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TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
December 16, 2008

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

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 6:42pm with the pledge to the flag.

II. Consent Agenda:

- Minutes of Regular Selectmen's Meeting – November 18, 2008. **Motion by Mr. Bacon to approve the minutes of November 18, 2008, seconded by Mr. Boria.** Ms. Walker would like to make a few small changes to page 3 under Old Business #1. The sentence now reads "We do have the violation of the open meeting law although none of the violations were deliberate or with any intent to keep from the public, she feels that we should use the District Attorney's request and make them available." She would like it to read: "We do have the violation of the open meeting law although none of the violations were deliberate or with any intent, to keep *information* from the public, she feels that we should *heed to* the District Attorney's request and make *the evaluations available to the public.*" **Vote taken on main motion with changes, motion carries.**

III. Community Relations, Announcements and Open Forum:

- Chairman Swensen read the announcements.
- Chief Pervier stated that he recently went through training for underage alcohol enforcement for a grant that was received. They will be doing stings on pouring establishments.
- Stefan Sage from 41 Lincoln Point Road came before the board and commended the Highway Department who were already out at 3:00am clearing debris. He said that he is somewhat disappointed that the recent vote for the Highway Department did not go through. They should be commended and supported for the work that they do. He also stated that if any of the Highway employees are on Lincoln Point Road and need to use facilities, they are more than welcome at his home.
- Jeanette Casey, Veterans Agent for the Town of Charlton gave a big thank you on behalf of her office and the Marines for the donations that were provided for the Toys for Tots.
- Chairman Swensen gave a brief overview of the emergency management team and volunteers for their work at the shelter. He commended Carl Ekman, Elaine Kingston, Karen Gauvin and Deb Ciesluk for putting this together. Chairman Swensen also read the list of volunteers to be thanked for helping. Lt. Ekman said that currently the shelter is still open. The Town of Charlton was considered a state of emergency because we had the shelter open. He also noted that he received an email yesterday and has until noon time tomorrow to submit draft numbers of cost for this storm for possible reimbursement if approved. Lt. Ekman also stated that his

wife is at the station taking calls for anyone that has had damage to their homes. All information must be reported by 10:00a.m tomorrow morning. If you do not get to call it in, it doesn't mean that you are not eligible, these are just draft numbers.

IV. Appointments/Resignations:

1. Appointment to Historical Commission & Historic District Commission. A recommendation has been received by the Historical Commission and Historic District Commission to fill a position on both committees that has been open. They are recommending the appointment of Michael Caron of 5 Wakefield Drive to fill these positions and that James Tully of 56 Capen Road be appointed as an Associate Member to both commissions. **Motion by Mr. Bacon to appoint Michael Caron to the vacant position on the Historical Commission and Historic District Commission, seconded by Mr. Boria, motion carries. Motion by Mr. Bacon to appoint James Tully as the associate member to the Historical Commission and the Historic District Commission, seconded by Mr. Boria, motion carries.**

V. Scheduled Appointments

6:45pm – REAS – Residential Energy Assistance for Seniors – Elaine Kingston and Carl Ekman were present. Ms. Kingston explained that this program started in Sturbridge as a fuel fund in June 2008 for Sturbridge seniors only. Now a Chapter in Charlton is open for Charlton Seniors only. The purpose – to ease the energy burden for Charlton seniors during these uncertain economic times so they don't have to choose between fuel, medications, food, and other daily necessities. This is for senior citizens 60+, income guidelines more lenient than the Worcester Community Action Council. This is a one time benefit for heating and cooling seasons. The amount to be determined. Applications are available at the Senior Center or online. Contact 508-434-4402, address P.O. Box 793, Charlton MA 01507 or visit www.reasfoundation.org/charlton for more info.

6:50pm – Charlton Beagle Club. The Charlton Beagle Club is seeking to change it's manager from Marie Rozenas to Tammy L. Jones. The CORI has been successfully completed and all required paperwork has been received. Gerald Madore, President of the Charlton Beagle Club was present to answer any questions if needed. **Motion by Mr. Boria to approve the request, seconded by Mr. Bacon, motion carries.**

6:55pm – Richard Whitehead and Stefan Sage from the Board of Library Trustees and Cheryl Hansen, Library Director have come before the Board to give an update on their long range plan for the library. (see attached).

