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TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
Tuesday – January 8, 2013

Present: Chairman – Peter J. Boria, Vice-Chairman – Frederick C. Swensen, Clerk – Brent Sellew and Members – Kathleen W. Walker and David M. Singer¹. 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 Boria called the meeting to order at 6:30pm with the pledge to the flag and a moment of silence for Cynthia M. Boyd who worked for 35 years as a mathematics teacher as well as a Department Coordinator for the Mathematics Department at Shepherd Hill. She was this year's senior class advisor, has coached the math team, the high school quiz team and the school ski club. The National Honor Society at Shepherd Hill won many awards under her leadership.

II. Consent Agenda:

1. Minutes of Regular Meeting – December 18, 2012. **Motion by Ms. Walker to approve the minutes of December 18, 2012, seconded by Mr. Swensen, motion carries unanimously.**

Community Relations, Announcements and Open Forum:

- Chairman Boria read the announcements
- Mr. Swensen reminded citizens that the Charlton REAS Foundation will be holding the Taste of the Towns on January 26th from 6:00 – 9:30pm at the Overlook. This program helps Charlton Seniors with their heating costs.
- Ms. Walker stated that the Fay Mountain Farm committee is meeting on January 23rd at 6pm at the Farm.

IV. Appointments/Resignations:

1. Appointment – Cultural Council. Mrs. Craver stated that attached is a talent bank form from Ms. Heath Drury Boote of 3 Doric Circle seeking to be appointed to the Charlton Cultural Council. The Charlton Cultural Council has been seeking volunteers for quite some time. **Motion by Mr. Swensen that we appoint Ms. Heath Drury Boote to the Charlton Cultural Council, seconded by Mr. Sellew, motion carries unanimously.**
2. Appointment – Historical Commission. Mrs. Craver stated that attached is a talent bank form from Christina McKenzie of 3 Danforth Lane seeking to be appointed to the Historical Commission. The Historical Commission has met with Ms. McKenzie and would recommend the appointment. **Motion by Mr. Swensen that we appoint Christina McKenzie to the Historical Commission, seconded by Mr. Sellew, motion carries unanimously.**
3. Appointment – Alternate Wiring Inspector. Mrs. Craver stated that attached is a recommendation for a second alternate for the Inspector of Wires from Joseph Ostrowski, the Town of Charlton Wiring Inspector. Mr. Ostrowski is recommending the appointment of Thomas Keller, Inspector of Wiring for the Town of Auburn, MA who will be available to perform inspections in town if Mr.

¹ Mr. Singer entered the meeting at 6:47pm

Ostrowski or Todd Chalupka, the Assistant Wiring Inspector is not available. Mrs. Craver would recommend the Board make this appointment. **Motion by Mr. Swensen that we appoint Thomas Keller as an Alternate Wiring Inspector, seconded by Mr. Sellew, motion carries unanimously.**

V. Scheduled Appointments:

7:30pm – Oxbow Variety – Public Hearing. Mr. Singer recused himself from the hearing. Chairman Boria stated that this public hearing is called pursuant to Massachusetts General Laws, Chapter 138, section 23 and opened the hearing by reading the notice of public hearing. Chairman Boria asked the Police Department Representative to come forward and give his report. Daniel Dowd came forward and stated that on October 11, 2012, the Charlton Police Department conducted alcohol compliance checks on all package stores. On this date, a person under 21 years of age was sent into the Oxbow Variety Store, 3 Oxbow Road while the officer remained in clear view of the entry door. The officer observed the person under 21 years old exiting the store with a six pack of Smirnoff Ice Raspberry Burst. The officer immediately took possession of the alcohol. He then went back into the store and spoke with the cashier who had just made the sale. The officer advised the cashier that she had just sold to a party under 21 years of age who had produced no identification. Chairman Boria asked the licensee to come forward. Frank Fennessey, Attorney for Oxbow Variety came forward as well as Ajay Nalamada. Mr. Fennessey stated that the store acknowledged this took place. The employee that was working that night was new and had not completed the alcohol training yet. Mr. Fennessey stated that they have the completed certificate of training for that employee. This was an unexpected event. It was stated that the employee started working for Oxbow on October 4, 2012. Ms. Walker thought we had a policy in place that you couldn't serve alcohol unless you took the class and also how long does it take to complete the class. Chief Pervier stated that he thought there was a window period for new employees to take the class. Mr. Nalamada stated that it takes about a week to ten days. It was asked if they were the same owners seven years ago when this happened and they answered yes. Chief Pervier stated that going forward, the Board may want to contemplate a probation time frame. Chairman Boria stated that the last time this happened, the Board did the following:

