



Submitted by UCD
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TOWN OF CHARLTON
 Minutes of Regular Selectmen's Meeting
 Tuesday – May 7, 2019, 6:30pm
 Selectmen's Meeting Room, 37 Main St., Charlton MA

Present: Vice-Chairman – Deborah B. Noble, Clerk – Karen A. Spiewak and Members – David M. Singer and William Borowski. Present by remote participation – Chairman – John P. McGrath. Also Present - Student Selectperson – Anya Grondalski. Absent: 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:

Acting Chairman Deborah Noble called the meeting to order at 6:30pm with the pledge to the flag. Ms. Noble stated that Chairman McGrath is participating by remote participation due to geographical distance. She asked if Chairman McGrath could hear and if he was present and the answer was yes. She noted that all votes will be taken by roll call vote. She welcomed new member William Borowski. Selectmen Borowski thanked everyone for coming out to vote. He expressed his gratitude to his colleagues and the staff at town hall.

II. Consent Agenda:

1. Minutes of Regular Meeting – April 23, 2019. **Motion by Mr. Singer to approve, seconded by Ms. Spiewak.** Mr. Singer asked about an item attached to the agenda. He asked if that is a separate list. Acting Chair Noble said that is a list that Ms. Devlin put together. Ms. Devlin said that Ms. Spiewak asked for a copy of the list to show what is needed to be done after each meeting. Mr. Singer would ask for one correction. He said for the marijuana establishments, he asked for that for this meeting not the 21st. **Motion passes with Mr. Borowski abstaining.**

III. Community Relations, Announcements and Open Forum:

- Student Selectperson – Anya Grondalski read the announcements.

IV. Appointments/Resignations:

1. Appointment – Conservation Commission Alternate. Todd Girard came forward with members from the Conservation Commission: Mitch Dunn, Robert Harwig, Arthur Bellerieve, Ed Nowak and Ron Royer. Acting Chair Noble stated at the Annual Town Meeting held on May 21, 2018, the town voted to petition for a legislative act to authorize the Board of Selectmen to appoint two alternate Conservation Commission members to serve staggered terms not to exceed three years which was approved January 1, 2019. Attached is a talent bank form from Bonnie Dunn Drake of Grandview Ave. seeking to be appointed as an Alternate member to the Conservation Commission. The Conservation Commission is recommending the appointment as well. This will need to be a joint appointment of both the Board of Selectmen and the Conservation Commission. Both boards are posted with the Town Clerk. Mr. Dunn called the Conservation Commission meeting to order. **Motion by Mr. Hartwig to appoint Bonnie Dunn Drake as the Alternate Member of the Conservation Commission, seconded by Mr. Nowak. Roll call vote taken: Mr. Hartwig – aye, Mr. Bellerieve – aye, Mr. Nowak – aye, Mr. Royer – aye and Mr. Dunn – aye. Roll call vote by Selectmen: Ms.**

Spiewak – aye, Mr. Singer – aye, Mr. Borowski – aye and Acting Chair Noble – aye. Ms. Noble thanked Ms. Dunn Drake and the Commission for coming back.

2. Appointment – Civilian Traffic Commission – The board is being requested to appoint Derek Gaylord to the Civilian Traffic Commission. Chief Maxfield is making this request. He feels that Officer Gaylord would be better suited to address complaints to the public as he is the one out there doing the enforcement. He will be their department’s representative moving forward. **Motion by Mr. Borowski to appoint Derek Gaylord to the Civilian Traffic Commission, seconded by Mr. Singer, motion passes.**

V. Scheduled Appointments:

VI. New Business:

1. Re-organization of the board. Acting Chair Noble asked the board if they would take this out of order since Chairman McGrath is on the phone so he can participate. Per the Town’s bylaws, § 50-7. Organization.

The Selectmen, within seven (7) days after each Annual Election, shall meet, elect a Chairperson and otherwise organize, and fix the time and place of their regular meetings. They shall adopt their own rules of procedure. In the past, once the chair is chosen, the present chair will finish the meeting and the new chair would take effect the next day. This discussion is held by the board to choose a Chairman, Vice-Chairman and Clerk.

Motion by Ms. Spiewak to nominate David Singer as Chair, seconded by Mr.

