



TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
Tuesday – February 4, 2014

Submitted by 3/4/14

Date MCD

Received by KL

Date 3-4-14

COPY

Present: Chairman – Frederick C. Swensen, Vice-Chairman – David M. Singer, Clerk – Joseph J. Szafarowicz and Members – Kathleen W. Walker and Brent Sellew. Also in attendance: Student Selectperson – Emily Sprague and 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:

1. Chairman Swensen called the meeting to order with the pledge to the flag.
2. Chairman Swensen reminded everyone to treat each other courteously and be acknowledged by the Chair before speaking.

II. Consent Agenda:

1. Minutes of Selectmen's Regular Meeting – January 7, 2014. **Motion by Mr. Szafarowicz to approve the minutes of January 7, 2014, seconded by Mr. Singer, motion carries unanimously.**

III. Community Relations, Announcements and Open Forum:

- Chairman Swensen read the announcements.
- Chief Pervier came forward and reminded the Board that we are supposed to have a fair amount of snow. With the depth of the snow, people are not allowed to park on the roadways. If anyone gets stuck, call the Police Department and they will help. The town hall will be closed tomorrow due to the weather.
- Mike Valanzola came forward and announced his candidacy for State Senate that Senator Stephen Brewer will be retiring from. He is a former Selectman from Wales. Chairman Swensen wished him luck.

IV. Appointments/Resignations:

1. Resignation – Jeffrey T. Brodeur, Per Diem Dispatcher. Mrs. Craver stated that attached is an email from Jeffrey Brodeur resigning as a Per Diem Dispatcher for the Charlton Police Department due to his full time employment. The Board should vote to accept his resignation. A letter has been prepared and is in your sign folder. **Motion by Ms. Walker to accept Mr. Brodeur's resignation, seconded by Mr. Szafarowicz, motion carries unanimously.**
2. Resignation – Erika Lesage, Alternate Zoning Board of Appeals. Mrs. Craver stated to please find attached an email from Erika Lesage resigning as an Alternate on the Zoning Board of Appeals. The Board should vote to accept her resignation. A letter has been prepared and is in your sign folder. **Motion by Mr. Szafarowicz to accept Ms. Lesage's resignation, seconded by Ms. Walker, motion carries unanimously.**
3. Appointment – Police Auxiliary – Robert C. McGrath. Mrs. Craver stated that attached is a request from Police Chief Pervier stating that with the recent resignation of Auxiliary Patrolman Bishoy Ibrahim, he is requesting to fill said open position to restore the compliment of officers who make up the Charlton Police Department's Auxiliary Police Unit. Chief Pervier

has reviewed the Charlton Police Department's current pool of Auxiliary Police Officer applicants and has selected and is asking for consideration, the appointment of Robert C. McGrath of 6 A. Young Road, Charlton MA. Mr. McGrath is fully qualified and holds all current MPTC and State Certifications which makes him eligible to be considered to fill the open auxiliary police officer position. A thorough background check was conducted and he has a clean record. Mr. McGrath's appointment will be contingent upon his successful completion of a physical and firearms qualification with his duty weapon. It was asked if Mr. McGrath is related to the current officer McGrath or the Planning Board McGrath and the answer was no.

Motion by Mr. Singer to appoint Robert C. McGrath as an Auxiliary Police Officer, seconded by Ms. Walker. Chief Pervier stated that Mr. McGrath even before this appointment has been volunteering his time. Mr. Sellew stated that he knows Mr. McGrath personally and he is a good fit for the town and would be a great asset to the police force. **Vote on motion: motion carries unanimously.**