- Suspend license for five (5) days
- Cover all coolers
- Remove all bottles from shelves
- Lock all cooler doors
- Place a note on the door of the establishment and on cooler indicating alcohol sales cannot be made during suspension. The notice must contain the date(s) of suspension.
- The Police should be notified and must check daily to make sure establishment is in compliance.
- If any violation occurs during the "Suspension" period, the Board of Selectmen will automatically revoke the license
- Licensee and staff required to view a video provided by the Police Department regarding alcohol sales and have each employee and owner sign a statement that they have viewed the video.

Chairman Boria feels the Board should follow through and do at least what was done last time. Mr. Fennessey questioned Chief Pervier by asking that the Police haven't done this in the past seven years. Chief Pervier stated that he would have to review the records. He doesn't know if it's been since 2004. **Motion to close the hearing at 7:48pm by Mr. Swensen, seconded by Mr. Sellew, motion carries unanimously. Motion by Ms. Walker that we repeat the same restrictions that we did in July, 2004 which were:**

- **Suspend license for five (5) days**
- **Cover all coolers**
- **Remove all bottles from shelves**
- **Lock all cooler doors**
- **Place a note on the door of the establishment and on cooler indicating alcohol sales cannot be made during suspension. The notice must contain the date(s) of suspension.**
- **The Police should be notified and must check daily to make sure establishment is in compliance.**
- **If any violation occurs during the “Suspension” period, the Board of Selectmen will automatically revoke the license**
- **Licensee and staff required to view a video provided by the Police Department regarding alcohol sales and have each employee and owner sign a statement that they have viewed the video**

Seconded by Mr. Swensen. Mr. Swensen asked Chief Pervier if they still have the tape and the Chief said he will make sure they have one. It was stated that the owner will have the right to appeal to the A.B.C.C. within five (5) business days of notification of the Board’s decision. Mr. Sellew asked if this was too harsh for one violation? Last time it was seven violations and this is what was done. Ms. Walker stated that the logic sounds good but there hasn’t been any checks done in the last seven years that we know of. **Vote on motion: three in favor, Mr. Sellew opposed.** Discussion of when to enforce the suspension. Chief Pervier will work with the owner.

VII. New Business:

1. Winter Parking Ban. Mrs. Craver stated to please find attached BOS policy number 47 – Winter Parking Ban which states: *A winter parking ban will be in effect during and 48 hours following a snowstorm of over three inches from November 15th through April 15th for this upcoming and all ensuing winters on all streets in the Town of Charlton.* Mrs. Craver would ask the Board to consider, because it is already a policy in place, to allow staff to do the advertising as needed every year without the need to bring it to you at a meeting. It has already been placed on cable and the town’s website. Chairman Boria questioned the snow on sidewalks. It is the responsibility of the property that abuts it. He asked if we could add this information to any advertising that we have on the snow ban. Chief Pervier came forward and stated that we visited the winter parking ban and he thought that we changed it to any snow storm that we had instead of any particular time of year. It was stated that one of the Board’s goals is to review the policies and it can be discussed at that time. Mr. Sellew stated that in other towns, they have a sidewalk policy that it has to be cleaned up in 24 hours or they would suffer a violation. Mrs. Craver asked if the Board would like both of these items on the next meeting for review. The Board agreed. Chairman Boria asked Chief Pervier if it is illegal for a plow truck to plow across the road to clear a driveway and the answer was yes. Chairman Boria asked if this could be added to the notice as well. Chief Pervier stated that there are some instances where the plows have to do this.
2. Request for proposals – aboveground fuel tank installation. Mrs. Craver stated to please find attached a request for proposals that she has prepared for the aboveground fuel tank installation which will be installed at the new Highway Garage Facility at 100 Flint Road. As you are aware, the old fuel tank that was located at the old landfill broke and we have not been able to find anything to show it is still under warranty. At present, we are using a new gas fueling system that requires all employees using town vehicles to use a card to purchase gas. Does the Board have any questions or comments regarding this RFP? If not, she will start the process of advertising. Mrs. Craver stated that the Chiefs and Highway Superintendent as well as Gary Magnusson, our LSP has been involved in reviewing this proposal. **Motion by Mr. Swensen to move forward with**