Borowski for discussion. Mr. Singer would like to accept that nomination but wanted the board members to understand that due to his employment, there are times that he would have to work evenings to attend events and may miss a few meetings. **Roll call vote taken: Ms. Spiewak – aye, Mr. Borowski – aye, Mr. McGrath – aye and Ms. Noble aye. Motion by Mr. McGrath to nominate Deborah Noble as Vice-Chair. No second.**

Mr. Singer said as the chair, he will vote on any nominations but will not nominate or second any motions as the incoming chair. **Motion by Mr. Borowski to nominate Karen Spiewak as Vice-Chairman, seconded by Ms. Spiewak. Roll call vote taken: Mr. McGrath – aye, Mr. Singer – aye, Mr. Borowski – aye, Ms. Spiewak – aye and Ms. Noble – abstain. Motion by Ms. Spiewak to nominate Mr. Borowski as Clerk, seconded by Mr. McGrath. Roll call vote taken: Mr. McGrath – aye, Mr. Singer – aye, Ms. Spiewak – aye, Mr. Borowski – aye, Ms. Noble – aye.** Chairman McGrath said he appreciates everyone’s support when he was chair. Chairman McGrath left the meeting at 7:34pm.

2. Request for Common Victualler license (coffee/food) – Dresser Hill Ice Cream. Attached is a request for a Common Victualler’s (coffee/food) license for Caryn M. Raymond – Dresser Hill Ice Cream. The hours of operation will be Sunday through Saturday from 11:30am – 10:00pm. She has completed the proper paperwork needed for this request. It is recommended the board approve the request. Caryn Raymond came forward. **Motion by Mr. Singer to approve the request, seconded by Ms. Spiewak.** Ms. Raymond introduced herself and said she has lived in Charlton all her life and she is looking forward to opening Dresser Hill for the summer. **Vote on motion: motion passes.**

3. Site Plan Approval – East End, LLC. The Planning Board has provided you with a copy of an application submitted to them by East End, LLC, 9 North Main St., Charlton, MA for site plan approval to construct a 3,200 square foot commercial building at 166 Worcester Road. Presently existing on the site is an approximately 2,500 square foot commercial building which will remain open. The property is a corner lot located on the southwest

corner of the intersection of Route 20 and L Stevens Road. The property ID is Assessors Map 35, Block C, Parcel 4 and is zoned Community Business. You are asked to review and provide any comments to the Planning Board no later than Tuesday, May 14, 2019. No comments by the board.

VII. Old Business:

1. FY20 Annual Town Meeting – Draft Motions. Attached is the May 20, 2019 Annual Town Meeting warrant with draft motions. The board is asked to review the motions and approve. You will be meeting with the Finance Committee next Tuesday, May 14, 2019 at 6:30pm to review the budget. The motions have been reviewed by Attorney Cosgrove and Finance Director Donna Foglio. Please note that the Planning Board is responsible for submitting motions for their articles which they are working on. The motions for the Citizens Petitions are to be supplied by the citizens. What are the board's wishes?
Article 1 – Election ballot question – no action needed
Article 2 – Town Reports
Article 3 – Litigation
Article 4 – Appropriation of funds for unpaid bills of a prior fiscal year. **Motion by Mr. Borowski to approve the motions for Articles 2 – 4 as written, seconded by Mr. Singer, motion passes.**
Article 5 – Inter/Intra Departmental Transfers for FY19 - **Hold**
Article 6 – Town Budget – **Hold**
Article 7 – Water Department Budget (Enterprise Fund)
Article 8 – Sewer Department Budget (Enterprise Fund) – **Motion by Mr. Borowski to approve Articles 7 & 8 as written, seconded by Mr. Singer, motion passes.**
Article 9 – Capital Items and Related Contracts – **Motion by Mr. Borowski to approve, seconded by Mr. Singer, motion passes.**
Article 10 – Transfer of funds to and from stabilization fund account - **Hold**
Article 11 – Cemetery Perpetual Care – **Motion by Mr. Borowski to approve, seconded by Mr. Singer, motion passes.**
Article 12 – General bylaw amendment – Department of public works & superintendent
Article 13 – Personnel bylaw amendment – classification plan update. **Motion by Mr. Borowski to approve, seconded by Mr. Singer, motion passes.**
Article 14 – Personnel bylaw amendment – Human Resources Department, Personnel Board. Mr. Borowski reviewed section 2 and would like to put forth for a future discussion, is working with the Personnel Board and discussing whether or not the Human Resources Director should report directly to the Board of Selectmen. Mr. Singer agrees with Mr. Borowski. He thinks what Mr. Borowski is saying is to change the direct report and that person would come to this board for any department head issues not just the Town Administrator. Ms. Spiewak said what she asked for was changed by Attorney Cosgrove and it's appropriate. John Smith from Dresser Hill Road came forward. He said just reading through the grievance process, it seems like everything goes through the Town Administrator and said that maybe the board would like to check that language. Ms. Devlin recommended the board meet and have a discussion with the Personnel Board because they sponsored the article but the board was included because Ms. Spiewak asked for something to be included. She also explained that when a grievance comes through it goes to the Town Administrator who provides them to the board.
Article 15 – Revolving Funds – **Motion by Mr. Borowski to approve as written, seconded by Ms. Spiewak.** Ms. Spiewak asked if we should hold until next Tuesday. **Mr.**

