



**TOWN OF CHARLTON**  
Minutes of Regular Selectmen's Meeting  
December 18, 2007

Submitted by \_\_\_\_\_

Date \_\_\_\_\_

Received by \_\_\_\_\_

Date \_\_\_\_\_

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

*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 Brown called the meeting to order at 6:35pm with the pledge to the flag and a moment of silence for Virginia Cardinal, a long time resident and the wife of Leonard Cardinal who is on the Conservation Commission. Condolences were given to the family.

II. Consent Agenda:

- Chairman Brown read the agenda.
- Minutes of Regular Selectmen's Meeting – December 4, 2007. **Motion by Ms. Walker to approve the minutes of December 4, 2007, seconded by Mr. Bacon, motion carries.**

III. Community Relations, Announcements and Open Forum:

- Chairman Brown read the announcements.

IV. Appointments/Resignations: None

V. Scheduled Appointments:

7:00pm – 2008 License Renewals. Mrs. Craver noted that individual memo's with recommendations have been prepared for each type of license (see attached). All parties with recommended changes have been notified of tonight's meeting and to attend should they have any questions or concerns. Following is a list of approval and recommendations by the Board of Selectmen:

*Liquor Licenses:* Recommendation is to approve renewal of the 2008 licenses for:  
Charlton Beagle Club, Inc.  
Ye Olde Commons, LLC  
Planpow Realty Corp., d/b/a Heritage Country Club  
Theodora Hatzidis, d/b/a The Liquor Mart  
Tomski Trading Corp.  
Ajay Kumar Nalamada, d/b/a Oxbow Variety  
Francis M. Brennan, d/b/a Charlton Country Store  
Triple T. Trading, Corp., d/b/a Ted's Citgo  
Masonic Home, Inc., d/b/a Overlook Catering  
Chou Wong Corp., d/b/a Charlton Chinese Takeout

**Motion by Mr. Bacon to approve as recommended, seconded by Mr. Swensen, motion carries.**

Two establishments have not completed the TIP certification as indicated in the Board's policy. It would be the recommendation to renew the following 2008 liquor licenses with the stipulation that the TIP certification is completed no later than January 31, 2008 and that these establishments provide proof of training upon completion.

Super Food Mart, Inc., d/b/a Charlton Food Mart and  
Zorbas Pizzeria Tavern, LLC

**Motion by Mr. Bacon to approve as recommended, seconded by Mr. Swensen.** Ms. Walker would like to hear from the establishments if they are present. As there were no representatives in attendance, Officer McGrath who completed the inspections on behalf of the Police Department per the Board's policy, explained that he sent letters along with the policy to the establishments noting that he would be coming by to do the inspections. This letter advised them of what they would need to have on hand. Anyone in violation of the policy was notified by mail of why they weren't in compliance and gave them a time frame to complete the certifications. To date, they have not complied. Christos Dimopoulos from Zorbas Pizzeria entered at this time and was asked to come to the table. Mr. Dimopoulos stated he was not aware that management needed to take this course and today, they have completed it. Chairman Brown would request an amendment to the motion that failure to complete the TIP certification by January 31<sup>st</sup>, will result in the revoking of the license. Ms. Walker noted that there is a process to follow and that you just can't revoke it. Mrs. Craver recommended another amendment that would indicate should they not meet the requirement, that you would proceed with a hearing. Chairman Brown clarified that an amendment is being requested to be added to the motion that if the TIP certification is not completed by January 31, 2008, the Board will proceed with a hearing. Mr. Swensen would like to offer an amendment that we could suspend the license pending a hearing. Chief Pervier explained the process of how to proceed. **Mr. Swensen restated his amendment that these licenses be renewed and that the TIP certification for these two establishments be completed by January 31, 2008 and that they provide proof of completion and if not, to start the hearing process, seconded by Mr. Bacon, motion carries.**

The last liquor license, A & E Ianniccheri, d/b/a Mondo's has requested to alter their premises. Plans have been approved by the Building Department. Presently the building has an occupancy for over 100 persons. With the new fire laws, they were required to have a sprinkler system installed by November of this year. This alteration will allow them to fall under the number of persons which would not require the sprinkler system. Both the Fire Chief and the Building Commissioner have no issues with this request, they would just like them to be in compliance with the laws. Fire Chief Cloutier stated that upon approval and the completion of the work, a final inspection will be done. If it is within the proper guidelines, he will revoke the order of the sprinkler system. The Board will need to hold a public hearing. The recommended date for the hearing would be for Friday, December 28, 2007 at 10:00am. This will allow the posting to be placed seven days before the hearing as required. **Motion by Ms. Walker to hold the public hearing on Friday, December 28, 2007 at 10:00am, seconded by Mr. Swensen, motion carries.**

