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TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
April 21, 2009

Present: Chairman – Frederick C. Swensen, Vice-Chairman – Peter J. Boria, Clerk – Kathleen W. Walker and Members – Scott D. Brown and John R. Bacon. 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:

1. Approval of April 7, 2009 minutes. **Motion by Mr. Bacon to accept the minutes of April 7, 2009, seconded by Mr. Boria. Vote taken 4 ayes, Chairman Swensen abstain.**

III. Community Relations, Announcements and Open Forum:

- Chairman Swensen read the announcements.
- Mr. Boria stated that the monument committee is getting ready to expand the monument for the Afghanistan and the Iraq conflict. If you are a veteran from either war, please fill out a DD214 and give it to Jeanette Casey, Veterans Agent.
- Steve Coleman, President of the Charlton Firefighters Association came before the Board tonight to give a presentation. Fire Chief Cloutier was also present. Mr. Coleman explained that the Association has been in effect for well over 50 years. He is here tonight to present to the Chief a Bullard Thermal Imaging camera. This will be the third thermal imaging camera within the Charlton Fire Department. Chief Cloutier thanked the Fire Association. Chairman Swensen also thanked the Charlton Firefighters Association on behalf of the Board for their support.

IV. Appointments/Resignations:

V. Scheduled Appointments

6:45pm – Pole Hearing – Masonic Home Road – Scott Burns from Verizon and Sue Payne from National Grid were present. Chairman Swensen called the hearing to order at 6:43pm and read the notice as mailed to abutters. The Charlton Board of Selectmen will hold a public hearing on Tuesday, April 21, 2009 at 6:45pm in the Selectmen's Meeting Room, 37 Main Street, Charlton MA 01507 to act on a request from Verizon New England, Inc. and Massachusetts Electric Company to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by petitioners along and across the following public way or ways:

Masonic Home Road – Place one (1) new jointly owned pole numbered T 50S / E 50-84 on the southerly side of Masonic Home Road at a point approximately 120 +/- feet easterly from Meadowview Drive at its intersection with Masonic Home Road. Anyone wishing to be heard on this matter should appear on the date and time specified, or submit concerns in writing.

Armand Carpentier – 36 Main St. and Douglas Norcross – Masonic Home Road Charlton came forward. They would like to see a plan for the pole as they feel it will be right in someone's driveway. After review of the plan, they are in agreement with it. **Motion by Mr. Boria to close the hearing at 6:47pm, seconded by Mr. Brown, motion carries. Motion by Mr. Boria to approve the request, seconded by Mr. Brown, motion carries.**

7:00pm – Transfer of Liquor License – Mrs. Craver stated that attached is a public hearing notice for the transfer of the liquor license presently owned by Francis M. Brennan, d/b/a Charlton Country Store to Kannagi, Inc., d/b/a Charlton Country Store, Love K. Swadia, Manager. This license is for an Annual, All Alcohol, Package Store located at 231 Stafford Street. Should the Board approve this request, it will be forwarded to the ABCC for final approval. Chairman Swensen read the public hearing notice as placed in the paper. The Charlton Board of Selectmen will hold a public hearing on Tuesday, April 21, 2009 at 7:00pm to act on a request for a Transfer of Liquor License from Francis M. Brennan, d/b/a Charlton Country Store to Kannagi, Inc., d/b/a Charlton Country Store, Love K. Swadia, Manager. This license is for an annual, all alcohol, package store located at 231 Stafford St., Charlton MA. The description of the premises is 1510 sq ft. of selling space and storage with two exits and one entrance. Anyone wishing to be heard on this matter should appear at the date and time specified or submit concerns in writing. Attorney Arthur Pearlman was present along with Love K. Swadia. **Motion by Mr. Boria to close the hearing at 7:07pm, seconded by Mr. Brown, motion carries. Motion by Mr. Boria to approve the transfer request and anyone serving the alcohol be tip certified, seconded by Mr. Brown, motion carries.**

VI. Old Business:

1. Town Common – Tree location request – Mrs. Craver stated that at a previous board's meeting, discussion took place and was granted for the fifth graders working with the Earth Fest Committee to replace one of the trees on the town common. Brent Sellew has stated that he would remove and replace the tree once the location is decided. The Board wanted time to review the lists previously submitted by landscape companies to make a recommendation. Mrs. Craver stated that she and Mr. Bacon went out and looked at the large maple tree that is held together with a chain and feel it is a safety hazard. The tree is #9 on the attached map. **Motion by Mr. Boria that we remove tree #9 as presented on the map given to us tonight, seconded by Mr. Brown, motion carries.** Brent Sellew asked if that would be the location of the new tree or is the new tree going to be off to the side of that tree. Mrs. Craver mentioned that we thought it could be moved inside a little from that spot.
2. Prindle Lake Dam article – Mrs. Craver stated that the Board held a meeting on Monday, April 13, 2009 to discuss the issues of Prindle Lake Dam. Town Counsel has been consulted and attached you will find a draft article for consideration by the Board to be included in the Annual Town Meeting warrant. (see attached) Mr. Boria stated that at this meeting it was believed that the town would work towards owning the dam and be able to assess betterments to collect the town's costs to repair the dam. He has spoken with Principal Assessor Ceccarini and Town Counsel. Town counsel recommended a way to move forward. Mr. Boria also stated that Town Counsel feels we should move forward with the special legislation first then proceed with a separate article for taking over ownership. He doesn't feel the town should take over the ownership of the dam if we cannot assess betterments. Ms. Walker suggested that we change the warrant article so that we could purchase the property subject to betterments once the legislation is done, this will eliminate the need to go back to town meeting. Serafino DeFranco and Andrew Visser from the Prindle Pond Association came forward and clarified what they thought the motion was. Mr. DeFranco also asked how long it would take to get the legislation through the process. At this time, there is no answer. There is a hope that due to the urgency of the matter, it will be looked at right away. Attorney Cosgrove recommended that