4. Appointment – Per-Diem Dispatcher – Susan C. Dalton. Mrs. Craver stated that attached you will find a letter from Chief Pervier requesting to add one additional per diem dispatcher to cover certain shifts on various days. In an effort to avoid the unnecessary payment of overtime, an immediate need exists to add the requested position. In reviewing the Charlton Police Department's current pool of per diem dispatcher applicants, Chief Pervier interviewed and would recommend the appointment of Susan C. Dalton of 24A Canal St., Millbury MA 01527. A complete background check and reference check was conducted and revealed that Ms. Dalton has a clean record and a solid background and should be considered for the per diem dispatcher position for the Charlton Police Department. **Motion by Mr. Singer to appoint Susan C. Dalton as a per diem dispatcher for the Charlton Police Department, seconded by Ms. Walker.** Mr. Szafarowicz asked the Chief how many people applied for this. Chief Pervier stated that he has an ongoing file that people submit applications for. **Vote on motion: motion carries unanimously.**

V. Scheduled Appointments:

6:40pm – Planning Board – Open position appointment. Mrs. Craver stated that there has been a vacancy on the Planning Board due to Patricia Gill moving out of state. The opening has been running on cable and the Town's website as the Board's policy states. One request for appointment has been received from Alycia D. Dzik who currently holds the Planning Board alternate seat. The Planning Board is recommending the appointment of Alycia D. Dzik to fill the open position. The vote for appointment must be done jointly and by roll call vote by both boards and the term would expire at the time of the Annual Town Election in May. Once the appointment is made, we will advertise the alternate position opening on cable and the town's web site. Chairman Swensen asked Planning Chairman McGrath if they had a quorum. Planning Chairman McGrath stated that they did and they have opened their meeting. Mr. Szafarowicz asked if this is the only person to be considered and Mr. McGrath stated yes and she currently is the alternate on the Planning Board. Chairman Swensen stated that he did some research and if this appointment is made, it will put her as a full member of the Planning Board, a member of the Central Mass Regional Planning Commission as well as a member of our Economic Development Commission. Does Ms. Dzik plan on keeping all three? Ms. Dzik stated yes unless it proves to be a conflict of interest. **Motion by Mr. Singer to appoint Ms. Dzik to the full member seat on the Planning Board, seconded by Ms. Walker. Roll call vote: Ms. Walker – aye, Mr. Szafarowicz – aye, Mr. Sellew – aye, Mr. Singer – aye, Ms. Rydlak – aye, Ms. Vincent – aye, Chairman McGrath – aye and Chairman Swensen – aye.**

6:45pm – Charlton Housing Authority – Mrs. Craver stated to those at home that we received a grant for ten ipads for the Selectmen and Finance Committee to use so we could cut down on cutting trees. She is trying one out tonight so you might see her going back and forth on it. She stated that the donor of the Ipads wish to remain anonymous. Chairman Swensen thanked the donor for the Ipads. Mrs. Craver stated that at the Board's last meeting, a resident from Charlton Housing came forward,