*Class I licenses.* The recommendation is to approve the 2008 Class I licenses for Atlantic Coast Trailer Sales and Patriot Pontiac Buick GMC, Inc. It was noted that Tommy Car Corporation will not be renewing as it closed its doors in December of 2006. **Motion by Mr. Swensen to approve the 2008 Class I licenses as requested, seconded by Ms. Walker, motion carries.**

*Class II licenses.* The recommendation is to approve the following 2008 Class II license renewals: American Reclamation, Basic Maintenance Truck Center, Bay State Auto Sales, Bayne's Auto Body, Bill's Classic Cars, Charlton City Classic Cars, Jeff's Garage & Auto Sales, John's Auto Service, LaMountain Construction, Brian LaPlante, Michael's Service Station, New Car Alternatives, Oxford Road Auto, Pottersville Garage, Ronnie's Cycle, Rt. 169 Car Sales, Werke Classic Coach and Williams Auto Sales. **Motion by Mr. Bacon to accept them as read, seconded by Mr. Swensen, motion carries.**

The Building Commissioner has made recommendations for the following 2008 Class II license renewals. As stated earlier, all have been invited to attend tonight's meeting.

- Cindy's Auto Sales – limit the amount of vehicles to 20
- Karl's Used Autos & Repairs – Maintain 8 ft. fence or 8 ft evergreen screening around the perimeter
- O'Malley's Truck & Auto – Maintain 8 ft fence or 8 ft evergreen screening around the perimeter and
- Variety Auto – Limit the amount of vehicles to 25

(Note that for fencing or evergreen screening should be in compliance by September 2008.)

It was also noted that Stevens Auto, Inc. will not be renewing their Class II license.

**Motion by Mr. Swensen to accept them, seconded by Mr. Bacon.** Mr. Brown questioned the facilities listed for fencing or evergreen, do they presently have them? Curtis Meskus, Building Commissioner noted that a number of licenses do not have any conditions on them. Karl King was present and stated that he currently has a fence in front and on the sides. He wasn't aware that he would have to put it around his entire property. He is only using about ¼ acre for this business. Mr. Meskus stated that he does have a fence. His recommendation is to just have definable conditions placed on the licenses. Mr. Bacon asked if there were any bylaws or regulations that require this. Mr. Meskus stated that there are no bylaws or state laws requiring it. He is making the recommendation upon complaints he has received from citizens in town. Ms. Walker asked why this list is different from the first one. Mr. Meskus stated that most of the licenses on the first list fall under site plan review which has the stipulations on their license. While Ms. Walker agrees with Mr. Meskus's attempt to help beautify the areas, she would like to have the time to review the areas herself and bring it back up. Mr. King questioned the amount of his property that should be fenced. Mr. Meskus suggested the wording could read to screen the area from the neighboring property. Ms. Walker is not ready to approve the recommendations without reviewing them first. Mr. Bacon would suggest approving the licenses without the stipulations as suggested. **Mr. Swensen amended his motion that we renew these licenses as they exist today until we resolve these issues, seconded by Mr. Bacon, motion carries.**

*Class III licenses* – The Building Commissioner has made the recommendation that all Class III licenses maintain an 8 ft fence or 8 ft evergreen screening. The fence or screening should be in compliance by September 2008 for the following:

- ADT
- Dick's Tire Barn
- Karl's Used Autos & Repairs
- Stevens Auto, Inc.

Mr. Meskus stated that this recommendation has been driven by two previous businesses in town that are no longer here. Complaints have been received for ADT where it is noted that is an unsightly area. Ms. Walker does agree with this recommendation as it lists all Class III licenses and is consistent. **Motion by Ms. Walker to approve this request, seconded by Mr. Swensen for discussion.** Mr. Bacon feels the Class III licenses should be dealt with like the Class II

licenses and reissue without the stipulations. Mr. Swensen agrees with Ms. Walker and feels that the fencing or screening to conceal the contents from public view as well as the view of abutters. **Mr. Swensen would offer his suggestion as an amendment to the motion, seconded by Mr. Brown for discussion. Mr. Swensen restated his motion that he move that all Class III licensees maintain an 8ft fence or 8ft evergreen screening that conceal the contents from public view as well as the view of the abutters. Vote taken: Mr. Swensen, Ms. Walker and Chairman Brown – aye, Mr. Bacon – opposed.**

Ms. Walker asked what the next step is for the Class II licenses. Chairman Brown stated that we will wait for the research and regulations noting that we have the right to do this on a yearly basis if needed.