this RFP, seconded by Mr. Sellew, motion carries unanimously. Chairman Boria asked Mrs. Craver to forward this to the Finance Committee as they were involved in the procurement process and they asked to be kept informed.

3. Board of Selectmen – sub-committees. Mrs. Craver stated that Selectperson Walker has decided not to continue on the Municipal Building Committee to make room for another Board of Selectmen member. Mrs. Craver sent an email to the Board stating that this would be added to the agenda for a new board member appointment. She also asked in her email if any other board member wished to be removed from any committee that they are on or possibly be on one they haven't had the opportunity to serve on yet. She has not received any responses from any Board members so she would ask the Board to appoint a new BOS member to serve on the Municipal Building Committee. Chairman Boria asked if there were any nominations? Mr. Sellew stated that he would volunteer. **Motion by Mr. Swensen to nominate Mr. Sellew, seconded by Mr. Singer, motion carries unanimously.** Chairman Boria asked Mrs. Craver if she could generate a list of what committees and sub-committees there are and what the board is on. Mrs. Craver stated she would have it for the next Board's meeting.

VIII. Old Business:

1. Draft letter to Representatives regarding gun laws. Mrs. Craver stated that at the Board's last meeting, she was asked to draft a letter to our representatives asking them to review the Massachusetts State Laws regarding the sale and distribution of guns in our State. She emailed the draft to all Board members for review. Mrs. Craver asked how the Board wishes to proceed at this time. **Ms. Walker stated that she read the letter and thought it was excellent and she would support sending it to the Governor and made a motion to do so, seconded by Mr. Swensen.** Mr. Singer stated that he has several issues with this letter. He doesn't feel it touches on the biggest problem which is mental illness, not guns, video games or movies. He feels it would be a mistake to send a letter. He has another concern in that a few meetings ago, he brought up a request to send a letter to our legislators for Molly's bill/EZ-ID. At that time, he was told this board had a policy that we do not send letters that are put forth at a selectmen's request that night without advance notice on the agenda so other selectmen would have an opportunity to research it before any action or votes are taken. His request was postponed and no action was taken at that meeting. Mr. Singer stated that at the last meeting, the same scenario came up. A Selectman put forth a request to send a letter to the legislators that was not on the agenda. The policy he was told existed, was not followed, action was taken and the vote went through and we are now sending a letter. He would like to know if he was given incorrect information several meetings ago and we actually do not have a policy. If that is the case, he is concerned that he was given incorrect information at a selectmen's meeting that affected the outcome of that meeting and if that's not the case and we actually do have a policy and the information was correct, then he would like to know why, at the last selectmen's meeting, the policy was broken and an acceptance was made. He feels all selectmen should have to follow the same rules. If that was the case, no votes should have been taken at the last meeting and it should have been held until this meeting. Chairman Boria stated that there is no written policy. Mr. Singer has an issue with this now because his request was put off for two weeks. Had his vote request not been put off, the outcome could have been different. Chairman Boria stated that when Mr. Singer brought this up, he asked him to give the board two weeks to review Molly's ID and have time to make a decision after that. Mr. Singer stated that he was told by the Town Administrator that it was policy. Chairman Boria stated that it was a motion made in open forum, seconded and passed. They have every right to do this under Robert's Rules of Order. Mr. Singer stated that he was not allowed to do this. Chairman Boria stated that he asked Mr. Singer to hold off on this for two weeks, he didn't say he wasn't allowed. Mr. Singer stated that he was told by the Town Administrator that we actually had a policy which

