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TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
October 20, 2009

Present: Chairman – Frederick C. Swensen, Clerk – Scott D. Brown and Members - David M. Singer and Peter J. Boria. Also present, Town Administrator - Robin L. Craver. Absent – Vice-Chairperson Kathleen W. Walker.

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 6:36pm with the pledge to the flag.

II. Consent Agenda:

1. Approval of Regular Minutes – October 6, 2009. **Motion by Mr. Brown to approve the minutes of October 6, 2009, seconded by Mr. Boria, motion carries.**

III. Community Relations, Announcements and Open Forum:

- Chairman Swensen read the announcements.
- Chief Pervier came forward and stated that this week across the Commonwealth, they are participating in operation yellow bus. He as well as others will be monitoring bus runs. He will be working with the staff on duty.
- Jeanette Casey representing the Charlton Community Interest is here asking the Board to waive the \$100 permit fee to re-shingle the Grange roof to help with the cost as they have done extensive repairs in the past few months on the furnace and other items at the Grange and need all the help they can. Mr. Meskus, Building Commissioner came forward and stated that there is a policy in place that only allows fees for work on municipal buildings to be waived. The Board agreed with Mr. Meskus on the policy, therefore Chairman Swensen asked if there was a motion to be heard for this request. Seeing no motion, no action taken.

IV. Appointments/Resignations:

Energy Committee – Mrs. Craver stated that attached are two letters of interest in order as we received them in our office from John W. Kauppien, 28 Stoneybrook Road and Renee Prunier, 7 Jordan's Way for the Energy Committee. At this time, there is only one opening available to fill. We have contacted Ms. Prunier and explained that the last letter to fill the open position had been received prior to hers. She would still like to be considered being appointed to the Energy Committee as an alternate. Therefore, I would recommend appointing John W. Kauppien to the open position and ask the Board to consider appointing Renee Prunier as an alternate to the Energy Committee. Both candidates have stated that they would attend the Board's meeting should the board wish to meet them. She would like to thank those that have volunteered for this committee. Mr. Kauppien was present and Ms. Prunier was unable to attend. **Motion by Mr. Brown to appoint John Kauppien to the Energy Committee, seconded by Mr. Boria, motion carries unanimously. Motion by Mr. Brown to appoint Renee Prunier as an alternate to the Energy Committee, seconded by Mr. Singer, motion carries unanimously.**

V. Scheduled Appointments:

6:45 – Animal Control Officers – dog license reminder – Lisa Westwell, Assistant Animal Control Officer and Ann Sellew – Animal Control Officer were present. The Animal Control Officers are asking the Board to allow them to include a stuffer with the next mailing of the tax bills to remind dog owners to license their dogs. Town Collector, Lucia Blanchette has approved of this request and provided the cost estimate of .06 per mailing. The cost for these mailings will be approximately \$390. Chief Pervier has recommended that the cost come out of the Animal Control Expense line item. **Motion by Mr. Boria to approve the request, seconded by Mr. Brown, motion carries unanimously.**