VI. Old Business:

1. Open Meeting Law Violation – Letter from District Attorney. Mrs. Craver stated that Town Counsel has received a written answer to this Board's questions stemming from the District Attorney's recommendations regarding the written component of the performance reviews for the Town Administrator. She would recommend the Board follow the new process the District Attorney has outlined to be followed. **Motion by Mr. Boria that we release the 2007 and 2008 evaluations on the Town Administrator redacting any personnel matters such as reputation, character, physical condition or mental health, seconded by Ms. Walker, motion carries unanimously.**
2. Amended IMA with Southbridge - Mrs. Craver stated that the Water/Sewer Commission have reviewed the final draft agreement and have forwarded it to you for approval. If the Board approves the changes pending Attorney Cosgrove's review as to form, we will notify Southbridge that the amended IMA has been approved by the Town of Charlton. **Motion by Ms. Walker that we approve the final draft of the amended IMA for water between the Town of Charlton and the Town of**

Southbridge, seconded by Mr. Bacon. Vote taken: 3 ayes, Mr. Boria abstained, motion carries.

VII. New Business:

1. Arbor Day Proclamation – The Planning Board is applying to the Mass. Urban and Community Forestry Program for the annual Tree City USA designation which is an award based on their implementing through the Mass Re-leaf Grant program tree grant installation here in Town every year for the past several years. One mandatory requirement to apply is to have an Arbor Day Proclamation issued by the Selectmen at any time during this 2008 calendar year. This proclamation can be issued for any day remaining in this calendar year up to December 31, 2008. The Planning Board would appreciate the Board’s consideration of this request. **Motion by Ms. Walker that we approve this Arbor Day Proclamation with a date of December 16, 2008, seconded by Mr. Boria, motion carries.**
2. Draft Budget Calendar – FY2010 – Mrs. Craver gave the Board a Draft budget calendar for review and approval. **Motion by Mr. Boria to approve the budget calendar that’s in front of us, seconded by Mr. Bacon, motion carries.**
3. Request for Special License – St. Joseph’s Church is requesting a special license to be used on four separate dates: April 18, 2009, May 16, 2009, September 19, 2009 and November 14, 2009 in the Church Hall from 6:30pm – 9:30pm. This is for a non-profit organization, therefore there would be no fee. They are aware that they need to have a TIP certified person who will be distributing the alcohol. The Police, Fire and Building Departments have all approved of this request. Should the Board approve this request, Mrs. Craver asked them to consider adding the stipulation that no alcohol be served to persons under 21. **Motion by Mr. Boria to approve the request for April 18, 2009, May 16, 2009, September 19, 2009 and November 14, 2009 from 6:30pm – 9:30pm application for special license at St. Joseph’s Church and that the license should state that no alcohol to be served to persons under 21, seconded by Mr. Bacon, motion carries.**
4. License Renewals – (see attached) Mrs. Craver noted that any items highlighted in green have not been received, therefore the recommendation would be to accept all licenses listed pending receipt of requirements needed. **Motion by Mr. Boria to approve the licenses in front of us pending completion of the paperwork by December 29, 2008, seconded by Mr. Bacon, motion carries unanimously.** Mrs. Craver noted that the next item was for Liquor License renewals. Mr. Boria thought that we just did the liquor license renewals and will abstain and strike his motion. **Mr. Boria to withdraw his motion.** Mrs. Craver read the list of the types of licenses being discussed: Class I, Class II, Class III, Common Victualler (coffee), Above Ground Storage, Manufacturing of Asphalt, Antique Autos, Livery, Amusement, Junk & Old Metals, Storage of Unregistered Motor Vehicles, Manufacturing of Gravel and Wood, Manufacturing of Sand and Earth Removal. **Mr. Bacon withdrew his second. Motion by Ms. Walker to approve the licenses that were mentioned by Ms. Craver once we are in receipt of all paperwork, seconded by Mr. Bacon, motion carries. Mr. Boria abstained.**
Liquor License renewals: Mrs. Craver stated that the following establishments have been approved by the Fire, Police and Building Commissioner to be renewed: Charlton Beagle Club; Tomski Trading Corp.; Charlton Country Store; and Overlook Catering. **Motion by Mr. Boria to approve the liquor license renewals for Charlton Beagle Club; Tomski Trading Corp.; Charlton Country Store and Overlook Catering, seconded by Mr. Bacon, motion carries unanimously.**