was we don't really do this because we have a lot of members on the board and should give them the opportunity to do the research. Mrs. Craver clarified that at the Board's goals & objectives meeting, the Board had discussed this as an issue of people wanting something to be acted on without it being on the agenda. It was part of the goals and objectives, she does not think she said a policy. Mr. Singer stated that with all due respect, he completely disagrees. The way it was put to him was that this was a Selectmen's policy that we didn't do this out of respect for other selectmen so they would not be caught off guard and have time to do the research. The fact that he was told one thing and at the last meeting, a selectman did the exact thing and was allowed, we should have been given the opportunity to do the research before the letter is sent. Mr. Singer will not support this letter and would ask that we put some sort of policy in place so that we don't have these kinds of discrepancies or confusion in the future. Chairman Boria asked if there was any discussion on the letter? Ms. Walker asked if it would be appropriate to read the letter and the Chairman did. Mr. Singer pointed out that the letter is asking us to affect legislation by asking them to possibly change legislation. Vote on motion: **Ms. Walker and Mr. Swensen – aye, Mr. Sellew, Mr. Singer and Chairman Boria – no, motion does not carry.** Ms. Walker suggested that we write a revised letter with the addition of supporting more mental health issues. She agrees with what Mr. Singer stated. Mr. Singer stated that he would be happy to see Ms. Walker craft a letter regarding mental issues. Beyond that, he cannot support a letter that's going to seek to further sanction gun laws in Massachusetts. If the letter was crafted that addressed mental issues and the need to deal with that as a result of what happened in Sandy Hook. Ms. Walker stated that the tragedy would not have happened if the terribly deranged young man hadn't had access to the guns he had access to. Mr. Singer stated that it doesn't matter what kind of a gun, if a person knows how to fire a firearms they can. Chairman Boria asked Chief Pervier if there was already a ban on assault weapons and the Chief stated there is. Chief Pervier also stated that the mental illness needs to be expanded so it can be shared from state to state. **Chairman Boria stated that because there is a weapons assault ban in the state, he asked the Board to reconsider the original motion and would make a secondary motion that we do not send a letter asking the legislators to look at this, seconded by Mr. Singer. Vote on motion: 4 in favor, Mr. Swensen opposed.**

2. Budget Calendar – BOS scheduled to open ATM warrant. Mrs. Craver stated that the Board approved the attached FY2014 budget calendar at your meeting of November 13, 2012. You are scheduled tonight to open the Annual Town Meeting warrant and she would ask the Board to make a motion to do so. **Motion by Mr. Swensen that we open the Annual Town Meeting warrant, seconded by Mr. Sellew, motion carries unanimously.**
3. Charlton Police Department Detail Policy. Mrs. Craver stated that at a previous meeting, the Board discussed with the Chief of Police and Town Auditor, an issue regarding the collection of police detail monies from vendors. There was an estimated deficit in the account of \$200,000. The Chief was asked to reconcile with the Town Accountant and has made progress. He was also asked to provide the Board with a policy so that the detail payments would be systematically processed. Please see attached, the proposed Policy the Chief is recommending. He will also give you and update on the status of collections. Chief Pervier came forward. He gave a run through of the policy itself. Mrs. Craver thanked the Chief and Town Accountant for working on this. Mrs. Craver asked if this should become a Board of Selectmen policy as well as an internal policy. Mr. Singer asked if we can require the contractor or whoever to put a deposit down and the Chief would defer to someone with more legal expertise to answer. Chairman Boria feels the policy is for the department only and he doesn't feel the board would have to take action on it. Chairman Boria ended the discussion at this time to open the public hearing scheduled at 7:30pm. After the public hearing, this item was brought back up for discussion. Mr. Singer returned to his seat. Chief Pervier stated that there is roughly \$40,000 outstanding for 2012. It was asked if the Chief could