VI. New Business: None

VII. Old Business:

1. Highway Barn Presentation - Gerry Foskett, Highway Superintendent came forward and stated that the Highway Barn Building Committee has been working with the architect to come up with a new price and building for a Highway Barn. Jamie Fair, Project Manager from Weston and Sampson presented an overview of some of the functions of what the highway department does and what the present building looks like now and what the new design holds. (see attached) After the presentation, Chairman Swensen asked if the audience had any questions and no one came forward. The Board thanked Mr. Fair for his presentation. Chairman Swensen called for a five minute recess from 7:25 until 7:30.
2. FY10 Budget update – Chairman Swensen stated this will be included with the discussion in item 3.
3. Special Town Meeting – review of motions – Mrs. Craver reviewed each article and the Board voted to support/not support or take no action as indicated:
 - Article 1 – Appropriation of funds for unpaid bills of a prior fiscal year; **Motion by Mr. Boria to approve and support Article 1, seconded by Mr. Brown, motion carries.**
 - Article 2 – Amendment to the FY2010 Budget; (see attached) **Motion by Mr. Brown to approve the budget as presented and to support the article and the motion as read, seconded by Mr. Boria, motion carries unanimously.** Stefan Sage came forward with a question regarding the fees for the elections. He thought he had heard that that money would be reimbursed to the towns. Mrs. Craver stated that we have not received any information as of yet and at this point, some costs will be picked up but not all. Mr. Sage would also like to see if we can get the figures of how much the actual departments have saved by employees agreeing to wage freezes and such. Mrs. Craver will have the information available for next week.
 - Article 3 – Inter/Intra Departmental Transfers and/or appropriations for FY2010 budget; **Motion by Mr. Brown to approve the motion and the article, seconded by Mr. Boria, motion carries.**
 - Article 4 – Capital Items and Related contracts; **Motion by Mr. Brown to support the motion and support the article, seconded by Mr. Boria.** Chief Pervier stated that the line cars that are working right now, there's only one car that's under 100,000 miles and the cost of maintenance is really high. He stated to go until next fall without another car, would be costly on repairs. He stated before, if he could get a reduced price from \$40,000 to \$31,000 he could at least transfer the old technology equipment into a new vehicle to save cost. He would ask the Board to consider his request. Mr. Boria asked that this be considered and forward to the

Finance Committee for their recommendation. **Mr. Boria amended the motion to include a new police cruiser from free cash for approximately \$32,000 with the price to be confirmed by the Chief tomorrow to be presented to the Finance Committee, seconded by Mr. Brown, motion carries. Vote on main motion – carries.**

Mrs. Craver stated that the Treasurer has been working on a proposal to increase revenues. He did some research with other towns regarding cell towers on town owned property. They have put together an RFP and sent it to Attorney Cosgrove who has stated that this would need to go to Town Meeting. Attorney Cosgrove also stated that because this article has notified the town of transferring available funds, he recommended a second motion to be included with this article as follows: “I move that the town vote to transfer and appropriate a sum of money from free cash in the treasury or a certain other account for the purpose of funding (what it is) in connection with a proposed lease of such portion of town owned land located southerly of Colburn and Daniels Roads shown on Assessors map 74 parcels d2, 9, 11 and 15 as the Board of Selectmen deems it in the best interest of the town and have determined it is no longer presently needed for the municipal purposes for which the land is presently being held, for the purpose of a lease for a wireless telecommunication tower and facility with an initial ten year term with an option to extend for an additional five year term at the town’s sole option and to authorize the Board of Selectmen and/or Town Administrator as Chief Procurement Officer to enter into such a lease and to take such further action as it or she deems necessary or advisable for the purposes of effectuating the foregoing vote. **Motion by Mr. Brown to add the motion to Article 4, seconded by Mr. Boria with the addition that we have an amount and where it’s coming from.** It was recommended to transfer the amount from the Selectmen’s expense to the Procurement Account. **Motion by Mr. Brown to appropriate and transfer the sum of \$150.00 to the Procurement Account from the Selectmen’s expense account, seconded by Mr. Boria, motion carries.**

Article 5 – New Highway Operations Facility; **Motion by Mr. Boria that we support the article, seconded by Mr. Brown, motion carries.**

Article 6 – Additional funding to complete the Flint Road Landfill Closure; **Motion by Mr. Boria that we take no action on Article 6, seconded by Mr. Brown.** Mr. Boria feels that because it was proposed to cost the town no money and because of the incidents that took place that this Board does not have answers for, we were involved for a portion of the process but not for the whole process. We started to give recommendations that were included and then we continued to give recommendations that were not, his fear is that by approving this article or supporting this article, we are tied in to having to explain what took place and why when we had no deciding factors on how the process happened or that personally that we were in favor of how the process happened so to start with an extra \$500,000 this year knowing there’s going to be more money coming next year for the wetlands mitigation that had a mythical figure, who knows how much it’s going to be, I in confidence cannot support or approve this article. Mrs. Craver stated that she respects and understands Mr. Boria’s concerns and motion but would ask the board to reconsider supporting this article as we are under a DEP order and she is not sure what fines will be assessed by the Town if it is not. If we cannot ask the Board of Selectmen to support it because we really need to get this done and have action on it even though it may leave a very bad taste in our mouths, how can we