Borowski rescinded his motion. Ms. Spiewak rescinded her second. Ms. Devlin recommended the board vote on this so the Finance Committee will be notified. Ms. Foglio said the only thing that has changed was Recycling Revolving Fund that went from \$1,000 to \$5,000. **Motion by Mr. Borowski to approve as written, seconded by Ms. Spiewak, motion passes.**

Article 16 – New public safety building complex – construction – Mr. Borowski stated that he is in favor of this project. He has toured both buildings and feels this is not a want but a need. He has a question regarding the funding and the motion. He said in doing research, he found a memo from 2016 he found that Exxon Settlement in cash was to be used for water purposes. He asked if this was ever an official vote and was it ever rescinded. He has concerns only with the funding mechanisms. He's been to some meetings where there was discussion of a possible plume. He asked if we are opening up ourselves to risk if we re-allocate this money to the Public Safety Building when we could be using other funds. Mr. Singer said as the plume moves it goes into an entirely different neighborhood and that would be treated as a different issue for Exxon Mobil. It would be completely separate from any of the funds we've received. Mr. Borowski said his only concern if we didn't have that money is for emergency purposes in case the plume moved, we'd have this reserve fund to take immediate action and then pursue any and all damages against Exxon once again. Donna Foglio came forward and said when there is a court settlement, it was an 8 million dollar settlement, charges were deducted for legal from it, that money is supposed to go into the general fund unless you get special legislation, special approval from the state DOR. When she first started here there was a very large document sent to the Department of Revenue by the Town Administrator of how they would like this money and what to use this for and not put it in the general fund. It paid monies back for betterments and abatements for everyone and pay off remaining debt which was paid. There was money put aside for a Water Superintendent and a portion put aside for water capital and a portion set aside for general fund debt. This was a settlement to taxpayers not just rate payers. Pete Boria W/S Superintendent and Rob Lemansky, W/S Chairman came forward. Mr. Boria said at last night's Water/Sewer Commission meeting, the board discussed the same article. The motion wasn't out yet stating that this funding source was going to be used for the public safety building. They discussed their concerns and made a motion to amend the motion on town meeting floor. He saw that this was going to be discussed tonight and thought this would be the best time for the discussion. He had a discussion with Ms. Foglio this afternoon and thought having this discussion tonight with the board as to why they think the money should be set aside not for water only but until they get further in their water exploration because it was a settlement from Exxon Mobil. Right now they have about \$25,000,000 to \$30,000,000 infrastructure in the ground that the town owns and is responsible for upkeep. They have minimal revenue coming in to fund that upkeep. Mr. Boria said they are not against the project but as far as water goes, the town has identified a priority to find it's own water supply to be able to get away from Southbridge and they are in the process of doing that. They had an engineer come in yesterday to give an update on the testing at Buffumville and it's positive. The commission has voted to move forward with it. They have a town meeting warrant article to purchase 2 parcels by Buffumville that will allow them to own the property to possibly develop in the future as funding becomes available. They are asking not to use this 2.2 million for the public safety building. They would ask the town to consider funding the building from a debt exclusion. Mr. Lemansky reviewed the document as to how this money was to be spread out. It is a press release. He brought up Konico and money that was given to the

town and he doesn't think any of that was used to the advancement of water or mitigation of contaminants in town. He said they are trying to be as smart as possible with these funds. Mr. Singer said we need the water source and we need the building. He agrees we will need to have an exclusion and would ask that we reach out to Fin Com for their support in putting the \$2 million to the debt exclusion and leaving this money available for water. Mr. Singer asked if our office could notify the Finance Committee of this conversation and Ms. Foglio said she would let them know. Mr. Borowski said he couldn't find any reference to this in the Water/Sewer minutes. Mr. Boria said he thought it would have been executive session and would check his records. He also asked for the Board's support for Article 17 as well. He also said that the Commission approved articles 7 & 8. Mr. Lemansky said they already have the funds for Article 17. **Hold**

