The committee is to consist of (1) member of the BOS, (1) member from the Library Building Committee, (1) member from the public involved in the building trade (commercial building preferred), (1) member for an area fire department that sat on their fire station building committee, (2) members from the Fire Department, (2) members from the public and the Charlton Fire Chief. Five letters have been received from: Ralph W. Harris, Jr., Stephen M. Coleman, Jr., Kevin D. Walsh, Douglas E. Robertson and Timothy D. Pierce. **Motion by Ms. Walker to appoint all five members as listed, seconded by Mr. Brown for discussion.** Mr. Brown asked about one of the applicants and where he would fit into the set up. After discussion, **Ms. Walker withdrew her motion, Mr. Brown withdrew his second. Motion by Mr. Brown to change the make up of the Fire Station Building Committee to eliminate "one member for an area fire department that sat on their fire station building committee" to "one member for an area Fire Department", seconded by Ms. Walker, motion carries. Motion by Ms. Walker to appoint Ralph W. Harris, Jr., Stephen M. Coleman, Jr., Kevin D. Walsh, Douglas E. Robertson and Timothy D. Pierce to the Fire Station Building Committee, seconded by Mr. Brown, motion carries.**

2. Appointment of Permanent/Intermittent Police Officer. Chief Pervier stated that he participated in interviews along with Town Administrator Robin Craver and Lt. Carl Ekman to fill the Permanent/Intermittent Police Officer opening. They are recommending the Board appoint Derek C. Gaylord of 71 King Road, Charlton as a Permanent/Intermittent Police Officer for the Town of Charlton effective January 15, 2008. **Motion by Mr. Brown to appoint Derek C. Gaylord as a Permanent/Intermittent Police Officer effective January 15, 2008, seconded by Ms. Walker, motion carries.**
3. Appointment of SCM Elderbus Representative. Mrs. Craver noted that under the bylaws of the SCM Elderbus, Inc., it allows for one board member to be appointed by the Board of Selectmen. Council on Aging has recommended the appointment of Debra Ciesluk to represent the Town of Charlton for your consideration. **Motion by Mr. Brown to appoint Debra Ciesluk as our SCM Elderbus representative, seconded by Ms. Walker, motion carries.**

V. Scheduled Appointments:

6:45pm – Swearing in of new hire for the Fire Department. Chief Cloutier introduced Mark Kimball, who will be a full time firefighter/paramedic. Sue Nichols, Town Clerk was present to do the official swearing in. The Board congratulated Mr. Kimball.

6:50pm – Pole Hearing – Hollywood Drive. Chairman Boria opened the hearing and read the notice as sent to the abutters. (see attached). No questions were asked. **Motion by Mr. Brown to close the public hearing at 6:52pm, seconded by Ms. Walker, motion carries. Motion by Mr. Brown to approve the request, seconded by Ms. Walker, motion carries.**

7:15pm – Charlton Self Evaluation presentation – Jim Mazik and Mike Kennedy were present to provide the Board with an executive summary which through the completion of the Charlton Accessibility Plan, (a copy on file in the Selectmen’s Office), the town will be in compliance with certain provisions of the Americans with Disabilities Act and will give people with disabilities an equal opportunity to participate in the mainstream of public life offered to all citizens. **Motion by Ms. Walker that the Board of Selectmen accept the Town of Charlton accessibility plan that’s in front of us, seconded by Mr. Brown, motion carries.**

VI. Old Business:

1. Chapter 137 of the Acts of 2003 – Compensation to employees called to active military service. Mrs. Craver explained what the act is and does. Attorney Cosgrove recommended that if the Board decides to propose acceptance of the Act, you would need to negotiate the benefit to agreement or impasse before consideration at town meeting. **Motion by Ms. Walker that this act of military service be approved by this board to be sent on to town meeting for consideration, seconded by Mr. Brown for discussion.** Mr. Brown stated that he appreciates what the men and women in the military do, but if we approve this, we have no idea what the cost will be. He feels it would not be responsible of us to move forward without knowing what the cost is. **Ms. Walker modified her motion to incorporate the recommendations of Mrs. Craver and Attorney Cosgrove that we do the negotiations with the unions so we have a better idea of the cost. Mr. Brown re-seconded the motion.** Chairman Boria clarified the motion: to put Chapter 137 of the Acts of 2003 on the 2009 ATM pending successful negotiations with the unions. Mrs. Craver noted that if we go to town meeting and it’s approved, we would bargain after the fact. Attorney Cosgrove recommended to bargain before so we know what the cost is prior to town meeting. Ms. Walker clarified that her motion was to put it on the Annual Town Meeting regardless and try to negotiate prior and if not, negotiate after town meeting. Richard McGrath approached the board seeking clarification of the motion. Chairman Boria stated that we are not discussing the issues but are deciding if we will move forward and put this on the Annual Town Meeting warrant. Mr. Brown differs as he feels this will be a budgetary issue and the money matters. The motion is to put it on town meeting after discussion with unions affected. **Vote taken: Ms. Walker – aye, Mr. Brown**

