

 **COPY**



**TOWN OF CHARLTON**

Minutes of Regular Selectmen's Meeting

Tuesday – March 19, 2013 – cancelled

Snow date – Wednesday – March 20, 2013 at 6:00pm

Submitted by RED

Date 4/16/13

Received by [Signature]

Date 4-17-13

Present: Chairman – Peter J. Boria, Vice-Chairman – Frederick C. Swensen and Clerk – Brent Sellew. Also present: Town Administrator – Robin L. Craver. Absent: Members – Kathleen W. Walker and David M. Singer.

Chairman Boria called the meeting to order at 6:00pm and stated that due to the closing of the town hall yesterday because of bad weather, the schedule has been rearranged. There are a few items that have to be taken care of.

1. Appointment – Alternate – Prindle Lake Dam Repair Committee. Mrs. Craver stated that there is a request to add an alternate to the Prindle Lake Dam Committee and appoint Bruce Hebert as the Alternate. **Motion by Mr. Swensen to appoint Bruce Hebert as an Alternate to the Prindle Lake Dam Committee, seconded by Mr. Sellew, motion carries unanimously.**
2. Award of Contract for the repair of Prindle Lake Dam. Mrs. Craver stated that bids were received and after review of the bids, it is recommended that the Board award the contract to the lowest bidder, R. Bates & Sons in an amount not to exceed \$241,715.00. **Motion by Mr. Swensen to award a construction contract to R. Bates & Sons for the repair of the Prindle Lake Dam in an amount not to exceed \$241,715.00, seconded by Mr. Sellew, motion carries unanimously.**
3. Appointment – Permanent Intermittent Police Officers - Mrs. Craver stated that Chief Pervier is asking the Board to appoint the following three candidates to the three available Permanent Intermittent Police Officer positions that were previously authorized by you contingent upon their successful completion of a full medical exam, drug testing, physical abilities test, psychological exam, firearms qualifications with their issued service weapon and certification by the Massachusetts Human Resource Division – Civil Service Unit: Adam P. Richard, Adam A. Seguin and Jason F. White. **Motion by Mr. Swensen to appoint Adam Richard, Adam Seguin and Jason White as Permanent Intermittent Police Officers, seconded by Mr. Sellew, motion carries unanimously.**
4. Police Liaison to the Civil Service – Mrs. Craver would ask the board to appoint Chief Pervier as the liaison for the Police Department to the Civil Service/HR. **Motion by Mr. Swensen that we appoint the Police Chief as the liaison for the Police Department to Civil Services/HR, seconded by Mr. Sellew, motion carries unanimously.**
5. Resignation – Council on Aging. Mrs. Craver stated that Patricia A. Lawrie has resigned from the Board of Directors of the Council on Aging after fifteen years of service. **Motion by Mr. Sellew to accept the resignation of Patricia A. Lawrie, seconded by Mr. Swensen.** Mr. Swensen would ask that we send a letter thanking her for her service to the town. **Motion carries unanimously.**
6. **6:05pm** Release of Chapter 61 A – Frank E. Magiera. Mrs. Craver stated that attached, please find a request from Attorney Donald C. Cournoyer, Jr. on behalf of Frank E. Magiera, Trustee of the Frank E. Magiera 2011 Irrevocable Trust who intends to convert a 1.84 acre portion of land on Dresser Hill Road to residential use. (Parcel ID: 52-B-3). The Board of Assessors, Conservation Commission and Planning Board have no objection to the removal of said property. Attorney Cosgrove has also indicated that the information provided was correct. Mr. Magiera was present. **Motion by Mr.**

**Swensen that the Board not act on the town's right of first refusal for the parcel known as Parcel ID 52-B-3, seconded by Mr. Sellew, motion carries unanimously.**

