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**TOWN OF CHARLTON**  
Minutes of Regular Selectmen's Meeting  
September 9, 2008

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 and a moment of silence for Sgt. Corey S. Kuzio, a 2004 graduate of Shepherd Hill and also in the United States Marine Corp who passed away unexpectedly.

II. Consent Agenda:

- Minutes of Regular Selectmen's Meeting – August 26, 2008. **Motion by Mr. Bacon to accept the minutes of August 26, 2008, seconded by Mr. Boria.** Ms. Walker would like one change. On page 3, sec 2 under Selectmen Goals and Objectives, she would like to add after her comments about stabilization and Fay Mountain Farm, that both have been removed from the Goals and Objectives. **Motion passes unanimously.**

III. Community Relations, Announcements and Open Forum:

- Chairman Swensen read the announcements.
- Ms. Walker stated that the open meeting law and conflict of interest law that will be held on September 30, 2008 at 3:00 and 6:30 here at the town hall is very important and she would encourage all to attend.
- Mr. Boria thanked all for their help in the Selectmen being able to raise \$690 for Chip In at Old Home Day. He would like to thank Masonic Home for donating the dunk tank, Steve's repair for filling it and the Old Home Day Committee for allowing the tank at no charge. He would also like to thank Ms. Devlin for help in coordinating it, for Chairman Swensen, Mrs. Craver, Mr. Brown, Fire Chief Cloutier and Curt Meskus for volunteering their time for going in the tank.

IV. Appointments/Resignations:

1. Student Selectperson – Timothy Nikopoulos. A letter was received from Timothy M. Schur, Principal of Shepherd Hill Regional High School requesting the Board consider accepting Grade 12 student Timothy Nikopoulos as a non voting student representative for the Town of Charlton. **Motion by Mr. Boria to appoint Timothy Nikopoulos as our student selectperson, seconded by Mr. Bacon, motion passes unanimously.**

V. Scheduled Appointments

**6:45pm** – Boston Post Cane Committee – Chief James Pervier and Elaine Kingston were present. Chief Pervier reiterated how the “oldest citizen” Jennie Prunier was given the award at Old Home Day. They have the duplicate cane that was made for the Board to hang in the hallway along with a picture/plaque of Jennie Prunier for the hallway wall also. The Board stepped out in the hallway for a minute to hang the items as presented.

7:00pm – Request for Relief – Gillespie Road Culvert. Present for discussion: George Butz of 23 Gillespie Road, Gerry Foskett – Highway Superintendent, Sara Rulnick and Karen Ogden both from the Wildlife Committee. Mrs. Craver stated that an email was sent to her and to Ms. Walker regarding water damage to Gillespie Road caused by Beavers. Ms. Walker stated that Mrs. Craver, Mr. Butz, Mr. Foskett, Ms. Ogden and herself went on a site walk to review the area and she would ask that we allow Mr. Butz to describe the problem from his end then to have either Ms. Ogden or Ms. Rulnick talk about what they saw. Mr. Butz stated that about six years ago this happened. The residents got together and had to hire a trapper. This went well until now. The beavers are back. He has water in his yard and in his basement. He is in the process of selling his horse because it's not fair to the horse to have to walk around in wet mud. They are looking for some sort of a remedy. It's not a town problem but they need help in coping with these creatures. Karen Ogden feels that putting a flow device in the culvert would help. The question of ownership of the dam was asked. It is believed that either Mr. Gagner or the Momsens who don't live in town are the owners. Chairman Swensen asked Mr. Foskett how this impacts Gillespie Road. Mr. Foskett said the culvert was put under an old cart road. At this point, the water was causing damage to the roads. Mr. Foskett also stated that when it gets to this point is when the town can expend town funds if needed, this is what happened back then. He doesn't feel at this time that the water in question will impact the town roads. He is in a quandary as to how the town can help Mr. Butz out. Mr. Boria asked what is the Town's responsibility on how this affects private property and doesn't necessarily affect town property. Mr. Bacon said the damage years ago was a lot. He doesn't know if it's our responsibility but it really is causing a lot of problems in the town. Ms. Walker would like to have a warrant article to put away some funds for emergency problems for residents that can't afford to take care of these type of issues. She also feels that Beavers are an act of god so to speak and that Mr. Butz is just one of many that have run into this in town. Mr. Brown doesn't feel this should be the town's responsibility. He sympathizes with these people but it can't be the town's responsibility to fix everything. Chairman Swensen stated that unless anyone was in imminent danger, we are limited with what we could do. He asked Mr. Butz if any of the property owners were contacted and asked if they would be doing anything about this? Mr. Butz stated that Mr. Gagner was with the group on the walk through. Mr. Gagner also takes care of the property owned by the Momsens who do not live in town. Mr. Boria doesn't believe that this is an act of god but stated that there is a law that prohibits towns from spending funds on private property. Ms. Walker said that one other idea that this group had was to have some companies come down and do an analysis on the dam for what can be done at no cost to the town. Ms. Ogden feels that putting flow devices in the dam would work. Chairman Swensen thanked them all for bringing this to the Board and for understanding the constraints the town is under. Mr. Bacon thinks that if the experts went in and said that the dams have to be removed, the owner of the property would be notified and if they didn't do it then the town would have to step in and do it and charge the owner for it. He feels this would be a good way to go. Mr. Boria feels that Ms. Walker's solution to put an article on the town meeting warrant would create more questions than answers. He suggested that if the Wildlife could create a 501C3 like the senior center did, they could possibly come up with the money to do this. **Motion by Ms. Walker that 1. a 501C3 be set up for the Wildlife Committee, 2, that we contact two firms, one that Mr. Foskett knows and one that the Wildlife Committee knows to do assessments for the town at no charge so we can get a better idea of exactly what we need and 3. to incorporate Mr. Bacon's suggestion and forward this info to the property owner and see what their response is, seconded by Mr. Bacon.** Mr. Brown said the 501C3 would not be the town to set up, it would be the wildlife committee to set it up. Brent Sellev who recently went through this for the "friends of the animals" said it would be up to the wildlife committee to set this up at a cost. He could get them the number of the person to work with. **Motion by Ms. Walker to amend to remove #1 from her motion. Mr. Bacon amended his second.** Mr. Boria asked if #2 free studies, he asked if those are available? Mr. Foskett stated that he has a contact that will come down. He also noted

