



TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
December 15, 2009

Submitted by MCD
Date 1/28/10
Received by _____
Date _____

Present: Chairman – Frederick C. Swensen, Vice-Chairperson – Kathleen W. Walker, Clerk – Scott D. Brown and Members – Peter J. Boria and David M. Singer. 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 Regular Minutes – December 1, 2009. **Motion by Mr. Boria to approve the minutes of December 1, 2009, seconded by Mr. Brown, motion carries with Mr. Singer abstaining.**

III. Community Relations, Announcements and Open Forum:

- Chairman Swensen read the announcements.
- Jeanette Casey came forward to thank the citizens of Charlton for their wonderful support for the Toys for Tots program.
- Jayne Vranos and Elaine Kingston were present on behalf of the REAS Foundation. They are here to announce two fundraisers that are going on. One is a lottery calendar for the month of January and the second fundraiser is the taste of the towns which will be held on January 31, 2010 at Masonic Home.
- Chief Pervier came forward with a few updates. He stated that there were a series of car break ins between Charlton and Spencer. There was a juvenile that was recently arrested. He commended his officers for working so diligently with the Spencer Police Department. The other item starting December 11th through January 3rd they will be doing the over the limit under arrest program. There will be additional patrols out.
- Stefan Sage came forward with three items.
 1. His first item is for Nature's Classroom about an article in the Villager. He wanted to make sure that people know that Nature's Classroom does not own any land, they lease it. The paper noted that there was property owned by Nature's Classroom that the town might be taking over. He just wanted to clarify it. He also asked if Chairman Swensen had any concerns with the town possibly owning the dam as in the paper it said he did then it stated that he didn't. Chairman Swensen stated that he has faith in the process and is confident that the town will reach a solution/resolution.
 2. The next item is for the Charlton Library Board of Trustees regarding the furlough. The Library was going to take part in the furlough but was advised by the State that they must be open during these two weeks. If they chose to close, the library could loose

their certification. Therefore, they will be open some hours during these two weeks which he read and also stated that they are posted on the website.

3. The last item he is here for is as a resident of Charlton. He has recently read about the Open Meeting Law violations and procedures. He sees that each member of the Board met with the Town Administrator prior to meeting as a whole board. He feels that when issues need to be discussed by individuals before they come in front of the public, they should not be considered as violating the open meeting law.

IV. Appointments/Resignations:

V. Scheduled Appointments:

6:45pm – Fire Department – Chief Cloutier came forward to provide an update on the Fire Department and its operations. As Chief of the Department, he needs to maintain the call staff to a certain level that can handle fire calls and EMS calls. His staffing level has dropped. There is a recruiting program starting in February and he would like to open up the application process to start the hiring of call staff. It was asked of the Chief if there was a cost to the town for the program. Chief Cloutier stated that the cost would be \$150 per firefighter for the medical exam to make sure they are properly fit to be a firefighter.

7:00pm – Earth Removal Permit Hearing continuation – Rennoc Realty. Mrs. Craver stated that at the Board's last meeting, you were asked to open the public hearing for the Earth Removal Permit submitted by Jalbert Engineering, Inc. on behalf of Rennoc Realty Trust for property located on Route 20 at 7:00pm and continue until tonight's meeting due to Graves Engineering, Inc. still reviewing the plan that was submitted. We have been asked by Jalbert Engineering to continue the hearing until the first meeting in January 2010 to allow them time to address Graves Engineering's latest review. Mr. Meskus was present and recommended that the Board continue the hearing as requested. **Motion by Mr. Brown to continue the earth removal permit hearing to January 12, 2010 at 7pm, seconded by Ms. Walker, motion carries.**

VI. Old Business: None

VII. New Business:

1. Salary/Wage Change Policy – Selectmen Brown asked for this item to be placed on the agenda for discussion. Mr. Brown feels that we have an informal policy where changes are made to employees salaries whether by contract or not which should be approved by Mrs. Craver or the Board. He would ask Mrs. Craver to put a more formal policy in place for the Board to review.
2. All Boards & Committees Meeting – Mrs. Craver stated that at the board's last meeting, a question was asked if a date had been set yet for the All Boards & Committees meeting. This year, two meetings were held on March 31, 2009 and on June 9, 2009. If the Board wishes to keep with this type of schedule, I would recommend having the meetings set for March 30, 2010 and June 8, 2010. Once the Board has made the decision, we will start the process of notifying all involved. Chairman Swensen would like to have the meetings further apart possibly on a semi annual basis. It was recommended to have one in March and one in September. Ms. Walker would like to meet in February instead of March. After discussion, she would recommend a date of March 2nd for the first meeting. Mrs. Craver recommended September 14th for the second meeting. The Board was in agreement.
3. Invitation to Eagle Scout Court of Honor. You have been invited to the Eagle Scout Court of Honor for Jared Scott Gagnon on Saturday, January 9, 2010 from 11:00am to 2:00pm at the Charlton Public Library. We must respond by January 2, 2010 therefore I would ask the Board to let me know who will be attending so that we may give the proper response. A

certificate has been made for this occasion and is in your sign folder for your signatures. Chairman Swensen stated that he would be happy to attend.