go and ask the people to approve this article? She would ask the Board to reconsider and make their feelings known on Town Meeting floor. Mr. Boria stated that the motion wasn't to not support the article but to take no action. This Board has no control over the entire process or discussions that have happened. He cannot move forward and ask the voters to give more money because he doesn't have the answers to give them when they ask what happened. The sponsor is the Board of Health where they would be responsible for reading the motion. **Vote on motion – motion carries.**

Article 7 – Transfer to Stabilization Fund; transfer amount would be \$254,290 and reduce the amount now by \$32,000 for the cruiser. **Motion by Mr. Brown to support the article, seconded by Mr. Boria, motion carries.**

Article 8 – Appropriation of funds and authorization for the purpose of establishing a system for supplying the town or further areas of the town with water, to authorize the inter-municipal related thereto, etc.; Rob Lemansky stated that the only real thing to add is the purpose of this article. It will help to make these monies that we haven't used for the inter-municipal agreement to help with the work on North Main St. He stated that this article is for language correction. The money has already been appropriated. Mr. Boria asked what the total project cost is to date. Mr. Lemansky will try and get that number and have it ready for town meeting. **Motion by Mr. Boria to approve Article 8, seconded by Mr. Brown, motion carries.**

Article 9 – Easement from Mass. Turnpike authority for water project; **Motion by Mr. Brown to support the article, seconded by Mr. Boria, motion carries.**

Article 10 – Amendment to Town Sewer user bylaw – commercial sewer discharge permit; **Motion by Mr. Brown that we support the article, seconded by Mr. Boria, motion carries.**

Article 11 – Amendment to Town Personnel Bylaw – Retirees Health Insurance; **Motion by Mr. Boria that we not support this article, seconded by Mr. Brown, motion carries. Mr. Brown moved to have an alternative motion to read to be eligible to participate to have been employed for 7 years for the Town of Charlton prior to retirement, seconded by Mr. Singer. Mr. Boria was considering that the employee must be employed by the town for 10 years and the length of service eligible by a contract cannot be altered to less than 5 years by the appointing authority and all current employees shall be grandfathered from this article. Mr. Brown withdrew his motion. Mr. Singer withdrew his second. Motion by Mr. Boria to change the eligible term to 10 years aggregate and the length of service for a contract cannot be altered to less than 5 years by the appointing authority, seconded by Mr. Brown, motion carries.** Mr. Boria would ask for a printed version of this motion to be provided for Tuesday night. And also to notify the Personnel Board and the Finance Committee of what the Board is recommending.

Article 12 – Amendment to Town Personnel Bylaw – Change vacation time accrual start date; **Motion by Mr. Boria that we approve the article, seconded by Mr. Brown, motion carries.**

Article 13 – Acceptance of Lindsey Lane; no action needed

Article 14 – Citizens Petition; **Motion by Mr. Brown that we not support Article 14, seconded by Mr. Boria.** Mr. Boria explained why the Board is not supporting the article. **Vote on motion: Mr. Boria, Mr. Brown and Chairman Swensen – aye, Mr. Singer – nay, motion passes.**

Article 15 – Citizens Petition; Mrs. Craver stated that she received an email from the person who submitted the petition stating that they will call for a moratorium. **Motion by Mr. Boria that we not support the article, seconded by Mr. Brown, motion carries.**