that after that's done, we would examine the cost and see what the landowners responsibility and if they do not take care of it, the town would step in and bill the landowner and put a lien on their property if needed. Mrs. Craver to review the law to see if we can attach the property so that we get repaid. **Motion passes unanimously.** Mr. Foskett asked for clarification as to what the town's responsibility is. He is comfortable walking out of here doing what he has always done. Chairman Swensen stated that the Highway Department will do what they have always done. If the Board feels that it should go further, they will notify him.

VI. Old Business:

1. Masonic Home License – Attorney Lawrence DiCara has asked to be placed on the agenda in order to provide the Board with an update on his conversations with the ABCC regarding a proposed legislative act for alcohol sales and consumption on the campus at Overlook on Masonic Road. Attorney Lawrence S. DiCara and David Turner were present. Attorney DiCara would ask the Board to consider placing this item for Masonic Home on the Special Town Meeting Warrant. Mrs. Craver made a recommendation to do so. **Motion by Mr. Boria to place an article on the Special Town Meeting warrant as an Act authorizing the Town of Charlton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises, seconded by Mr. Brown, motion passes unanimously.**

VII. New Business:

1. Open Special Town Meeting Warrant / Set Date. Mrs. Craver presented the Board with the STM calendar for this year. The calendar shows that the Board is scheduled to open the Special Town Meeting warrant tonight and close the warrant on September 22, 2008. She would ask the Board to consider starting to meet next Tuesday and use the model that was used before by meeting in a different location. Last year it was at the Police station where we met with the Finance Committee and other departments. **Motion by Mr. Boria to open the Special Town Meeting Warrant and set the date for Tuesday, October 28, 2008, seconded by Mr. Brown, motion passes unanimously. Motion by Mr. Boria to set up a joint meeting with the Board Of Selectmen and Finance Committee for next Tuesday, the 16th at 6:30, hopefully to be in the library to discuss capital items that will be considered for the Special Town Meeting Warrant, seconded by Ms. Walker, motion carries unanimously.** Chief Pervier would ask for a place setting for the dog pound. He is working with the committee to come up with the correct amounts needed to ask for. **Motion by Mr. Boria to set a warrant article for funding to rebuild the current dog pound, seconded by Mr. Bacon.** Mr. Boria said it's because of all the progress being made as to not lose sight of it. **Motion carries.**
2. Senior Center Building Committee is here to ask the Board to consider accepting the attached contract from Catlin Architecture which will provide a comprehensive study of the site and a pre-schematic design of the facility at 4 Dresser Hill Road. Should the Board accept this contract, it is recommended that the Board place an article on the Special Town Meeting Warrant in the amount of \$35,000 which includes the architect's fee of \$19,750 and \$15,000 for possible related extra costs. Present: Elaine Kingston – Director of Council on Aging and John Look, retired architect. Mrs. Craver said they are looking for the Board to accept the contract, provide funding and put an article on town meeting. She would not recommend accepting the contract as the company is not expecting that yet knowing that we would have to send it to Town Counsel for review. **Motion by Mr. Boria to put a warrant article on the special town meeting warrant for funding of a feasibility study for a possible new senior center building at 4 Dresser Hill Road, seconded by Mr. Brown.** Ms. Walker does not have a problem with that but said #18 has different wording than the rest of the contract. Mr. Swensen asked Ms. Walker to not discuss the contract at this time. **Motion carries unanimously.** Ms. Walker asked for permission to let the committee know a couple of issues

that she thought would be good. She stated that the group is proposing to remove the house and she personally has a problem with that. Mr. Boria stated that until the feasibility study is completed, we are not sure what will be removed or not. Ms. Walker stated that the feasibility study was based on the assumption that the property would be removed. Ms. Walker stated that it's very important that if anyone has any questions or concerns regarding these committee's, that people speak up.