operated by the Charlton Housing Authority (CHA), complaining that she and her association have been trying to get information from the CHA without success. She felt that the CHA should be more open as to its process. To that end, she also asked that the Board of Selectmen direct the Cable Coordinator to tape their meetings and place on Charlton Cable Channel. She also complained that there were mold studies that were not being released to residents who might be affected. You directed me to request the mold studies and to invite the CHA and Board of Health to join you at your next meeting. Your last meeting was cancelled due to weather and we have brought it back for this meeting. Mrs. Craver requested the studies from CHA and they did not provide any. She attached the only one that the BOH had which is dated February 10, 2012, nearly 2 years ago. Since that meeting, the Board of Selectmen has received a request from Kristen Kustigian to also tape and air boards and committees, in particular naming the Planning Board and Finance Committee. Mrs. Craver further stated that as the Housing Authority is attending, another issue the Board may wish to discuss with them would be requesting them to enter into talks for a Payment in Lieu of Taxes, also known as a PILOT Program, to pay their fair share of the water debt. They did not receive betterment for the Water Project as State Law does not authorize a town to directly tax or assess betterments to Housing Authorities. The appropriate vehicle would be the PILOT Program. The CHA already has a PILOT agreement with the town for taxes. Mrs. Craver would suggest that the same formula be used to calculate the water infrastructure contribution. Clearly, the housing authority receives a savings and benefit. She understands that they are on a tight budget as with all our residents who must pay for the debt incurred bringing water to Charlton. She explained this to the Director and suggested that the Selectmen and Housing Authority also discuss this tonight. Ms. Walker asked if we could talk about the PILOT program first. Chairman Swensen asked if anyone had any objections to this and Jean Vincent from the Housing Authority said yes. She stated that it is a whole separate issue and the Board is invited to the Housing Authority meeting on February 11th at 3:15 to talk to the entire board about that. Some members of the board can attend. Mrs. Craver asked if the Board wanted to appoint a couple of members to attend and bring back information. Ms. Walker and Mrs. Craver to attend. Mrs. Craver recommended having the Assessors attend as well. Chairman Swensen asked Ms. Vincent if she would like to respond to the letter regarding the mold study? Ms. Vincent said she hasn't seen any letter. She said the report was an old copy dated 2012. That is the first and only mold study they had done. Mr. Singer stated that the report he was given showed a high amount of mold but he was not given any reports of the action taken, any remediation and any follow up reports showing it was cleared. Ms. Vincent asked a question. If someone is a landlord in town and they have a tenant come to the Board of Selectmen and make statements like that, does the Board of Selectmen call on that landlord? Mrs. Craver stated that they would be referred to the Board of Health. It was stated that the Housing Authority is not town owned. Mr. Singer stated then as a resident of the town who pays taxes, he would like to know now what was taken to remediate and he would like to see the reports. Ms. Vincent stated that the Board of Health wrote that report and the Board of Health was satisfied with remediation to their satisfaction. She also stated when that report was done, there were no air quality or samples taken so she's not sure how that could have been done. Ms. Walker stated that her concern is what she's heard from the tenant association, there is considerable other apartments that they believe have mold. Ms. Walker asked if any residents raised concerns and Ms. Vincent said that air quality tests were done and she does not have the results with her. She stated that the Housing Authority takes the tenants privacy and confidentiality very seriously. If something is done to a unit, she cannot say what the results are. Ms. Walker commends their intent to protect the tenants' privacy, however, she doesn't need to know who the tenants are, she only wants to know if there is any mold anywhere else? Ms. Vincent stated that quite honestly, she couldn't answer that. She said again, if this was a private landlord, would you be doing this? Because they are a Housing Authority, they have stricter rules to follow. She also stated that as far as tax dollars, the Housing Authority doesn't get any money from the town. Mr. Singer is concerned about this town and the people that live in it. His concern is that this is really for the Board of Health. This Board has no authority over the Board of Health. We have no authority as with the Housing Authority. He would suggest they have a hearing with the Board of

Health or the Housing Authority. We cannot tell them to televise their meetings either. Chairman Swensen would ask Mrs. Craver to contact the Board of Health to see if they have any information that we can forward to the residents. Mrs. Craver stated that she did go to the Board of Health and all they had at this time was the mold report. Kathy Fisher Fournier, President of the Meadowview Tenants Association came forward. She stated that the Association has asked the Housing Authority to televise their meetings for greater transparency. The Association has asked the executive director of the Housing Authority to be forthcoming with the toxicology report that the MTA requested to have done. The mold issue has been going on for twelve years and the situation has never been rectified or even discussed with the board members. Mr. Szafarowicz stated that this sounded like it is getting to an area where it might be attacking. Ms. Fisher apologized. She stated that when a tenant complains about the mold, they are told to just use bleach and water to clean it. She stated that she finally called Ms. Vincent and told her the Association wanted her to hire someone to check on the mold situation. In September 2013, a person came to each one of the Tenants homes on the family housing side with Will, the maintenance man and the professional that was hired took swabs of the mold. The Association has requested the results of this toxicology on several occasions. The Association had come to the Selectmen for help in getting the results. What the Selectmen were given was a report that was done in 2012 on Ms. Fisher's apartment. At that time the mold was scraped, bleached and repainted. The Tenants Association have hired their own legal representation through an environmental lawyer and have recently had their own mold study done which they have the results from. Mr. Szafarowicz reviewed the report that Ms. Fournier provided to the Board. Ms. Walker asked what the appropriate steps would be to remove it. Mr. Singer stated that after reviewing what Ms. Fournier provided, he feels they should be meeting with the Board of Health. Chairman Swensen stated that he was going to close the discussion because the Board of Selectmen does not have authority over the Housing Authority. He has asked the Town Administrator to approach the Board of Health and ask for any information they have on this. He stated that the Tenant Association should go to the Board of Health. Mr. Szafarowicz stated that anyone can go to the Housing Authority meetings with a tape recorder or a camera. They are open meetings. Richard Vincent came forward and asked if the transparency for the Housing Authority is in question, what about the Tenants Association. It was stated that the Tenants Association is a private association and the Board has no authority over that. Chairman Swensen stated that the Board will report back when they hear from the Board of Health. Chairman Swensen thanked the Housing Authority and the Tenants Association for coming.