4. **Senator Brewer's Christmas Card Contest** – Chairman Swensen stated that every year for the past thirteen years, Senator Brewer has held an annual Christmas Card contest for school children in grades six through eight in the Worcester, Hampden, Hampshire and Franklin Senate District. He is pleased to announce and would like to congratulate Gabrielle Ray, a Grade 7 student at Charlton Middle School as this years winner. Chairman Swensen gave Ms. Ray our congratulations for a job well done. Mr. Boria wanted to thank Senator Brewer for meeting with the Dudley Charlton School District, Dudley Selectmen and Finance Committee and our Board and Finance Committee last week with some ideas and provided some insight.
5. **Executive Session Minutes policy** – Vice-Chairperson Walker asked that this item be placed on the agenda for discussion. Ms. Walker asked about a couple of items within the policy that she's not sure that we are doing. She would ask that when the determination is made to approve the minutes that the Board decide at that time to release the minutes or not. Where it's noted that we would look at the minutes in May and November, she would like to add one piece to state that all minutes released will be released in open session with the date of the minutes as a reference. Chairman Swensen stated that he has spoken with Attorney Cosgrove and Mrs. Craver in length on this. He would propose that when we go into executive session, if we vote to release executive session minutes in any executive session that we come out of executive session, convene to open session for the purpose of releasing those same minutes. He would also ask the board to consider looking at releasing minutes more on a monthly basis instead of semi annual. Mr. Singer feels that that step would not be needed. Once an issue is done, they should automatically be released. **Ms. Walker would offer a motion that all minutes released in executive session will be released again in open session with the date of the minutes referenced and minutes would be reviewed monthly and released when an issue is resolved, no second. Ms. Walker withdrew her motion.** Mr. Boria suggested to change item B under determination of release to public to state Monthly instead of May and November, and add a new section D that all minutes that have been released will be announced at the following board meeting. After discussion, **motion made by Mr. Boria that we change Board of Selectmen policy #14 for executive session minutes under determination and release to public item b, we change that to reflect that monthly, all minutes of executive sessions will be reviewed by the board and a determination will be made and also add a letter D. that states an announcement will be made at the next open meeting of the Board of Selectmen referencing the minutes that were released previously in executive session, seconded by Mr. Brown, motion carries unanimously.**

VIII. Student Selectperson Report – Ms. Tully reviewed her report

IX. Town Administrator Report: (see attached)

IX. Other Business – Chairman Swensen wanted to discuss the letter that was received from the District Attorney's office on Town Administrator Evaluation Policy that we have. He would like to make a couple of statements regarding that. He stated that this board has the utmost respect for the District Attorneys office. He further stated that what we received from the District Attorneys office is an opinion, it is not a law. The policy that we have for the town administrator evaluation was reviewed and forwarded to the District Attorney for opinions and they responded that they are unable to comment and offer advice. We have been notified that effective July 1st, the responsibility of any open meeting law violations will be taken care of by the Attorney Generals Office and not the District Attorney. He would ask the board that once the Attorney Generals office takes over these issues, that we send this to them for their opinion and guidance as well.

Ms. Walker is deeply distressed by this third violation of the open meeting law and feels until this changes, any evaluations that we do, we do in the manner that's suggested by the open meeting law. Mr. Singer feels that the DA had the ability to hand down a violation and did not. He suggested that we do this at an open session. Mr. Brown stated that part of the reason for the policy was to come up with a fair and equitable review for the Town Administrator. Mr. Boria stated that another reason we have the policy is because if you look at the reasons for going into executive session, when we do these reviews, we're walking a fine line. It's a balancing act that we are trying to do without putting the town at risk.

Chief Pervier mentioned that there were three individuals that were arrested by the Town of Dudley for smashing mailboxes in surrounding towns. He is asking any homeowner of the Town of Charlton that has had their mailbox damaged from this incident to please fill out the paperwork and submit it to Officer McGrath so he can seek the proper restitution.

- XI. Adjourn/Executive Session: Chairman Swensen stated that he would entertain a motion to go into executive session. **Mr. Boria is not sure he would like to make it as there is nothing under items 1 – 9 to reference to but because the minutes discuss collective bargaining, he would move we go into executive session at 8:05pm under M.G.L. 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 Mr. Brown for discussion.** Mr. Brown would like to recommend we vote no on this and forward this question to town counsel for advice. **Roll call vote taken: Mr. Singer – no, Mr. Boria – no, Mr. Brown – no, Ms. Walker – no and Chairman Swensen – no.**


Chairman Swensen reconvened the meeting to finish any other business. Seeing none, **motion by Mr. Boria to adjourn at 8:07pm, seconded by Mr. Brown, motion carries.**

XII Next Meeting Announcement:

- Next Regular Selectmen's Meeting – January 12, 2010
- A reminder that the Town Hall will be closed on December 21, 2009 and re-open on January 4, 2010.