3. Tri-EPIC REPC committee. Carl Ekman was present to ask the Board for permission to set up a donation account for Tri-EPIC REPC due to grant monies and donations being received. Chairman Swensen said the email that we have says to set up two accounts. Lt. Ekman said after a discussion that he had today, they only need to set up one account. Mrs. Craver would request the board consider approving this request. **Motion by Mr. Brown to approve the request, seconded by Mr. Boria, motion passes unanimously.**
4. Special One Day license – Bay Path Vocational Technical High School. Bay Path Education Foundation is requesting a one day special license to serve wine only to be used on October 16, 2008 from 5:00 – 10:00pm at Bay Path Technical High School. This is for a non-profit organization, therefore there would be no fee. This request has gone to the Fire, Police and Building Commissioner. Should the Board approve the request, Mrs. Craver would ask that the stipulation of no alcohol to be served to persons under 21. **Motion by Mr. Bacon to approve this request, seconded by Mr. Boria, motion carries unanimously.**
5. Special One Day license – St. Joseph's Church. St. Joseph's Church is requesting a one day special license to serve wine & malt beverages to be used on September 27, 2008 from 6:00 – 10:00pm in the Church Hall. This is for a non-profit organization, therefore the cost would be zero. The Fire, Police and Building Commissioner have been notified. The Fire Chief has requested that there be a log of the amount of persons that attend this function. **Motion by Mr. Brown to approve this request along with the Fire Chief's request, seconded by Mr. Boria, motion carries unanimously.**
6. Add new manager for Mondo's. We have received a request to add Tammy Ianniccheri-Berg as an additional manager to the license held by Armand & Elizabeth Ianniccheri, d/b/a Mondo's located at 6 Gillespie Road. All paperwork has been completed. **Motion by Mr. Brown to approve this request, seconded by Ms. Walker, motion carries unanimously.**
7. Stop sign request – Pheasant Lane & Hycrest Road. Mrs. Craver stated that she was notified by Jennie Williamson, Legislative Aide for Representative Geraldo Alicea that they had received some concerns regarding the possibility of placing a stop sign at the intersection of Deer Run, Pheasant Lane and Hycrest Road. Chief Pervier has requested that stop signs be placed on Pheasant Lane and Hycrest Road in order to regulate traffic and safeguard the public. He has also spoken with Highway Superintendent Foskett and has been advised that signs have already been placed at these locations. The Board of Selectmen must officially vote to accept this recommendation and placement of signs. **Motion by Mr. Brown to approve the placement and recommendation of the stop signs, seconded by Ms. Walker, motion carries unanimously.**

#### VIII. Town Administrator Report (see attached)

#### IX. Other Business:

1. Ms. Walker is concerned about residents having enough fuel for this winter. Ms. Craver sent an email to her and Ms. Kingston about a program they can attend.
2. Ms. Walker also talked to Ms. Kingston about the luncheon that is held for volunteers appointed by the board. Ms. Kingston stated that the Senior Center only did it for the seniors and they didn't do it this year because they didn't have any money. She would like to be able to work with Mrs. Craver to come up with ideas on what can be done.

3. Ms. Walker went to the Highway Barn Building meeting today. She feels the committee really has a lot of work to do. She had recommended that people attend the open house and ask questions.
4. Ms. Walker asked about the meeting with the Board of Health and DEP this morning. Mrs. Craver gave an overview of what the town has done so far if BATG reneges on their contract. The town did go out and have a third party, (CDM) put together an adjusted statement of values. There is a landfill monitor up at the land fill now full time. The outcome was to restate and re-affirm that the town is not in default for not honoring any requests for pay and that the town should not have to be paying BATG bills at this time. Chairman Swensen said the Board of Health did vote because of questions about materials being brought in that they (BATG) are only allowed to bring in certified sand.
5. Chief Pervier asked if the consortium make an award for the #2 heating oil bid. Mrs. Craver said that no bid went through. He stated that the churches locked in at a price from Peterson Oil for \$3.64.6.

**X. Adjourn/Executive Session: Motion by Mr. Boria to go into executive session at 8:21pm under MGL Chapter 39, section 23B, #3, seconded by Mr. Brown. Roll call vote taken: Ms. Walker – aye, Mr. Bacon – aye, Mr. Boria – aye, Mr. Brown – aye and Chairman Swensen - aye.**

**XI Next Meeting Announcement:**

- Next Regular Selectmen’s Meeting – September 23, 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