



TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
January 29, 2008

Submitted by _____

Date _____

Received by _____

Date _____

Present: Chairman – Peter J. Boria, Vice-Chairman - Scott D. Brown, Clerk – Kathleen W. Walker and Member – Frederick C. Swensen. Also present, Town Administrator - Robin L. Craver and Student Selectperson Katie Walsh. Member John R. Bacon was 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 6:42pm with the pledge to the flag.

II. Consent Agenda:

- Chairman Boria read the agenda.
- Minutes of Special Selectmen's Meeting – December 28, 2007. **Motion by Mr. Swensen to approve the minutes of December 28, 2007, seconded by Ms. Walker. Vote taken: Mr. Swensen, Mr. Brown and Ms. Walker – aye, Chairman Boria abstained, motion carries.**
- Minutes of Regular Selectmen's Meeting – January 15, 2008. **Motion by Mr. Brown to approve the minutes of January 15, 2008, seconded by Ms. Walker. Vote taken: Ms. Walker, Mr. Brown and Chairman Boria – aye, Mr. Swensen abstained, motion carries.**

III. Community Relations, Announcements and Open Forum:

- Chairman Boria read the announcements.
- Ms. Walker announced the “Meet the Lt. Governor” at the Library on Saturday night. All are invited to attend.

IV. Appointments/Resignations:

1. Fire Station Building Committee – Three requests received for appointment received:
(a) Joseph Haebler from the Library Building Committee – **Motion by Ms. Walker to appoint Joseph Haebler as the member from the Library Building Committee, seconded by Mr. Brown, motion carries.** Chairman Boria noted that two requests have been received to fill the one open seat for the member of the public involved in building trade. Chief Cloutier feels that Mr. Fiske would fill this seat and is not sure where Mr. Prouty would fit in but feels he would be good on this committee. With that said, **motion by Mr. Brown to amend the structure of this committee to add one additional member to the Fire Station Building Committee as generic as a member from the public, seconded by Ms. Walker, motion carries. Motion by Mr. Brown to appoint Ralph Fiske and Daniel Prouty to the Fire Station Building Committee, seconded by Ms. Walker, motion carries.**
2. Activities Council – Tina Costa – **Motion by Ms. Walker to appoint Tina Costa to the Activities Council, seconded by Mr. Brown, motion carries.**

V. Scheduled Appointments:

6:45pm – Pole Hearing – Center Depot Road. Chairman Boria opened the hearing by reading the notice as sent to the abutters. (see attached). Sue Payne from National Grid was present to answer any questions. Seeing no questions, **motion by Ms. Walker to close the public hearing, seconded by Mr. Brown, motion carries. Motion by Mr. Brown to approve the request, seconded by Mr. Swensen, motion carries.**

7:00pm – Charlton Cable Television Public Ascertainment Hearing – Chairman Boria opened the public ascertainment hearing by reading the notice as posted in the paper. (see attached). Eric Borgeson, Chairman of the Cable Committee & Carl Ekman were present. Mr. Borgeson stated that this is an opportunity for the town to steer a direction of what they want to see with local cable access channels. A survey was put out for people to fill out with their ideas. Mr. Ekman mentioned that this has given the committee the opportunity to come up with the needs for the town and also a chance to have the fiber optic cable hooked up that's outside of every town building. He did note that a lot of the rates are governed by the Cable Commission and there shouldn't be any discussion on that. Chairman Boria opened the floor to the public.

- Bill Fontaine, former employee for Charter Communication and a member of the town. He agrees with having the fiber optic cables hooked up. It should be incorporated with the new cable agreement. He also feels one of the advantages is hooking up with the school systems as they already have this cable. The other item would be to increase the content for the channels.
- Tony Polletta member from town. His concerns would be to work with this contract for better access for this town and better internet access to include any current and future town buildings. cost free.
- Mark McMinn – his main concern is public and educational channels for public access. He supports the town for negotiating for better services for the town. He would like to see training classes for use of equipment.
- Richard McGrath – a police officer and also runs police explorer program. Would like more access to the public access and training to utilize this equipment. It would be nice to see some of the demonstrations or competitions that are held to be taped and run for the citizens to view. It could also be used as a recruitment tool for those that might be interested.
- Peter Cooper has a few concerns about the cable in town. Would like to see the transition of the digital version for people with digital TV. He is also concerned of what the plans are for an acute infrastructure. He asked if anyone has looked into other companies for competition. Are any other companies interested in coming this far.