Respectfully submitted by:
Mary C. Devlin
Administrative Assistant

Accepted by:


Frederick C. Swensen, Chairperson


Kathleen W. Walker, Vice-Chairman

Scott D. Brown, Clerk


David M. Singer, Member


Peter J. Boria, Member




**TOWN OF CHARLTON
OFFICE OF THE TOWN ADMINISTRATOR**

**37 Main Street
Charlton, MA 01507
WWW.TOWNOF CHARLTON.NET
Phone (508) 248-2206
Fax (508) 248-2066**

Robin L. Craver, Town Administrator
robin.craver@townofcharlton.net

MEMORANDUM

TO: Honorable Chairperson and Members of the Board of Selectmen
FROM: Robin L. Craver, Town Administrator 
DATE: December 8, 2009
SUBJECT: Town Administrator Report for the BOS meeting of 12/15/09

2 Schoolhouse: All Boards and Committees are being invited to hold meetings at #2 Schoolhouse. There is room for members and the public. To schedule a meeting at the #2 Schoolhouse, contact Peter Cooper at 508-248-7840.

Clarification to announcing Executive Session: I have spoken with Attorney Cosgrove for clarification to the reading of M.G.L., Chapter 39, Section 23B, #3 as directed by the Board. Attorney Cosgrove has stated that the purpose in this section must be read, but it would be fine if the whole section was read. He also noted that the Board should not state the actual litigation, union or other personnel reason by identifying specifics.

Clarification regarding Costs Saving during Two Week Town Hall Shut-down: Recently there have been several incorrect articles in the paper regarding the cost savings during the two week town hall shut down. For clarification purposes, I've attached the e-mail that I sent to a reporter who asked about costs savings. You'll note in my email that I gave a brief breakdown of the bargaining of zero increases for the clerical union and non union. No where is it stated that we would save \$84,000 for the 8 days the town hall is closed. I gave personnel savings in relation to forgone raises and stated that it was a consideration for closing. I also provided an estimate staff put together for costs saved by the building not being opened which included heat and electricity. To add them up without the clarification I wrote in the email was misleading to people who read the article. I am hopeful in the future that all information supplied will be quoted the way it was given.

Tax Rate Certified: I have been informed by the Assessor's department that our tax rate is one of only 80 towns that have their tax rates certified. In this tough year, many cities and towns are asking for extensions and there appears that there may be legislative relief for them. You should be proud of Charlton's finance team that they work so hard to meet DOR deadlines and continue to maintain a superior financial process, one that will serve the town well as we begin the bonding re-rating. We are hopeful to have our rate increased which will in turn help us borrow at a reduced interest rate.

Craver, Robin

From: Craver, Robin
Sent: Wednesday, November 25, 2009 3:51 PM
To: 'Ryan Grannan-Doll'
Subject: FW: # 37 Main Street utility usage

Attachments: Selectmen20091125012214.pdf



Selectmen2009112
5012214.pdf (1...

The BOS bargained zero raises in the amount of: \$20,329 for the clerical and \$61,903 for the non-union which played heavenly into the decision to shut down town hall. Many of the department heads will be working or on call are factored into that number.

Regarding costs savings in heat and electricity please see the attached document from Laurie on costs for the month of December last year. I'm not sure it would be that much as we will keep a minimum temp set.

Sorry it was so late, just saw it from Laurie now.

Robin Leal Craver, Town Administrator
Town of Charlton
37 Main Street
Charlton, MA 01507
508-248-2206 office
508-243-3905 cell

-----Original Message-----

From: Degnan, Laurie
Sent: Wednesday, November 25, 2009 1:45 PM
To: Craver, Robin
Subject: # 37 Main Street utility usage

Robin,

Attached is a brief report on the oil and electricity usage in December 2009 for Town Hall, 37 Main Street.

Please keep in mind that the savings would only be an estimate for December 2010, since outside temperatures fluctuate and the thermostats would need to be set at a minimal setting to prevent pipes from freezing.

Laurie

-----Original Message-----

From: selectmenprint@townofcharlton.net [mailto:selectmenprint@townofcharlton.net]
Sent: Wednesday, November 25, 2009 1:22 AM
To: Degnan, Laurie
Subject: [Image File] Laurie, Selectmen, #222

**Average weekly utility usage in December 2009
for 37 Main Street:**

Peterson Oil-

December deliveries cost: $\$3,287.50 / 4.28 \text{ wks} = \768.11

2 wk savings: $\$1,536.22$

National Grid-

December = $\$2,146.24 / 4.28 = \501.46

2 wk savings: $\$1,002.92$