



**TOWN OF CHARLTON**  
Minutes of Regular Selectmen's Meeting  
July 1, 2008

Submitted by \_\_\_\_\_

Date \_\_\_\_\_

Received by \_\_\_\_\_

Date \_\_\_\_\_

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

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

II. Consent Agenda:

- Chairman Swensen read the agenda.
- Minutes of Regular Selectmen's Meeting – June 3, 2008. Ms. Walker stated that these minutes were approved at the last meeting. It says that the motion didn't carry but it was two yes votes and two abstentions. Mr. Bacon suggested accepting again just so we don't have to bring this up again. **Motion by Ms. Walker to accept the minutes of June 3, 2008, seconded by Mr. Bacon. Vote taken: Ms. Walker, Mr. Bacon and Chairman Swensen – aye, Mr. Boria and Mr. Brown – abstained, motion carries.**
- Minutes of Regular Selectmen's Meeting – June 17, 2008. **Motion by Mr. Boria to accept the minutes of June 17, 2008, seconded by Mr. Brown, motion carries.**

III. Community Relations, Announcements and Open Forum:

- Chairman Swensen read the announcements.
- Ms. Walker announced some events that will be taking place at the Library. Ms. Walker also recognized the Recreation Department girls under 12 soccer team went all the way to the State Finals this past weekend and came in second.
- Steve Coleman, President of the Charlton Firefighter Association announced that they will be hosting its annual concert during Old Home Day weekend. Performing at this year's concert will be "The Strangers", a Billy Joel Tribute Band. The show will be held on Saturday, August 30<sup>th</sup> at 6:00pm at the Charlton Middle School. There will be no fireworks this year. They have not been able to find a location.
- Doug Adler, a resident – someone asked him about 6 years ago to put in a stake so he could connect to sewer and he wants to know if he should pull it out now. Chairman Swensen directed him to go see the water/sewer department.
- Chairman Swensen stated that the Board of Selectmen and the Water/Sewer Commission have signed a settlement agreement with Exxon/Mobil Corporation with regards to a fuel release that occurred at the Mass Turnpike rest stop 6W. He is pleased to present a check in the amount of \$250,000 to Mrs. Craver to be deposited. Mark Baldi from the DEP was also present. Chairman Swensen thanked Mr. Baldi for all his efforts in helping the town. Mr. Baldi thanked him and also gave a great deal of credit to the Board and the Water/Sewer Commissioners for their perseverance.

IV. Appointments/Resignations:

1. Re-appointment for terms expiring June 30, 2008. Mrs. Craver stated that the Board has an updated re-appointment list for consideration. **Motion by Mr. Boria to re-appoint:**

<b>Pierre Theriault</b>	<b>Cultural Council</b>	<b>6/30/2009</b>
<b>Barbara Marderosian</b>	<b>Cultural Council</b>	<b>6/30/2009</b>
<b>Jonathan Brooks</b>	<b>Dam Monitor, SCR</b>	<b>6/30/2009</b>
<b>Alycia Dzik</b>	<b>EDC</b>	<b>6/30/2011</b>
<b>Peter Starkus</b>	<b>Gas Inspector</b>	<b>6/30/2009</b>
<b>Timothy Gillespie</b>	<b>Insect &amp; Pest Con Super</b>	<b>6/30/2009</b>
<b>Jonathan Brooks</b>	<b>Lakes &amp; Ponds, SCR</b>	<b>6/30/2009</b>
<b>Carol Smeltzer</b>	<b>Old Home Day</b>	<b>6/30/2009</b>
<b>Bonnie Seifert</b>	<b>Old Home Day</b>	<b>6/30/2009</b>
<b>Peter Starkus</b>	<b>Plumbing Inspector</b>	<b>6/30/2009</b>
<b>Steve Paul</b>	<b>Technology Committee</b>	<b>6/30/2009</b>
<b>Glenn Szalay</b>	<b>Monument Committee</b>	<b>Ad-hoc</b>