and Chairman Boria – opposed, motion does not pass. Ms. Walker would like the board to put this issue back on the next agenda when a full board is here. Ms. Walker feels as the Board of Selectmen, they should look at all aspects of the issue. She feels that we should at least support this to put on Town Meeting. Chairman Boria stated his main concern was because the motion was based on bargaining. He is not opposed to sending it to town meeting, just the fact that we might have to support it for bargaining. **Motion by Mr. Brown to place the article on the town meeting warrant, seconded by Ms. Walker.** Mr. Brown feels that town meeting can approve or not, and if it is approved, we bargain to the best of our ability. **Vote taken on the motion: carries.**

2. Agreement between Casella and the Town of Charlton (see attached) Mrs. Craver noted that the reference to Dick Tracy's nose has been removed on a request from Casella. **Motion by Ms. Walker to sign this contract, seconded by Mr. Brown for discussion.** He has a question regarding the residential drop off on Flint Road. He remembers the discussion with the residents of using Flint Road. Mrs. Craver noted that Casella would be amenable to doing this as it has site assignment. The Board told the residents that they would not make a decision on this item until a full discussion was held with the abutters. Ms. Walker agrees with Mr. Brown and feels that Flint Road should not be listed. She suggested that we just make a deletion, sign it and send it back. She would recommend that on page 2, drop off station would be on Town property and to remove Flint Road. Mrs. Craver would recommend that the landfill be considered as Attachment b. Chairman Boria is comfortable with moving forward. if we show that the current area being capped is the area on Flint Road. He also noted that as a town, we might not want to move forward with this. Ms. Walker and Mr. Brown is okay with the language as long as exhibit b reflects the current landfill being capped. **Vote taken on the motion carries.**
3. Southbridge Board of Health hearing on landfill site assignment – Mrs. Craver stated that the hearing has been set for January 24 at 7:00pm at the Southbridge Town Hall for Casella's site assignment. The Board of Health has made Mrs. Craver their authorized representative and Attorney Cox as its legal representative. She would ask if the Board would like to do the same. Chairman Boria stated that he would sooner have the board be an Intervenor, not a participant. **Motion by Ms. Walker that the Board of Selectmen register as Intervenor and that we authorize Robin Craver as our authorized representative and Attorney Bob Cox as our legal representative, seconded by Mr. Brown, motion carries.**

VII. New Business:

1. FY09 ATM. Mrs. Craver gave the Board the Budget Calendar for FY2009. At tonight's meeting the Board is scheduled to open the warrant and at this time, have planned to close the warrant the week of March 9th. **Motion by Ms. Walker to open the warrant, seconded by Mr. Brown, motion carries.**
2. Charlton Town Democratic Committee
 - (a) Letter received noting that the Charlton Town Democratic Committee is sponsoring an evening with Lt. Gov. Tim Murray and Massachusetts Democratic Party Chair John Walsh who will speak on the topic of "Grass Roots Organizing" on February 2, from 6:30pm until 9:00pm in the auditorium of Charlton's new reopened Library building. Complimentary tickets have been provided for all board members.
 - (b) Request for one day special license – With the event in mind, the Charlton Town Democratic Committee is seeking permission for a one day special license to be used on February 2, 2008 from 6:30pm – 9:00pm for wine & malt beverages. Staff has notified them that the servers must be TIP certified. They are also a non profit organization therefore as the Board's policy states, should this be approved there would be no cost for the license. It should also be included in the motion if approved that No alcohol to be served to persons under 21. Mrs. Craver noted that after speaking

with our insurance carrier, we were advised that this committee should provide proof of insurance in the amount of one million naming the town as an additional insured. Dr. Robert Hartwig, Chairman of this committee was present. He has a quote for insurance but would like to be able to seek out additional quotes for insurance due to the cost. After discussion, **motion by Ms. Walker to approve the one day liquor license as requested and to add the stipulation that liability insurance be provided prior to the event, seconded by Mr. Brown for discussion. After discussion, vote taken: Ms. Walker and Chairman Boria – aye, Mr. Brown opposed. Motion passes.**