Mr. Borgeson stated that they have looked at other companies coming in. As far as the infrastructure improvements, he feels it might be a capacity thing and it would be great to get it everywhere. He would like to support what everyone has said about the three channels in the town. He feels these three channels are for the town and should be improved. Mr. Swensen would like to see better local customer service. They have closed their local offices in Charlton and Southbridge. His customer service from Charter as a resident has been terrible. He would like to see the Charlton office reopened for better customer service. He would also like to see a local number for our residents to call. Mr. Borgeson came back to the table. Ms. Walker asked how people could add their comments after seeing this tonight. He told them the survey is online and to also contact Mary Devlin. Chairman Boria asked what needs to be done to fix all the equipment we have. Mr. Borgeson said it would all have to be rebuilt. It is old equipment and one of the main things for the contract is to get all the equipment refreshed and rebuilt. The current contract was for 10 years and they have had discussions of a renegotiation clause of five years.

- Robert Blozie stated that unless it's economically more feasible to do, a five year contract would be something that should be looked at.

Motion by Mr. Brown to close the hearing, seconded by Mr. Swensen, motion carries.

8:00pm – Appointment of Custodian – hold for further information

VI. Old Business:

1. EXXON Mobil – Chairman Boria noted that the meeting was being taken out of order and he recused himself from the meeting. Vice Chairman Brown took over the meeting. He reviewed the bullets of what EXXON has agreed to take care of. Items included are:
 - Exxon Mobil has agreed to pay the town up to \$150,000 for the new EPA Stage II treatment requirements.
 - Exxon Mobil will pay the Town \$500,000 in connection with getting and maintaining water running through the existing waterlines for the length of the inter-municipal agreement with Southbridge.
 - The Town and Exxon Mobil are agreeing to disagree about the extent of Exxon Mobil’s liability, if any and to settle their dispute rather than litigate.
 - The Town is receiving a grant from DEP in the amount of \$97,087.00 for costs related to the interconnection facility.
 - The Town conditionally releases Exxon Mobil, F.L. Roberts and the MTA for any and all claims by the Town pertaining to any contamination allegedly released at the 6W Mass Turnpike service plaza while the IMA is in effect. Both parties agree to continue negotiations on finding and providing a permanent water source.
 - The Town agrees to connect properties listed on Appendix A. The Town will not charge any residence listed in Appendix A connecting the Northside – Stafford Extension connection, meter, inspection or betterment fees.
 - The Town will take title to the Northside-Stafford waterline extension upon execution of the agreement. Exxon Mobil will provide the “as-built” plans and will repair as necessary to make the line fully operational.

Mr. Brown noted that we understand one of the concerns is to release Mobil Exxon from any liability and it is not their intent today or in the past to release them of this liability. They are looking to get language put into the final document stating this. Vice Chairman Brown also indicated that this meeting started in executive session with the Water/Sewer Commission to discuss strategy with respect to this issue and have brought this forward to open session. Mrs. Craver recommends that we vote to agree to go in the direction we are going to move forward and have counsel get that language together for approval before any approved agreement is voted on. **Motion by Ms. Dam that we approve of the direction that the town is currently heading regarding Exxon Mobil and that we wait for all terms and any agreements to be made subject to counsel and all board members approval, seconded by Mr. Swensen. Vote taken: Water/Sewer Commission members: Mrs. Dam, Mr. McIntyre, Mrs. McKissick, Mr. Elliot and Mr. Gagner - all ayes. Board of Selectmen: Mr. Swensen and Mr. Brown – aye, Ms. Walker – opposed.** Vice Chairman Brown stated that the next step would be to work with our counsel on the agreement. Ms. Walker stated that we have never approved of the executive session minutes on this issue and that needs to be done and we said we would invite the Board of Health and have not done that yet. Vice Chairman Brown stated that we could invite the Board of Health to our next executive session meeting. Chairman Boria returned to the meeting at this time. Mrs. Craver excused herself from the meeting stating that as the representative for the site assignment for the Board of Health in Southbridge and the deliberations for the landfill, they are continuing their hearing tonight and she must attend.