**Seconded by Mr. Brown, motion carries.**

2. LEPC – BOS member. At the Board’s last meeting, Ms. Walker stated that she could no longer represent the Board on this committee and asked that it be placed on this agenda for consideration of another member. Mrs. Craver gave a brief description of what the LEPC is. Chairman Swensen asked if we had any candidates or volunteers. Mr. Boria said he would volunteer. **Motion by Mr. Brown to nominate Mr. Boria, seconded by Mr. Bacon, motion carries.**
3. Appointment of Charlton Auxiliary Officers – Chief Pervier stated that currently three vacancies exist on the Charlton Police Auxiliary Police Unit due to recent resignations of Auxiliary Officers Adcock, Arena and Babineau. In an effort to maintain the authorized compliment of twenty-one auxiliary police officers, he is asking the Board to appoint the following to fill these said positions:
1. Kevin L. Arena of 231 Fiske Hill Road, Charlton MA 01506
  2. Frank J. Bettosi of 7 Clark Rd., Charlton MA 01507 and
  3. Steven R. Paul of 13 A. Vinton Road, Charlton MA 01507
- Motion by Ms. Walker to support the chief’s recommendation and appoint Kevin L. Arena, Frank J. Bettosi and Steven R. Paul as Auxiliary Police Officers, seconded by Mr. Bacon, motion carries unanimously.**

V. Scheduled Appointments

**6:45pm** – Presentation of Certificates – Fire Chief Cloutier thanked the Board for helping him recognize some of his officers for their years of service and dedication to the Town of Charlton Fire Department. A representative from Senator Brewer’s Office also presented these individuals with certificates.

Call Firefighter, Douglas Adler for 30 years of service

Call Firefighter, Terri Gough for her 20 years of service

Call Firefighter, Asst. Ch. Curtis Meskus for his 25 years of service

Career Firefighter, Asst. Ch. Michael Mahan for his 30 years of service and for

Career Firefighter, Captain Kerry J. Mason for his 20 years of service. Captain Mason could not be present tonight. The Board congratulated all.

**7:00pm** – Fire Station Building Committee Update. Steve Coleman, Ralph Fiske and Chief Cloutier were present. Discussion at meetings have been of the need they have now and what it would be in the future. They have visited several fire stations in different towns back in April. They are working on an RFP right now basically for design. At their next meeting they will be appointing a new Chairman for this committee.

VI. Old Business:

1. Building permit and inspection fees. Mrs. Craver stated that at the Board's June 3, 2008 meeting, Curtis Meskus, Building Commissioner/Zoning Enforcement Officer provided information for your review. (see attached) Mr. Meskus reviewed and explained the changes. Mr. Brown questioned the cost for garages. It shows \$500 plus .12 cents per sq. ft., it should be \$200 plus .10 cents per sq ft. Mr. Bacon asked if there will be an appeals process for the fees? Mr. Meskus said that his interpretation would be to appeal through the Board for the fee and through the state for any other appeal. Mrs. Craver recommended having a policy that would require appealing to the Building Commissioner first then if not satisfied, to the Board of Selectmen. Ms. Walker asked about fences. Mr. Meskus said the building code requires a permit for a fence that is 6 ft or larger. **Motion by Ms. Walker to table this until the next meeting. No second.** After discussion, Mr. Boria stated that he feels the appeal should come to this board. Mr. Brown would be more comfortable with the whole list if the penalty isn't on there. **Motion by Mr. Boria that we accept the proposal by Mr. Meskus with the changes for the garage rate structure for \$200.00 and \$.10 and that this board act as the appeal board for anyone appealing a fine for failure to obtain a permit prior to the start of work, seconded by Mr. Bacon. Vote taken: Mr. Bacon, Mr. Boria and Chairman Swensen – aye, Mr. Brown and Ms. Walker opposed, motion carries.** Mr. Meskus said there is a second part of this and explained it. (see page 6) **Motion by Mr. Brown to approve the list as presented, seconded by Mr. Bacon, motion carries.** Mr. Brown suggested that since we now have an appeal process he would ask Mr. Meskus and Mrs. Craver to write the process up for us.
2. Chapter 61 – policy. Mrs. Craver gave the Board a draft policy for land in Chapter 61, 61A and 61B. A first draft was provided to the board last month. Since then, Attorney Cosgrove has reviewed it and made changes. The present draft was forwarded to the Assessing, Treasurer, Town Accountant, Conservation and Planning Departments for comments. Mrs. Craver stated that if the Board should approve, she would recommend doing so pending final approval by Town Counsel. **Motion by Ms. Walker to approve pending final approval by Attorney Cosgrove, seconded by Mr. Boria, motion carries.** Attorney Bob Levite who has helped write this policy was present. He stated that he has reviewed this with the changes that were made and has notified Attorney Cosgrove of a few more minor changes. Other than that, he has no problem with what was done by the Board.