VIII. Student Selectperson Report – Leah Tully. Ms. Tully read her report on the current activities at Shepherd Hill.

IX. Town Administrator Report: (see attached)

IX. Other Business:

1. Mrs. Craver stated that the Board voted at the September 8th meeting to appoint Derek Gaylord as a full time officer contingent upon whether he is still the top certified applicant on the civil service list and that there is an MOU with the Police Union that states that the Board did not have to bargain to impasse to layoff Officer Gaylord and if warranted to reduce his hours to part time and that the MOU would be valid for a twelve month period. Sergeant Maxfield, the President of the Police Union delivered the signed MOU to your office Friday afternoon. (see attached) In light of the union signing the MOU and acknowledging the position may be eliminated given the fiscal situation of the town and given the Board has made it quite clear regarding it's need for union concessions in the bargaining process in order to maintain the staffing level, she would recommend the Board consider allowing the Chief to reduce his voluntary salary reductions from \$29,000 to \$9,000. Mrs. Craver is recommending this based on the following assumptions: that the Board has consistently stated that unless it receives a zero increase from unions, it wouldn't guarantee there would be no layoffs or that open positions would be filled, the Board and union are still in negotiations and it is unknown whether a zero will be achieved. Although there has been no agreed offer between the negotiating teams, several police officers have publicly stated that they are willing to take a zero increase. Also once an agreement is finalized, the Board will have its say in whether it is retroactive or not. All salary line items were level funded and at this time without the volunteered reduction of \$20,000 from the Chief, the police salary account has been reduced approximately \$70,000. The Board has approved the Chief's request that if he were able to receive a grant, you would allow him to use that money which is a one time revenue, for the purposes of maintaining staff. The funding he volunteered was from the grant that he will be using to supplement his lost salary line item. The Chief volunteered the grant monies prior to the Board appointing Officer Gaylord and the MOU signed. The Police union has acknowledged that the funding is coming from a one time revenue and the police department salary line item will be reviewed as well as all departments within the town wide budget and prioritizing process. At this time, she recommends authorization to inform civil service human resources services of Officer Gaylord's start date and reduce the Chief's voluntary salary reductions from \$29,000 to \$9,000. I am confirming the start date as the date you appointed him, February 24, 2009 with the human resource department. **Motion by Mr. Brown to accept the MOU, seconded by Mr. Boria.** Mr. Boria thanked the union for working with us to get Derek Gaylord civil service protection and to get him appointed formally and get through the process. Mr. Brown concurs with that. **Mr. Brown amended his motion to accept the MOU and appoint Officer Gaylord as of February 24, 2009, seconded by Mr. Boria, motion carries unanimously.** Mr. Boria would ask that due to the decrease in the chief's budget due to monies received from a grant, that we just leave the budgeting process alone through the winter and reassess in the spring. **Motion by Mr. Boria to ask the Chief to work within his current budget to keep the position filled for the remainder of the year, seconded by Mr. Brown, motion carries unanimously.**

2. Chief Pervier suggested that in order for the town to get more revenue, we could look at all the town owned property and could have select cut done and the monies that would be born from that would be a one time revenue which could help offset costs. Mrs. Craver said we have an appointment with a Forrester a week after town meeting with Karen Gauvin and Keith Arsenault.

XI. Adjourn/Executive Session: Motion by Mr. Brown to go into executive session under M.G.L. Chapter 39, section 23b, #3 at 8:59pm, seconded by Mr. Boria. Roll call vote: Mr. Singer – aye, Mr. Boria – aye, Mr. Brown – aye and Mr. Swensen – aye. Chairman Swensen stated the Board would return to open session for the purpose of adjourning.

XI Next Meeting Announcement:

- Special Town Meeting – October 27, 2009
- Next Regular Selectmen’s Meeting – November 3, 2009

Respectfully submitted by:
Mary C. Devlin
Administrative Assistant

Accepted by:

Frederick C. Swensen, Chairperson

Kathleen W. Walker, Vice-Chairman (absent)

Scott D. Brown, Clerk

David M. Singer, Member

Peter J. Boria, Member