



TOWN OF CHARLTON
Minutes of Special Selectmen's Meeting
August 7, 2007

Submitted by _____

Date _____

Received by _____

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Present: Chairman – Peter J. Boria, Vice-Chairman – Scott D. Brown¹, Clerk – Kathleen W. Walker, member Frederick C. Swensen and Town Administrator - Robin L. Craver. Member John R. Bacon was absent. The meeting was held downstairs in the Senior Center.

Also in attendance: Board of Health members Barbara Dean and Willie Stevens, Attorney Bob Cox and Catherine Preston from Bowditch & Dewey, LLP.

Chairman Boria opened the meeting at 5:30pm.

Attorney Cox reviewed areas that dealt with the Board of Health. He explained that the Board of Health could be a participant and do cross examinations if the Town became an “intervener” for the Southbridge Board of Health (SBOH) public hearings. The Board of Health was not notified of SBOH’s meeting with Southbridge and questioned whether Casella had already submitted their application for site assignment. Attorney Cox noted that another issue for the Board of Health would be the possibility of a site assignment for the Town of Charlton. Mr. Cox suggested that due to the placement of a retention pond, it can be considered that Casella is operating a landfill in the Town of Charlton. Casella should come before the Board to apply for one. He noted that depending on where they are on the application with Southbridge, they might request a joint meeting with both Boards.

Mr. Swensen asked for a quick rundown on what a site assignment was. Attorney Cox stated that a Massachusetts Law requires the Board of Health and DEP to jointly designate areas in municipalities that are used for landfills. Because landfills are not as common as they used to be, it’s a very tiresome process.

Attorney Cox noted the second issue for the Board of Health is the authority to adopt regulations regarding the governing of trucks that are passing through town roads in Charlton. He thinks it will apply to Rt. 169 once the access road is put in. A question was asked if we could make regulations for Rt. 169 if it’s a state road. Attorney Cox believes we can due to Health regulations. The idea is that the Board of Health should be able to regulate these trucks. They should be able to access fees. Attorney Cox noted that we should throw this out to Casella tonight. Barbara Dean and Willie Stevens left the meeting at 6:00pm.

Chairman Boria noted that we have concerns regarding truck traffic. Possibly bring it up when we discuss with Casella.

Representatives from Casella: Joe Vitale - Marketing Manager, Gerry Galear – Division Manager for the Hauling Company, John Forese – Division Manager Landfill and Processing Company and Doug Casella – Co Chairman. entered at 6:05pm.

Chairman Boria thanked the members from Casella for coming to hear some of the Town’s concerns. He appreciates how cooperative they have been.

¹ Mr. Brown entered the meeting at 6:28pm.

1. Welcome/Introduction – all persons in attendance introduces themselves and where they are from.
2. Dick Tracy’s Nose – Land Swap – Chairman Boria touched base on what the land swap was and how the town of Charlton has the right to use the landfill if we chose and the Board would like to work with Casella so that all citizens of Charlton would be able to have use. Mr. Casella noted that in Southbridge, residents do not go to the landfill one by one. Mr. Casella noted that all the DEP permits in their possession show that no other towns could use the landfill but certainly it can change. Casella noted that they could not do anything for Charlton say tomorrow because it would be out of their guidelines for the Site Assignment that they have. They are working on it now to change a few things and could work with the Town. Chairman Boria noted that they would be changing the amount of tonnage a day and they noted that they are not changing the amount of tonnage, they are changing the allocation of the tons from C&D to MSW. They have two programs: One is single stream recycling where the person gets a 96 gal tote. No separation needed and no bags for recycling material. They presently have 4 household hazardous waste days a year. Casella noted that once or twice a year they get a visit from DOT who sets up a truck stop to check the brakes, etc. The second program is a recycling bank. People can redeem up to \$360.00 a year
3. Truck Traffic:
 - a. Proposed entrance onto Rt. 169. Chairman Boria asked if this could be addressed in the site assignment. Right now it’s not that bad but our concern is more truck traffic coming through Rt. 169 and Rt. 20 more for spillage. Attorney Cox noted that Southbridge is getting the benefit of the landfill and the Town of Charlton is getting the burden of the trucks.
 - b. Spillage/Odors. Mr. Casella noted that there are laws that are strictly enforced on this and they do their best to make sure all are in compliance.
4. Zoning – Casella Headquarters