3. Highway Bid Award – Mrs. Craver noted that Highway Bids were opened and read on January 3, 2008 at 1:00pm. The following were the lowest bidders and the recommendation would be to award the bids as submitted.
 - Item #1 – Bituminous Concrete, Type I, in place in the amount of \$56.00 per ton / \$398.75 adjustment: Aggregate industries, 1512 Broadway, Saugus MA 01906;
 - Item #2 – Full Depth Pavement Reclamation in an amount of \$1.429 per square yard: Murray Paving & Reclamation, Inc. P.O. Box 6438, Holliston MA 01746; and
 - Item #3 – 3/8” cold Mix Patch Asphalt in the amount of \$67.00 per ton delivered: Massachusetts Broken Stone Company, 332 Sawyer Hill Road, Berlin MA 01503.**Motion by Mr. Brown to award the contracts as listed, seconded by Ms. Walker, motion carries.**
4. Highway Garage – Architect Contract Award. Mrs. Craver stated that the Highway Barn Building Committee interviewed six (6) companies for architectural services and is recommending that the Board award the contract to Weston and Sampson in the amount of \$79,000.00. Gerry Foskett, Highway Superintendent was present to reiterate what Mrs. Craver had stated. **Motion by Mr. Brown to award the contract as stated, seconded by Ms. Walker, motion carries.**
5. Mrs. Craver notified the Board that she had received word from Mr. Foskett, Highway Superintendent that as of today, January 15, 2008, the snow and ice removal account is close to being exhausted therefore at this time the Board of Selectmen would need to declare a snow emergency which would allow this account to be overspent allowing the snow and ice removal operations to continue. **Motion by Mr. Brown to declare a snow emergency, seconded by Ms. Walker, motion carries.**
6. Unsung Heroine – Selectperson Walker stated that last year, Cathleen Kuehl was Charlton’s unsung heroine. This year there is a recommendation for nomination of Darlene Emco-Rollins who has done a tremendous amount of volunteering for the Town. She has been in charge of Chip-In to make sure all families that are in need in the town are taken care of. **Ms. Walker made a motion that we nominate Darlene Emco-Rollins as the town’s unsung heroine, seconded by Mr. Brown, motion carries.**
7. Whitewater Contract – amendment. Mrs. Craver stated that Whitewater has recommended amending the contract that we presently have with them. They are proposing that we eliminate the library which will decrease the contract by \$53.05 quarterly. The reason is that the library has their own contract with Whitewater as their requirements have changed and more testing is needed. **Motion by Mr. Brown to approve the amendment to the Whitewater contract seconded by Ms. Walker, motion carries.**
8. Consolidation of Bottled Water – Mrs. Craver noted that it was brought to her attention that the bottled water we supply to residents as mitigation to the Highway Barn water contamination, that we use several suppliers with varying costs per gallon for water. They range from \$2.00 to \$.49 per gallon. In an effort to contain costs, we are planning if no objections, to consolidate all water deliveries to the State Contract provider, Belmont Springs at \$.49 cents per gallon. We are also planning to stop delivery of individual bottles of water (cases of 24) as we are not able to

find any authorization for such delivery. **Motion by Mr. Brown to move forward with both of the recommendations, seconded by Ms. Walker, motion carries.** Mrs. Craver thanked Laurie Degnan for putting all the information together.

- VIII. Student Selectperson Report - Katie Walsh gave an update on sports and activities at Shepherd Hill.
- IX. Town Administrator Report Mrs. Craver reviewed her report. (see attached)
Mrs. Craver also stated that she received word from one of our reporters who was in contact with DEP and DEP has confirmed the meeting with EXXON for next Tuesday, January 22, 2008 at 7:00pm here in the meeting room. (Contamination within the town and what they have to do to clean it up.)
- X. Other Business Chairman Boria stated that last Friday, the school put a committee together with representatives from Dudley and Charlton, State Representatives and Senators were present. He would like to thank our Representatives for listening and hearing our concerns.

Ms. Walker stated that she attended the MMA conference this past weekend and received a disk titled Cities & Towns build our economic future and asked that each town run this on the local cable channel so it can be viewed all over the state. There was a workshop that she attended on the open meeting law and public records law. She would recommend that (1) to ask the Town Clerk to hand out the open meeting law, the public records law and the conflict of interest law to every elected and appointed member of any board in town and (2) ask the Board to consider asking Attorney Cosgrove to come out for a couple of hours and give a seminar on this since the previous training was cancelled and hasn't been rescheduled yet. Mrs. Craver would recommend checking the budget and having booklets made and provide them to the town clerk to hand out. Mrs. Craver also noted that when she spoke with Attorney Cosgrove he noted that if the Board wished him to come out he would but he thinks it would be better to have someone better versed provide the seminar. Ms. Walker would also ask the Board to review the books that have been updated on the Board's policies and bring it back in a month or so for discussion.

- XI. Adjourn/Executive Session: **Motion by Mr. Brown to adjourn at 8:48pm, seconded by Ms. Walker, motion carries.**
- XII. Next Meeting Announcement:
- Next Regular Selectmen's Meeting – January 29, 2007

Respectfully submitted by:
Mary C. Devlin
Administrative Assistant

Accepted by:

Peter J. Boria, Chairperson

Scott D. Brown, Vice-Chairman

Kathleen W. Walker, Clerk

John R. Bacon, Member (absent)

Frederick C. Swensen, Member (absent)