VII. New Business:

1. Reindeer Estates Conservation Restriction. Mrs. Craver gave the Board a conservation restriction on a property associated with the Reindeer Estates project presented by the Charlton Heritage preservation Trust. It has been drafted by Attorney Robert Levite. The restriction has been reviewed and approved by the Historical Commission and Conservation Commission. Lisa Westwell and the Attorney are here tonight. Attorney Cosgrove did make some recommendations but has not had a chance to do a final draft. He stated that he would be more comfortable waiting for a final review when he returned from vacation. **Motion by Mr. Bacon to hold on voting this until we hear from Attorney Cosgrove, seconded by Mr. Brown, motion carries.** Mr. Levite stated that this still has to be reviewed by the attorney at the state level also.
2. Proposed Animal Control Building – Mrs. Craver noted that she has had recent conversations with Chief Pervier and Asst. Animal Control Officer Brent Sellew regarding the condition of the present animal control building that we have. They have asked to be placed on tonight's agenda to speak with the Board. Chief Pervier, Asst. Animal Control Officer Brent Sellew and Animal Control Officer Ann Sellew were present. Mr. Sellew feels the facility and location that we have now is an excellent location. He thanked numerous people that have

already helped with this project. Chairman Swensen thanked them all for the work that they have done. Mr. Boria asked about 501C3 who was that created for and who has control of that. Chief Pervier stated that it hasn't been created yet. If someone wants to donate money, who would it go to? The chief said it hasn't been set up yet. This does not have to go through the town accountant and treated like town funds. Mr. & Mrs. Sellev gave a lot credit and commendation to Lisa Westwell for getting the cat program going in town. Most cats go to her house until homes are found for them. **Motion by Mr. Boria to commend the Animal Control Officers for their diligent work and give full support to further move the process forward to get some costs, seconded by Mr. Brown.** Mrs. Craver clarified what she thought they were asking for which is can they continue to do the work that they are able to do if there are no costs to the town? Mr. Boria stated that as long as there is some type of insurance and as long as no one gets hurt. Mrs. Craver will work with the Chief on it. Mr. Bacon asked how it fits in with the plans that were presented previously. Chairman Swensen stated that this is more cost effective. Mr. Bacon feels the Highway Building Committee should have been informed. After discussion, **vote on motion, carries.** Mr. Sellev also noted that he and Ann have completed the 10 week course for ACOM (Animal Control Law Officer training). ACOM would like to come here in a few weeks and appoint them as the regional ACOM Directors of Worcester County.

3. Request for one year leave of absence – Gary E. Wood is seeking permission from the Board to take another year leave of absence from the Charlton Police Department. He has been asked to deploy to Afghanistan or Iraq to once again provide support services to US troops operating there. Chief Pervier has asked that if this request is approved, that Officer Derek C. Gaylord, who has been working in place of Sgt. Daniel P. Dowd due to his military deployment to Iraq, be allowed to continue working when Sgt. Dowd returns in August and fill in for Officer Wood. Mr. Boria asked when the leave of absence starts. Chief Pervier stated that originally it would have been August 1<sup>st</sup> but he has been notified that they would like him in Virginia for July 14<sup>th</sup>. Mr. Brown said he has some concerns. As a one time thing he was okay with it but it seems like were running a career choice. This is no disrespect to him but on a management level. Ms. Walker agrees with his expertise, she supports the request. **Motion by Ms. Walker to approve the request, seconded by Mr. Bacon,** vote taken: Ms. Walker, Mr. Bacon, Mr. Boria and Chairman Swensen- aye, Mr. Brown opposed. Mr. Boria clarified that this one year leave of absence is from August 1<sup>st</sup> until July 31<sup>st</sup>.
4. Town Administrator Evaluation. Chairman Swensen stated that each Board member had to evaluate the Town Administrator by rating her performance in different categories. He read the categories and what the rating was.