break it down by fiscal year and he said he couldn't do that yet. He did state that he would report back to the board in 30 days of where they are at. Mrs. Craver asked if the Chief has discussed this policy with the union or do we need to impact bargain. Chief stated that President McGrath has been advised. This should not impact the union members. President McGrath was present and said there are two items, #10 he would ask to modify to say if the detail occurs in Charlton. The Chief can add that. Mr. McGrath also stated that #8 – they won't get paid until the contractor or vendor has paid? Chief Pervier stated that is how it's done now. Mr. McGrath said that he has never worked out of town so he would have to ask the other members of the union for clarification.

IX. Student Selectperson Report – Michaela Carofaniello reviewed her report of items happening at Shepherd Hill.

X. Town Administrator Report: Mrs. Craver reviewed her report.

XI. Other Business: (unknown at time of posting)

1. Mrs. Craver stated that a letter came in yesterday regarding Molly's Law. She read the letter.

XII. Next Meeting Announcement:

- Special Meeting – January 19, 2012 @ 10:00am / WRTA Bus Route
- Special Meeting – January 19, 2012 @ 12:30pm / National Grid
- Regular Board of Selectmen's Meeting – January 22, 2012

XIII. Adjourn/Executive Session:

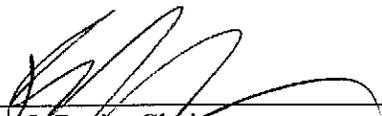
Motion by Mr. Singer that the Board enter into executive session at 8:16pm under M.G.L. c. 30A, Sec. 21, #3 to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body if the chair so declares, seconded by Mr. Swensen. Roll call vote taken: Ms. Walker – aye, Mr. Swensen – aye, Mr. Sellew – aye, Mr. Singer – aye and Chairman Boria – aye.

Chairman Boria declared that an open meeting may have a detrimental effect on the negotiating position of the public body and that the Board will reconvene to open session for the purpose of adjourning.

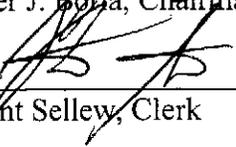
Motion by Mr. Swensen to adjourn at 8:50pm, seconded by Ms. Walker, motion carries unanimously.

Submitted by:
Mary C. Devlin
Administrative Assistant

Accepted by:



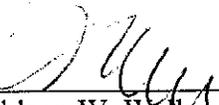
Peter J. Boria, Chairman



Brent Selley, Clerk

Frederick C. Swensen, Vice-Chairperson

David M. Singer, Member



Kathleen W. Walker, Member



**TOWN OF CHARLTON
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Phone: (508) 248-2206
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TO: Board of Selectmen
FROM: Robin L. Craver, Town Administrator 
DATE: January 3, 2013
SUBJECT: Town Administrator's Report – for Selectmen's meeting of 1/8/13

WRTA Bus Meeting – A meeting has been scheduled for Saturday, January 19, 2012 at 10:00am in the Selectmen's Meeting Room for citizens to attend and discuss transportation in Charlton.

Town Hall –abandonment of a public water supply Attached is a pdf copy of the approval of BRP WS36 Transmittal X253309 for the Charlton Town Hall Annex from the Department of Environmental Protection. Andrea Lemerise, Acting Section Chief for the Drinking Water Program has provided the Town with a notice that the Town's application for the abandonment of a public water supply has been approved now that we have public water.

Budget Forms – The departments have received their budget request forms and we are beginning the process. It is my understanding that the Finance Committee will begin, starting tomorrow night to meet every other week thru the budget season. I have been informed that there may be some departments that may need additional funding to finish out the FY13 fiscal year. Some of them will be presenting to the Finance Committee tomorrow night.