39 Ayers Road, Charlton. Chairman Boria noted that there was a question if they are still operating on Charlton’s side. Casella said they moved everything out of there. There are still a couple of desks there but everything else is gone. There was a trailer and other items. It was removed within a week or two after our last meeting Chairman Boria asked if they would be interested in operating their office back in Charlton. They said they would certainly consider this if this made sense to the Town.
5. Possible Landfill Site Assignment – Board of Health. Chairman Boria noted that because of the retention basin on the landfill site within the Town of Charlton, that they should enter in a site assignment with our Board of Health. Attorney Cox noted that a site assignment is needed due to the retention basin because it’s part of the facility. Chairman Boria asked if the retention basin wasn’t there, how would they operate. Mr. Casella noted that they would have had it drain somewhere else. Mr. Casella said he would have to talk with his attorney. He did not think it a problem if you were trying to regulate the pond, but if your trying to regulate the landfill, he might have a problem with that until he understands the details.

Mr. Casella noted that he would like to have something more specific in writing for what the Town is looking for. They would like to keep the Board of Selectmen and the Board of Health involved as we are bordering neighbors. Chairman Boria asked if Charlton wanted to set up a transfer station could that happen. Casella noted that it could but it would have to be supervised. They did note that they could keep the Town informed by cc’ing whatever goes to Southbridge. They have not submitted a modification for site assignment to the Town of Southbridge yet. Single Stream recycling is done in Auburn. Chairman Boria asked if we wanted to offer our residents this same trash pick up, how would

we do that through Casella? Chairman Boria asked if we were to do a transfer station, would it be possible to do a transfer station for MSW. Mr. Casella noted that it could be done but the attorney would be very busy. We would have to go through all the steps that they did but it might be a little easier. The members of Casella noted that they would be able to work more with the board with something in writing. Break down everything such as how long do you wish to have a contract for and for what, etc. Decide what you want to do and Casella could put prices together. Chairman Boria noted that the town is trying to provide two household hazardous waste days a year for Charlton. Is there any way that we could join in with the four that Casella provides. They feel it would be okay but will need more information.

Discussion of when to meet again. Chairman Boria noted that hopefully Mrs. Craver and Mr. Cox would be able to provide you with information on the site assignment. Meeting will be Tuesday, September 4, 2007 at 6:30pm. Casella also noted that the Board should be aware that they are entertaining a piece of property on the corner of Carroll Hill.

Representatives from Casella left the meeting at this time.

The Board of Selectmen along with the attorneys left the Senior Center to continue their meeting in the Selectmen's Meeting Room.

Chairman Boria asked what everyone thought about zoning for Casella if they wanted an office. Ideally we could ask for free trash disposal. We would need to get Casella to agree with what we need before we can sell it to the people. Mr. Swensen feels we can only sell it if we can prove it's a cost savings to the town. Everyone would have to recycle. Attorney Cox noted that they are going to Southbridge and changing the site assignment to include Charlton, he doesn't think it's a big deal. The Board just wants the best deal for the residents that we can get. Ms. Walker feels that if Chairman Boria and Mr. Casella sat down over coffee, they might be able to work something out. Chairman Boria feels this is too big for one person. He feels that if Mrs. Craver and Mr. Cox come up with the reasons that they should go through site assignment with the Board of Health, they'll give that to their attorney then we will hear from their attorney. How firm is Mr. Cox that we go after them for a site assignment. Mr. Cox feels that the laws are very strict. Chairman Boria feels we should stand firm on the site assignment until we're ready to concede and what concede for that they waive any fees associated with collecting the MSW per ton and that because of that they will be getting a lot more Charlton residents so that they collect the recyclables. The more recyclables generated by the resident the less that resident will have to pay and because of that they are going to make money on the recyclable and the residents will pay less. It might be a pay per bag where recyclables are free. Mrs. Craver would like to add to the letter municipal trash pickup for municipal buildings.

6. Adjournment – Motion by Mr. Brown to adjourn at 7:50pm, seconded by Mr. Swensen, motion carries.

Respectfully submitted by:
Mary C. Devlin
Administrative Assistant

Accepted by:

Peter J. Boria, Chairperson

Scott D. Brown, Vice-Chairman

Kathleen W. Walker, Clerk

John R. Bacon, Member (absent)

Frederick C. Swensen, Member