7. **6:10pm** – Transfer of Liquor License – Mrs. Craver stated that attached please find a public hearing notice to act on a request to transfer the Retail Package Goods Store, All Kinds of Alcoholic Beverages liquor license currently held by Ajay Kumar Nalamada, d/b/a Oxbow Variety, 3 Oxbow Road, Charlton, MA to ANYA, LLC d/b/a Oxbow Variety and Package Store, Manager Jignesh Patel. All paperwork has been completed and will be sent to the ABCC for approval pending the Board's approval of the transfer of liquor license. Just to refresh your memory, Oxbow has had a history of violations for selling alcohol to minors. In reviewing the transfer of license application submitted, question 11 asks if any of the new individuals have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages and the answer is yes, a package store in Franklin, MA called Moksh, LLC, d/b/a Dacey's Market. Question 13 of the same application asks if any of the disclosed licenses to sell alcoholic beverages have ever been suspended, revoked or cancelled and the answer provided is yes. On May 11, 2011 they received a one day suspension for sale to a minor. The applicant will be leasing the premises at 3 Oxbow Road from the current owners of the license. It was noted that the current owners of Oxbow as well as the applicant and his attorney are present. Chairman Boria read the notice as placed in the paper with the stipulation that due to inclement weather, all parties were notified of the change of time and date. **Motion by Mr. Swensen to close the public hearing, seconded by Mr. Sellew, motion carries unanimously. Motion by Mr. Swensen to approve the request to transfer the Retail Package Goods Store, All Kinds of Alcoholic Beverages liquor license currently held by Ajay Kumar Nalamada, d/b/a Oxbow Variety, 3 Oxbow Road, Charlton MA to ANYA, LLC d/b/a Oxbow Variety and Package Store, Manager Jignesh Patel, seconded by Mr. Sellew.** Mr. Swensen stated that the town takes very seriously, the issue of violations and stated that we would be watching it. **Vote on motion: motion carries unanimously.**
8. Gas Tank: (1) Award - Construction of New Gas/Diesel Tank: Mrs. Craver stated that we went out to bid and reviewed the proposals received. We are recommending the Board award the installation of 1 – 8,000gallon (5,000 gal diesel/3,000 gal gas) AST and associated pumps, check valves, vents, fill boxes, dispenser and fuel management system to be installed at the Highway Barn Facility located at 100 Flint Road to LaMountain Bros., Inc., 37 Federal Hill Road, Oxford, MA in an amount not to exceed \$78,081. The Highway Department will be supplying the pad and site work. Town Meeting voted \$80,000 for this purpose. Chairman Boria would like to see the Finance Committee review this as well. Mrs. Craver stated that if the Board wishes, the award could be pending Finance Committee review. **Motion by Mr. Swensen to award a contract to LaMountain Bros., Inc. for the installation of 1 – 8,000 gallon (5,000 gallon diesel/3,000 gallon gas) AST and associated pumps, check valves, vents, fill boxes, dispenser and fuel management system to be installed at the Highway Barn in an amount not to exceed \$78,081.00 pending Finance Committee review, seconded by Mr. Sellew, motion carries unanimously.** (2) Removal – Mrs. Craver stated that we are required to remove the old gas tank. LaMountains has given us a price to remove of \$9,955.00 but if we schedule it on the same day that they have the crane for the installation of the new gas tank, they will give us \$3,500.00 off. She would ask the **Board to award the contract to LaMountains in an amount not to exceed \$9,955.00** and she anticipates that the amount will be \$3,500 less. **So moved by Mr. Swensen, seconded by Mr. Sellew.** Mr. Swensen just wanted to make sure this amount covers the entire removal of the system and Mrs. Craver stated that was her understanding. We will not be keeping or reusing anything. **Vote on motion: motion carries unanimously.**
9. Library Custodian - Mrs. Craver stated that as requested by the Finance Committee, she has spoken with the Library Director regarding the request for additional monies for the Librarian Custodian. As you are aware, the Library Custodian went full time beginning on January 14, 2013. This was due to the Town Hall hiring a full time custodian. She is asking the Board to approve an increase to the