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Central Regional Office • 627 Main Street, Worcester MA 01608 • 508-792-7650

DEVAL L. PATRICK
Governor

RICHARD K. SULLIVAN JR.
Secretary

TIMOTHY P. MURRAY
Lieutenant Governor

KENNETH L. KIMMELL
Commissioner

January 2, 2013

Town of Charlton
37 Main Street
Charlton, MA 01507

Attn: Robin Craver

Re: Charlton
PWS Name: Charlton Town Hall Annex
PWS ID: 2054015
Permit: BRP WS 36, Well No. 1
MassDEP Transmittal Number: X253309
Action: **Approved**

Dear Ms. Craver:

Massachusetts Department of Environmental Protection ("MassDEP") is in receipt of your application for the abandonment of a public water supply well (Well No.1, Source Code 2054015-01G) at the Charlton Town Hall Annex located at 37 Main Street in Charlton, Massachusetts. The BRP WS 36 permit application was prepared and submitted on your behalf by Christopher P. McClure, Commonwealth of Mass PE#45647. The submittal was dated November 9, 2012 and was received by the MassDEP on November 14, 2012.

The Charlton Town Hall Annex is a Transient Non-Community (TNC) public water supply located in the Town of Charlton and serves an average of 25 persons daily. The Town Hall includes offices and a Senior Center. The system is supplied by a single bedrock well, source #2054015-01G. The system has abandoned the bedrock well as a potable source of supply following connection to the new Main Street water main. The Town will maintain function of the well as a non-potable source of water and has physically disconnected the well from the potable water system to eliminate the possibility of cross contamination.

By a letter dated September 5, 2012, MassDEP Drinking Water Program officially declassified the Charlton Town Hall Annex as a public water system and required the facility to abandon the well as a public water source with submittal of BRP WS 36 permit application.

The application contains certification by Mr. McClure that physical disconnection was witnessed by representatives of McClure Engineering and the Town of Southbridge Water Department as supplier to the Main Street water line. Mr. McClure further certifies that a cross connection survey was performed in accordance with cross connection control program requirements.

MassDEP, based on the submitted information is of the opinion that the proposal is in compliance with Drinking Water Program Regulations 310 CMR 22.00 and MassDEP Guidelines and Policies

for Public Water Systems, and hereby approves the abandonment of Well #1, Source Code 2054015-01G. Pursuant to MassDEP's authority under 310 CMR 22.04(7) to require that each supplier of water operate and maintain its system in a manner that ensures the delivery of safe drinking water to consumers, this permit is made subject to the conditions set forth below.

1. The project must meet all applicable Drinking Water Program Regulations 310 CMR 22.00 and MassDEP Guidelines and Policies for Public Water Systems.
2. This approval pertains only to the Drinking Water Program aspects of the proposal and therefore does not negate the responsibility of the owners/operators to comply with all other applicable laws and/or regulations.
3. The records at MassDEP will be changed to show that the water supply well is abandoned and the applicant is advised that this well shall not be used for public water supply purposes without MassDEP written approval.
4. If the well is decommissioned (filled in/removed) at a future date, the applicant shall submit an engineer's certification bearing the signature and stamp of a Commonwealth of Massachusetts Professional Engineer that the decommissioning of the well has been completed in compliance with MassDEP's regulations, guidance and policies (See Chapter 4, Section 4.21 of the MassDEP Drinking Water Program Guidelines). The engineer's report shall also include any changes from the submitted and approved permit application.

Thank you, and if you have any questions regarding this permit, please contact Eugene Brunelle of the Drinking Water Program at 508-767-2710 or eugene.brunelle@state.ma.us, or you may also contact me at 508-767-2723.

Sincerely,



Andrea Lemerise
Acting Section Chief
Drinking Water Program

Charlton, Charlton Town Hall Annex, PWS ID: 2054015 - TNC
BRP WS 36, Well No.1, MassDEP Transmittal # X253309

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Cc: Drinking Water Program, BRP, MassDEP-Boston
Drinking Water Program Files, BRP, MassDEP-CERO
Drinking Water Correspondence Files, BRP, MassDEP-CERO
Paula Caron, DWP, MassDEP-CERO
Charlton Board of Health
Southbridge Water Department, 70 Foster Street, Southbridge, MA 01550
Christopher P. McClure P.E., McClure Engineering, Inc., 5 Masonic Home Road, Charlton MA 01507

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