*Common Victualler Licenses (coffee)* Mrs. Craver was happy to report that all 2008 Common Victualler license holders have complied with all requirements needed to renew. There is one establishment that will not be renewing due to closing their doors and that is Yankee Diner. The recommendation is to approve the following for the 2008 renewal season pending all paperwork received:

- Auntie Annie's Pretzel (Eastbound) and (Westbound)
- Bay Path Dining Room
- Ben & Jerry's (Eastbound) and (Westbound)
- Charlton Manor Rest Home
- Charlton McDonald's
- Dad's
- Dresser Hill / Clam Box
- Dunkin Donuts
- Fresh City (Eastbound) and (Westbound)
- J & J Café
- Lavazza Café (Eastbound) and (Westbound)
- Masonic Home, Inc.
- McDonald's (Eastbound) and (Westbound)
- Moonstruck Café
- Nana Eleanor's
- Papa Gino's (Eastbound) and (Westbound)
- Ronnie's Seafood
- Gulf Express #5040 (Eastbound)
- Gulf Express #5045 (Westbound)

**Motion by Mr. Bacon to approve the list contingent upon completion of those companies that need to submit final paperwork, seconded by Mr. Swensen, motion carries.**

*2008 Assorted License Renewals:* Following is a list of assorted license renewals that have completed the proper paperwork needed to renew for the 2008 season. It is the recommendation to approve these licenses.

- \* Above Ground Storage – American Reclamation
- \* Above Ground Storage – JSL Asphalt
- Manufacturing of Asphalt – American Reclamation
- Manufacturing of Asphalt – JSL Asphalt
- Antique Autos – Dennis & Susan O'Brien
- Amusement – Dresser Hill Clam Box
- Junk & Old Metals – Ed Stalec

- Junk & Old Metals – Charlton Welding & Repair
- Manufacturing of Sand – American Reclamation
- Manufacturing of Sand, Stone, Gravel, Loam & Aggregate – Charlton Welding
- Storage of Unregistered Motor Vehicles – Charlton Well

Mrs. Craver noted that the application for R. Christiansen LLC has not been received but will be brought to the Board if requested. **Motion by Mr. Bacon to approve the licenses as read, seconded by Mr. Swensen, motion passes.**

*Earth Removal Permit.* Mrs. Craver stated that Joel Piekarczyk is requesting renewal of his Earth Removal permit for one year. The Building Commissioner has reviewed and approved of the renewal. We are still awaiting an updated bond, therefore the recommendation is to renew the Earth Removal permit for one year for Joel Piekarczyk of 21 Old Muggett Hill Road pending receipt of the updated bond. **Motion by Mr. Swensen to approve as requested, seconded by Mr. Bacon, motion carries.**

## VI. Old Business:

1. Casella Agreement. Mrs. Craver noted that a draft agreement was sent to the Board from Attorney Cox for review. As agreed by the Board to the residents of Flint Road, there would be no agreement to place a recycling center on the old dump site at this time. Please notice the revised language in the agreement which provides the drop off station to be optional and at the discretion of the Board. Mrs. Craver spoke with Chairman Boria today and he recommended removing the words transfer station from the document. **Motion by Ms. Walker to approve the revised agreement with Casella as suggested by Attorney Cox and forward to Casella for review, seconded by Mr. Swensen, motion carries.** Mr. Swensen had asked if any information has been received as far as this agreement for businesses. Mrs. Craver noted that no information is available at this time. Mr. Lane from 7 Flint Road questioned the drop off being available at some point and time. As he understands it, it's just the location to be decided upon. Any idea on how long it will take to find that location. Chairman Brown noted that the wording will just allow us to work with Casella for a suitable place that would work for everyone. Mr. Bacon suggested that prior to the Board making a final decision, that we hold a public hearing so all can be heard.
2. Outside Custodial Services. Mrs. Craver noted that this item was discussed at the Board's last meeting. The Finance Committee has approved and recommended the amount of \$7,800 to be placed in a Library Maintenance Account for outside custodial services. Since that time, the Board of Library Trustees have voted to award the outside custodial services to Cleaning Concepts for 30 hours a week. This company currently cleans the Police Station. The contracted service will be more that what was originally proposed therefore the Board of Library Trustees voted to use their most recent disbursement of state aid funds from the Massachusetts Board of Library Commissioners to make up the difference between the amount voted by the Finance Committee at \$7,800 and the amount necessary to contract with Cleaning Concepts \$11,700. At this time, she has not heard back from the Finance Committee as to what their recommendation is. The Finance Committee has sent by email a notice that they are withdrawing their previous motion and will hold another meeting for further discussion. **Motion by Mr. Bacon to postpone this item, seconded by Mr. Swensen, motion carries.**
3. Private Drive – Baker Pond & Partridge Hill Road – possible bylaw. Ms. Walker recused herself. Per the direction of the Board, Mrs. Craver and Mr. Bacon have worked with Attorney Cosgrove and attached a policy or bylaw that defines private ways and provides two exemptions – Baker Pond Road Ext and Partridge Hill Road.(see attached) It acknowledges that the town has plowed these two streets for over 20 years and provides a way to hold them harmless as the town defines plow-able roads. Mrs. Craver added that whether it becomes a