VII. New Business:

1. Special License request – Friendly Friends of the Charlton Seniors are seeking a one day special license to be used on Saturday, February 9, 2008 from 5:30pm – 11:00pm at the Joslin Camp on Richardson Corner Road to serve wine and malt beverages. They are non profit, therefore there would be no charge for the license. **Motion by Ms. Walker to allow the one day special license request for the Friendly Friends of the Charlton Seniors to be held on Saturday,**

February 9, 2008 from 5:30pm – 11:00pm at the Joslin Camp on Richardson Corner Road to serve wine and malt beverages with the stipulation that no alcohol be served to persons under 21, seconded by Mr. Swensen, motion carries

2. Award of Mowing / Lawn Maintenance Bids – The Recreation Commission is recommending that the Board of Selectmen award the mowing / lawn maintenance bid to Lawns R Us Plus (see attached). They have met all guidelines of the bidding and were the only bidders. **Motion by Ms. Walker to approve the contract with Lawns R Us as recommended by the Recreation Commission to take care of the town properties, seconded by Mr. Brown, motion carries.**
3. Discussion of Town Park – Bob Blozie member of Boy Scout Troop 165 stated they have a lot of eagle scouts coming up in the next couple of years. One of the projects they thought of was because they noticed that there isn't anything around for preschool children for play sets and thought a town park would be nice to sponsor. This would be a good project for the eagle scouts. The town would have to approve what they propose and after completion, it would be the town's responsibility to maintain it. The scouts would not be able to take responsibility for it but would definitely help. Chairman Boria stated that the Recreation Commission has a few ideas where this could go and asked Mr. Blozie to meet with Recreation. He also suggested to speak with Mrs. Craver and the Building Commissioner. They should provide a proposal of what they would like to see. Ms. Walker commended Mr. Blozie for coming forward with this idea. He stated that this was not his idea but Denise's.

VIII. Student Selectperson Report - Katie Walsh gave an update on sports and activities at Shepherd Hill.

IX. Town Administrator Report (see attached)

X. Other Business

1. Chairman Boria stated that we received an offer from our insurance company to enter into an additional 2 year contract, they will decrease our payment by 5% each year. We need to respond by February 15, 2008 so we will have to place this on our next agenda.
2. Mondo's request to alter their premise has been approved by the ABCC. A new license has been prepared showing these changes and needs to be signed by the Board.
3. Ms. Walker would like to put the BOS polices on a set meeting date for discussion. Add to next agenda.
4. Ms. Walker brought up the education of town boards and committees on the open meeting law. She would like to see Attorney Cosgrove come and provide a seminar. **Motion by Ms. Walker to ask Attorney Cosgrove to set up a time when he can come in and give us an update of the open meeting law, seconded by Mr. Brown for discussion.** Mr. Brown remembers that Attorney Cosgrove thought it was better if the state provided this seminar. **Vote taken: Ms. Walker – aye, Mr. Swensen, Mr. Brown and Chairman Boria - opposed, motion failed.**

XI. Adjourn/Executive Session: **Motion by Mr. Brown to adjourn at 7:44pm, seconded by Ms. Walker, motion carries.**

XII. Next Meeting Announcement:

- Next Regular Selectmen's Meeting – February 12, 2008 at 7:00pm due to the Governor coming into Charlton that night.

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