Board Relations	Strong Performance
Personnel	Strong Performance
Financial Management	Strong Performance
General Management	Strong Performance
Community & Interdepartmental Relations	Strong Performance
Evaluation of Goals for Fiscal Year FY08	Strong Performance

**Motion by Mr. Boria to give the Town Administrator an overall job performance rating as strong performance for the fiscal year 2008, seconded by Mr. Bacon.** Mr. Brown and Mr. Boria thanked Mrs. Craver for her hard work and said that she is an asset to the community. Chairman Swensen said the same. **Vote taken: Mr. Bacon, Mr. Boria, Mr. Brown and Chairman Swensen – aye, Ms. Walker abstained. Motion carries.**

5. Zorbas Pizzeria Tavern, LLC – Change of members in LLC. Zorbas Pizzeria Tavern being an LLC is requesting to add additional members to their LLC (limited liability corporation). Through discussions with the ABCC, no hearing is needed for this type of request. This is being brought before the Board for signatures only. **Motion by Mr. Brown to approve the request as presented, seconded by Mr. Boria.** Chairperson Swensen would ask that the

residential addresses for these two new members be corrected on the Commonwealth of Massachusetts form, **motion carries.**

6. End of year transfer requests. The Municipal Relief Act of 2003 has been extended permanently and allows the Selectmen with the concurrence of the Finance Committee to make line item transfers during May and June. Total transfers may not exceed 3% of the department budget from which the transfer is made or \$5,000, whichever is greater. The Town Clerk is requesting the following transfers:

\$1,695.15 from Town Census – 0100-162-5790-0000 to Election & Registration – 0100-162-5780-0000 to pay United American Elect. Supply Co. and \$198.48 from Town Clerk Expense – 0100-161-5780-0000 to Election & Registration – 0100-162-5780-0000 to pay United American Elect. Supply Co.

**Motion by Mr. Boria to approve, seconded by Ms. Walker, motion carries.**

VIII. Town Administrator Report (see attached)

Mrs. Craver reviewed her report. She also stated that a letter was received from Stefan Sage, Chairperson of the Library Board of Trustees regarding the possibility of closing the library one day a week. Ms. Walker would recommend that we put this on the next agenda. Mr. Boria asked if this was just Library Trustee volunteers or any volunteers and do CORI checks need to be completed. Ms. Walker stated that during the winter one of the parking spots had been removed due to having highway barriers put in its place. Can the Highway Department remove them now.

IX. Other Business:

Chief Pervier updated the board on a grant that the Police Department received for a child safety seat program.

Mrs. Craver stated that last night, the Board of Selectmen, Board of Health and Water/Sewer Commission met and discussed Casella. She received an email from Attorney Bob Cox asking if the boards wish to initiate an appeal to the Southbridge Board of Health for the site assignment. All boards should make a firm decision. **Motion by Mr. Boria to not appeal the decision, seconded by Ms. Walker, motion passes unanimously.**

Chief Cloutier stated that the Fire Department will be sponsoring the red shirt Friday. This shows support for the troops in Afghanistan and Iraq.

X. Adjourn/Executive Session:

**Motion by Mr. Boria to go into executive session at 8:45pm under MGL Chapter 39, section 23B, #3, to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel, seconded by Ms. Walker. Roll call vote: Mr. Brown – aye, Mr. Bacon – aye, Ms. Walker – aye, Mr. Boria – aye and Chairman Swensen – aye.**

XI Next Meeting Announcement:

- Next Regular Selectmen's Meeting – July 15, 2008

Respectfully submitted by:  
Mary C. Devlin  
Administrative Assistant

Accepted by:

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Frederick C. Swensen, Chairperson

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Peter J. Boria, Vice-Chairman

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Kathleen W. Walker, Clerk

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John R. Bacon, Member

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Scott D. Brown, Member