we speak with Bond Counsel and DOR first for recommendations. **Motion by Mr. Boria to approve Article 24 as just handed to us by the Town Administrator from Town Council and delete the last sentence “to acquire Prindle Lake Dam and related realty” and further down in the actual language of the article, deleting items 2 & 3, seconded by Mr. Brown. Motion carries unanimously.** Forward article language to Bond Counsel and ask Deb Ceccarini to forward it to DOR and ask him for any recommendations he might have for the actual assessing of betterments.

3. Town Budget Discussion – continued – Mrs. Craver updated the board on some communications that she has received. Should this be approved through the house, we would be looking at reducing another \$250,000. **Motion by Mr. Boria that we transfer or reduce the Selectmen’s salary line item by \$500 and transfer it to the Old Home Day line item, seconded by Mr. Bacon, motion carries.**
4. Annual Town Meeting Warrant – final. Mrs. Craver provided the board with an updated revision of the articles and noted changes will be made from tonight’s meeting. **Motion by Mr. Boria to approve the warrant that’s in front of us tonight for posting with Article 24 to be changed to reflect what was voted on tonight, seconded by Mr. Brown.** Ms. Walker would like to bring to the attention of the board about the town clerk article should it be approved, they would follow under the direction of the Town Administrator *and that that could be a problem.* After discussion, **motion carries.**

VII. New Business:

1. Set date for layout hearing for Chelsie Way – Mrs. Craver stated that an article was received for the Town to consider the acceptance of Chelsie Way. The Board must vote their intention to layout the way and refer the petition to the Planning Board for a non-binding recommendation. A notice is sent to the abutters for the road, the attorney and the Planning Board advising them of your intention. Selectmen hold a public meeting and vote to accept/not accept the layout as shown on the metes and bounds plan. The vote approving the layout and the metes and bounds plans are filed with the Town Clerk at least 7 days before the Annual Town Meeting. If approved to layout the way, the article will move forward to Town Meeting when Town Meeting will vote to accept or not. **Motion by Mr. Brown to vote to layout Chelsie Way and hold the Public Hearing date for May 5, 2009 at 7PM, seconded by Mr. Boria.** Chief Cloutier is concerned about the fire hydrant being dry. Mr. Boria asked if we could forward this concern to the Planning Board. After discussion, **motion carries unanimously.**
2. Site plan application – Southbridge Savings Bank – Mr. Boria recused himself from the table. Mrs. Craver stated that the Planning Board will be holding a public hearing on May 20, 2009 for the site plan application submitted by Bertin Engineering Associates, Inc. on behalf of Southbridge Savings Bank for approval to construct a bank branch building with an accompanying 20 space parking lot on property located easterly off of Center Depot Road and northerly off of Route 20. Should the Board have any questions or comments, we must notify the Planning Board no later than May 14, 2009. After review, there were no comments or questions to report. Mr. Boria re-entered the meeting at this time.

VIII. Student Selectperson Report - Timothy Nikopoulos gave an update on what has been going on at Shepherd Hill.

IX. Town Administrator Report – No report due to being on vacation.

X. Other Business:

Brent Sellev gave an update on the construction of the dog pound. The old pound is demolished and there is a clean site. Plans are being finalized with the Building Commissioner. He would like to thank the community for all their support. So far with everything done, it has been a zero cost to the town. The Board thanked Mr. Sellev for all his work on this.

Chief Pervier stated that there was another house break last night. They did apprehend one suspect. They also enlisted the help of the state police. He would ask the people to lock their homes and if anything suspicious has been seen, contact the police department immediately.

Mrs. Craver thanked Mary and Laurie for their work in the office while she was gone. She received some compliments on the staff in the office. She also met with the Town Manager from Southbridge today and he has signed the revised IMA. She has set up a meeting with the Board and the Water/Sewer Commission for Monday night at 6:30pm.

XI. Adjourn/Executive Session: **Motion by Mr. Boria to go into executive session at 7:51pm under MGL Chapter 39, section 23B, #3, seconded by Mr. Brown. Roll call vote taken: Mr. Bacon – aye, Mr. Brown – aye, Ms. Walker – aye, Mr. Boria – aye and Chairman Swensen – aye.** Chairman Swensen stated that the Board would reconvene open session for the purpose of adjourning.

XII Next Meeting Announcement:

- Annual Town Election – Saturday – May 2, 2009 – Heritage School
- Next Regular Selectmen’s Meeting – May 5, 2009
- Annual Town Meeting – Monday – May 18, 2009 – Middle School

Respectfully submitted by:
Mary C. Devlin
Administrative Assistant

Accepted by:

Frederick C. Swensen, Chairperson

Peter J. Boria, Vice-Chairman

Kathleen W. Walker, Clerk

John R. Bacon, Member

Scott D. Brown, Member