Library Custodian's salary from \$12.26 to \$15.00/hr retroactive to the date his hours were increased to full time – January 14, 2013. She will be going to the Finance Committee for the amount. **Motion by Mr. Swensen to approve an increase to the Library Custodian's salary from \$12.26 to \$15.00/hr retroactive to the date his hours were increased to full time which was January 14, 2013, seconded by Mr. Sellew, motion carries unanimously.**

10. Civil Fingerprinting Policy - Mrs. Craver stated that as you are aware, at the May 21, 2012 Annual Town Meeting, the Town of Charlton Civil Fingerprinting Bylaw was approved. Attached is a policy, originally drafted by John M. Collins who is the General Counsel for Massachusetts Chiefs of Police and reviewed and changed to meet the guidelines for the Town of Charlton by Chief Pervier. Chief Pervier has indicated that if the Board approves this policy as submitted, he can complete the process with the State so that the Charlton Police Department can receive authorization to conduct Civil Fingerprinting for the Ice Cream Vendors. Staff and I have reviewed the attached "Civil Fingerprinting for Licenses" policy and would recommend the Board approve this policy. **Motion by Mr. Swensen to approve the Civil Fingerprinting Policy, seconded by Mr. Sellew, motion carries unanimously.**
11. ATM Warrant / Budget review / close warrant. Chairman Boria recommended keeping the warrant open until the first meeting in April. He also feels as far as the budget goes, we should meet with the Finance Committee. Discussion was to post a meeting for next Wednesday, March 27, 2013 with the Finance Committee.
12. Renewal of American Legion Lease – Mrs. Craver stated that as you know, the Board voted to approve a 5 year sub-lease with the Grange Hall on behalf the American Legion. The contract ends December 2013 which would require partially funding in the upcoming FY14 budget. We are looking to renew the lease based on the same terms as the previous sub-lease. The town pays the Grange \$3,000 per year as a sub-lease to offset the heating oil. I spoke to the new President, Matt Daly, and he would like to renew as well. Given the deficit in the FY14 budget, he has agreed to level funding. I have attached the current contract and a revised one to be effective from 1/1/14 – 12/31/18 at \$3,000 per year. **Motion by Mr. Swensen to renew the lease with the American Legion to be effective from 1/1/14 – 12/31/18 at \$3,000 per year, seconded by Mr. Sellew, motion carries unanimously.**
13. **Motion by Mr. Swensen to go into executive session at 6:24pm under M.G.L. c. 30A, Sec. 21, #1 – to discuss the reputation, character, physical condition or mental health, rather than professional competence of an individual or to discuss the discipline or dismissal of or complaints or charges brought against a public officer, employee, staff member or individual, #2 – to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel, #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 and #6 – to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body and to exit executive session for the purpose of adjourning, seconded by Mr. Sellew. Roll call vote: Mr. Swensen – aye, Mr. Sellew – aye and Chairman Boria – aye.**

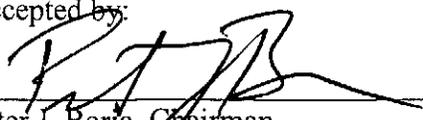
Chairman Boria declares that an open meeting may have a detrimental effect on the negotiating position of the public body and that the Board will reconvene to open session for the purpose of adjourning.

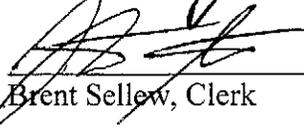
**Motion by Mr. Swensen to adjourn at 6:32pm, seconded by Mr. Sellew , motion carries unanimously.**

Submitted by:  
Mary C. Devlin

Administrative Assistant

Accepted by:

  
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Peter J. Borja, Chairman

  
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Brent Sellev, Clerk

  
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Frederick C. Swensen, Vice-Chairperson

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David M. Singer, Member (absent)

  
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Kathleen W. Walker, Member (absent)