policy that requires an easement or is a by-law, both would have to go to town meeting. She would recommend the bylaw versus the policy. It gives the Board more to stand on. **Motion by Mr. Swensen to pursue this as a policy as opposed to a bylaw, seconded by Mr. Bacon.** Mr. Brown is extremely uncomfortable with pursuing this as a policy. It gives the Board the ability to set who we do what for versus town meeting. He has not seen anything that indicates this is anything but a private way. It's not on town records as a public or private road. Mr. Bacon feels that when roads were accepted, this road was omitted and he feels that we are just trying to rectify it. He also noted that maps have been brought forward showing that this is an old cart road. Mike Lally from Baker Pond Road Ext. came forward and would recommend the board approve this bylaw so that their road can be done again. The Town has already set the precedence by plowing for the last 20 years. Mr. Lally suggested the Board approve the recommendation for now to get them through the winter. Chairman Brown noted that even if the Board approves of this tonight, we can not act on it until after town meeting. Mr. Swensen stated that there is a history to this and at this point would be more comfortable with being voted on at town meeting. After discussion, **Mr. Swensen withdrew his motion.** Mr. Bacon does not want to withdraw his second. **Mr. Swensen amended his motion that we bring this before town meeting as a bylaw, seconded by Chairman Brown.** Chief Pervier asked if the Board can for emergency purposes, plow and maybe hold the bill to see what happens with the bylaw. **Motion by Mr. Bacon that the Highway Department be instructed to continue plowing and sanding that area till this is straightened out for the safety of all on that road and then let the town decide what happens after this, seconded by Mr. Swensen for discussion.** Mr. Swensen had questioned if we can do this legally. **Vote taken: Mr. Bacon – aye, Mr. Swensen and Chairman Brown – opposed. Motion does not carry.**

4. Chapter 137 of the Acts of 2003 (Compensation to Employees called to active Military Service) Mrs. Craver stated that at the Board's last meeting, Officer McGrath requested the Board of Selectmen consider compensation to employees called to active military service and the Board asked that it be placed on this agenda. Mrs. Craver noted that Chairman Boria had asked the Board to consider holding this item until the next board's meeting as he would like to partake in the discussion. The Board agreed.

## VII. New Business:

1. Invitation to Eagle Award Ceremony – Andrew Briand will be earning his eagle scout award on January 13, 2008 at 2:00pm at St. Joseph's Church. A certificate will be prepared for signatures. A member of the Board normally attends the ceremony to present the certificate. Office to see if Chairman Boria can attend and if not, Mr. Brown will.
2. FY2009 Budget Calendar – Mrs. Craver noted that she has already met with the financial team and they are recommending that the budget be created in a very conservative manner. She provided the board with a budget statement to level fund except where justification is warranted. The concern is that state aid may decrease as well as local receipts. There are mandatory increases that must be included in the Town's FY09 budget. Mrs. Craver would like to get approval from the Board to forward the information out to departments tomorrow. Ms. Walker agrees with the way Mrs. Craver has brought this budget forward and is happy that the Library is not included. She does have a concern with the amount of money set aside last year on environmental and legal counsel and should not be level funded this year. Mrs. Craver noted her agreement and stated that recommendations for cuts if possible, will be made. Motion by Mr. Bacon to approve the budget information as provided, seconded by Mr. Swensen, motion carries.
3. Clerical union request for ½ day Christmas Eve. Mrs. Craver stated that the Personnel Bylaws allow non union personnel a ½ day before Christmas as a holiday. The Clerical Union does not have this benefit in its contract and their representatives have asked her for consideration. She informed them that if 100% of their members provided a signed petition that if the town hall

closed for ½ day, they would either use their personal time or vacation time. Attached are those petitions. She would ask the Board to consider closing the town hall at 12:00noon on December 24, 2007. **Motion by Mr. Bacon to close the town hall on 12/24/07 at 12:00noon, seconded by Mr. Swensen, motion carries.**