Article 17 – Transfer of funds for purchase of Gale Road properties for public water supply. **Motion by Mr. Singer to approve, seconded by Mr. Borowski, motion passes.**

Article 18 – Transfer Exxon Funds for future water capital projects. **Hold**

Article 19 – Zoning bylaw amendment pertaining to energy storage

Article 20 – Zoning bylaw amendment pertaining to power facilities

Article 21 – Zoning bylaw amendment pertaining to site plan review

Article 22 – Zoning bylaw amendment pertaining to penalties for zoning violations

Article 23 – Zoning bylaw amendment pertaining to the removal of the moratorium on large scale ground mounted solar energy systems adopted at the 2018 annual town meeting and to adopt a new section 200-5.21, large solar energy systems

Article 24 – Zoning Ban – Marijuana. Acting Chair Noble said the Planning Board will be discussing this at their meeting tomorrow night. Mr. Borowski said because the warrants been closed, people have been asking why are we voting on this. He said one option is to postpone indefinitely. He said his recommendation is that this has been decided by the town and his personal opinion is that we should indefinitely postpone.

Article 25 – Number of recreational retail marijuana establishments

Article 26 – Retail sale of marijuana

Article 27 – Zoning map amendment

Article 28 – Special legislation to amend Charlton recall special act

Ms. Devlin asked the board if they could vote on the motions for the articles. Ms. Spiewak said she would like to meet with Fin Com first because she might change her decision on some. Mr. Singer said we could go through the ones that are non-issues and approve those. Ms. Foglio recommended meeting with the Fin Com sooner. The Board reviewed the articles.

VIII. Committee Reports:

IX. BOS Policy Review:

- X. Student Selectperson Report: Anya Grondalski provided an update on Shepherd Hill activities. She asked the board to discuss the mock town meeting warrant which has five articles. She asked the board to review and see if they had any recommendations. She asked if the pamphlets should be used again and would ask if Mr. Philbrook could attend regarding the vaping. Ms. Noble will contact Mr. Philbrook. Ms. Grondalski asked for at least two selectmen to attend. Mr. Singer asked if it would be televised and Drew Anderson said he would take care of it. Mr. Singer reviewed the articles and read them. Article 1 – Internet Safety at School, Article 2 – Juuling/Vape, Article 3 – Bus Videotaping, Article 4 – Budget Plan and Article 5 – School Uniforms.

XI. Town Administrator Report – Not present

XII. Other Business: Mr. Singer would like to request that we establish another committee. This one would be the sex offender bylaw committee. He would like them to explore and bring this back. Mr. Singer said this was passed at town meeting. Later certain people decided to pursue to remove it from our bylaws. He was the one that crafted that bylaw. He would like to bring a committee together to review this. Ms. Noble asked Ms. Devlin to put it on the next agenda under New Business.

XIII. Next Meeting Announcement:

- Special Meeting – BOS – May 13, 2019 – BOS Meeting Room
- Special Meeting – BOS / Finance Committee – May 14, 2019 – 6:30pm – Selectmen’s Meeting Room
- Pre-Town Meeting – Monday, May 20, 2019 – 6pm – Selectmen’s meeting room – reconvene to Charlton Middle School for Town Meeting at 7pm
- Regular Board of Selectmen’s Meeting – May 21, 2019 – 6:30pm – Selectmen’s Meeting Room


XIV. Adjourn/Executive Session: **Motion by Mr. Borowski to adjourn at 7:36pm, seconded by Ms. Spiewak, motion passes.**


Submitted by:
Mary C. Devlin
Administrative Assistant

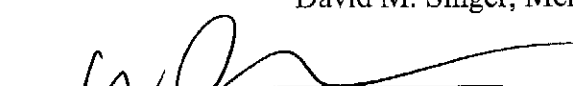
Accepted by:

John P. McGrath, Chairman (remote participation)

Karen A. Spiewak, Clerk


Deborah B. Noble, Vice-Chairperson


David M. Singer, Member


William F. Borowski, Member