The following establishments have minor corrections to be made. The recommendation is to approve the renewal pending completion of the corrections: Mondo's; The Liquor Mart; Charlton Food Mart; Ted's Citgo; Charlton Chinese Takeout; and Oxbow Variety (pending completion of the building). **Motion by Mr. Boria to approve the following alcoholic license renewals pending making the minor corrections needed: Mondo's; The Liquor Mart; Charlton Food Mart; Ted's Citgo; Charlton Chinese Takeout; and Oxbow Variety, seconded by Mr. Bacon, motion carries unanimously.**

The following establishments are working on corrections and/or changes to their establishment that may take time to complete: Heritage Country Club; Zorbas Pizzeria Tavern, LLC; and Quarter Keg Pub. Staff has contacted the ABCC and Town Counsel Cosgrove regarding what to do with the renewal form for these establishments if the Board in fact, does not have the certification by the Building Commissioner and the Fire Chief. We were given the opinion that 1 – the Board can approve pending completion of paperwork. We would recommend having it received by December 29, 2008 so that the paperwork can be at the ABCC office by December 31, 2008) and 2 – If the Board does not include in its motion to disapprove, if paperwork is not completed, then the Board according to the statute, gives a sort of constructive approval. The problem with the Board not actively denying renewal is that the license automatically renews. It is the recommendation to approve these licenses if all statutory requirements are met. **Motion by Mr. Boria that we approve the following 2009 liquor license renewals pending approval of completion of paperwork as of December 29, 2008 – Heritage Country Club; Zorbas Pizzeria Tavern, LLC; and Quarter Keg Pub, seconded by Mr. Bacon, motion carries unanimously.**

Lastly, Ye Olde Commons will not be renewing.

5. Day after Christmas and New Year's – Mrs. Craver noted that staff has requested direction regarding the days after Christmas and New Year's. Many offices will be closed as they are taking personal or vacation time. She would recommend the Board consider closing the town hall both days pending an agreement from the union that all workers use their time off or make up the time. **Motion by Mr. Bacon to approve the request, seconded by Mr. Boria, motion carries unanimously.**

VIII. Student Selectperson Report – not present

IX. Town Administrator Report

- a. Solar Powered Grant – Previously the Board approved the placement of the lights for this grant next to the large shrub on the common. I am happy to report that this has been completed.
- b. Tree Trimming on the common – The two large trees on the common have been trimmed for a cost of \$1,000. We are working on a comprehensive tree maintenance plan for the spring.
- c. The cable committee is still negotiating with Charter for the contract. They will need to utilize more cable monies regarding the contract. Previously we had a not to exceed of \$5,000 for the contract renewal but the cable committee has asked to keep counsel involved so the cost will increase. Mrs. Craver asked whether the Committee needed a vote from the Board of if it was okay to continue with special counsel. Chairman Swensen said informing the Board was enough.

X. Other Business: Chief Pervier thanked the Pelletiers for their assistance for bringing Santa on their sleigh. He also thanked Cheryl Hansen and Stefan Sage for helping to set the Library for the holiday setting. A special thanks to Mike Sosik for the work behind the scenes.

XI. Adjourn/Executive Session: **Motion by Mr. Boria to go into executive session at 7:43pm under M.G.L. Chapter 39 sec 23b, Item 3, seconded by Mr. Bacon. Roll call vote taken: Mr. Bacon – aye, Ms. Walker – aye, Mr. Boria – aye and Chairman Swensen – aye.** Chairman Swensen stated that the Board will reconvene to open session with the potential of conducting business as of the result of executive session and to adjourn.

The Board came back into open session to discuss legal issue with Attorney Cosgrove at 9:15pm.

Motion by Mr. Boria to adjourn at 9:18pm, seconded by Ms. Walker, motion carries.

XII Next Meeting Announcement:

- Next Regular Selectmen's Meeting – December 30, 2008

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 (absent)