4. Union contracts – Highway and Clerical. Mrs. Craver asked the Board how they would like to proceed to set up the negotiating teams. She had mentioned that Chairman Boria would like to be part of the Highway Negotiations. Chairman Brown suggested establishing two negotiation teams. **Motion by Mr. Swensen to set up two bargaining teams, one for Highway and one for Clerical, seconded by Mr. Bacon, motion carries.** For Highway, Chairman Boria has expressed interest and Vice Chairman Brown would like to be part of it. He feels they were successful last time. **Mr. Swensen would like to include in his motion that we establish two marketing teams and that for the Highway Negotiating Team, Chairman Boria and Vice Chairman Brown be appointed to serve in that capacity and Mr. Bacon to serve on the Clerical Negotiating Team and that the Town Administrator serve on both committees, seconded by Mr. Bacon, motion carries.** Ms. Walker returned to the table.
5. Request to establish a Fire Station Building Committee. Chairman Brown commended Chief Cloutier on a job well done preparing this proposal. Chief Cloutier thanked him and explained that the proposal in front of the Board is to establish a Fire Station Building Committee to work within the parameters set by the Board. Mrs. Craver recommended to include in Item 2 to ask the committee to task looking at 4 Dresser Hill along with North Main Street. (in close proximity to the town hall), #4a – wording should read to have the committee recommend to the Board of Selectmen, not choosing the project manager. In #4b, the committee should only be recommending, not enter into a contract. **Motion by Mr. Bacon to establish a Fire Station Building Committee, seconded by Mr. Swensen, motion carries.** It was asked if there is money set aside for this already and Mrs. Craver stated there is not. They would like to get the committee together and move forward. **Motion by Mr. Swensen to appoint Chief Cloutier as a member of the Fire Station Building Committee, seconded by Mr. Bacon, motion carries.** Mr. Bacon would only like to see one member from the Fire Department and the Chief not two. Mrs. Craver recommended having the Chief’s Administrative Assistant and a member of the Fire Union be appointed. **Motion by Mr. Swensen to appoint Steve Coleman from the Auburn Fire Department as the member from an area fire department. No second.** Ms. Walker would like to have it advertised first in case anyone else is interested. Mr. Bacon would also recommend that if anyone would like to be appointed, they should submit a letter stating why they would like to be on it. Mrs. Craver & the Board congratulated Chief Cloutier on passing his Chief’s Training.
6. Emergency Action Plan for Glen Echo Lake Dam. Mrs. Craver stated that in the packet is a memo from Karen Gauvin, Conservation Agent regarding the status of the Emergency Action Plan for Glen Echo Lake Dam. She notes that on August 1, 2006 the Board voted to fund this plan. Upon that request, Mrs. Gauvin had tried to save money for the town and resent to the DCR a copy of all the information that she had. Because Glen Echo Lake Dam is considered high hazard, DCR has not approved of this report and we would need to send in an updated one. Mrs. Gauvin has sought proposals to do this and would recommend that the Board of Selectmen award it to Tighe & Bond in an amount of \$8,500.00. Mrs. Craver commended Mrs. Gauvin for all her efforts. **Motion by Ms. Walker that we accept the proposal for the Emergency Action Plan for Glen Echo Lake Dam and award it to Tighe and Bond in the amount of \$8,500, seconded by Mr. Swensen, motion carries.**

VIII. Town Administrator Report Mrs. Craver reviewed her report. (see attached)

IX. Other Business Ms. Walker would like to commend Mary Devlin for all her hard work in putting all the information together for licenses.

Chief Pervier noted that they received another grant for \$1,400 completed by Lt. Ekman for traffic enforcement.

Mrs. Craver reminded the board that at the next meeting the Cable Committee will need to hold a public hearing for the upcoming negotiations with charter. Motion by Mr. Swensen to approve the holding of the hearing, seconded by Mr. Swensen, motion carries.

The Board of Assessors has recommended that they and the Board of Selectmen hold a millennium meeting on 1/15/08 at 6:00pm in the Assessors Office. Staff will post a joint meeting.

**VIII. Adjourn/Executive Session: Motion by Mr. Swensen to adjourn at 9:17pm, seconded by Mr. Bacon, motion carries.**

**XI. Next Meeting Announcement:**

- Next Regular Selectmen's Meeting – January 15, 2007

Respectfully submitted by:  
Mary C. Devlin  
Administrative Assistant

Accepted by:

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Peter J. Boria, Chairperson (absent)

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Scott D. Brown, Vice-Chairman

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Kathleen W. Walker, Clerk

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John R. Bacon, Member

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Frederick C. Swensen, Member