7:00pm – Curt Meskus – Mrs. Craver stated that Mr. Meskus has asked to be placed on the agenda to update the Board and discuss electronic permits. Mr. Meskus came forward and reviewed the online permitting process. The burning permits were supposed to open on line on January 15th but due to citizen concerns, it was held off until January 22nd. The town web page had a link in the top right hand corner for permits. So far there has been 90 people registered and 50 of them have gotten permits. There are two kiosks in the town hall for those residents who do not have a computer to use. There is a convenience fee charged by the bank of \$.25 and a \$2 or \$3 dollar charge for credit cards. Staffing is limited at the Fire Department and people are urged to use the on line feature. Ms. Walker's concerns were that you had to use a computer and the fee. Some people don't have a computer. Mr. Meskus stated that his Administrative Assistant will be happy to assist those that need it. Mr. Singer thanked Mr. Meskus for his work on this and how he is addressing the issues that have been raised. Ms. Walker doesn't understand why the fee, if we have no clerk to pay for this work. Mr. Meskus stated that for twenty years there has been no fee for the burning permits. They were told they should not have done that. When this system was revamped, there were conflicting statements from different boards. He doesn't set the fee. The software cost to set up was \$10,000. The cost to set up the program for the burning permits was \$2,000. There is a fee to run this yearly as well. Daily permits to burn is still required daily. Residents are encouraged to burn sooner than later. Mr. Szafarowicz would recommend asking Chief Cloutier to review the \$20 permit fee and see if that's appropriate nowadays. It was asked to have Chief Cloutier attend the Board's next meeting.

VI. New Business:

1. Annual Town Meeting – Annual Town Meeting – May 19 / Annual Town Election – May 3
 - (a) Approve calendar
 - (b) Open warrant

Mrs. Craver stated that attached is the FY2015 Budget Calendar for your consideration. As required by the Charlton-By-Law, the Annual Town Election will be held on the first Saturday of the month of May - Saturday, May 3, 2014 and the Annual Town Meeting will be held on the third Monday in May, Monday, May 19, 2014. Budget requests have been sent to Departments and she has attached her cover memo for your review. The Board is requested to approve the FY2015 Budget Calendar as presented and, if approved open the Annual Town Meeting Warrant. The warrant is scheduled to close March 18. Mr. Singer stated that he has no changes but wanted to point out that some of the dates on the calendar he will be out of state. **Motion by Mr. Szafarowicz that we approve the FY15 budget calendar as presented, seconded by Mr. Singer.** Mr. Szafarowicz stated that some of the Board should make an effort to attend the Finance Committee's meeting to keep on top of it and meet with the Department Heads to discuss their needs. **Vote on motion: motion carries unanimously. Motion by Mr. Singer to open the FY2015 warrant, seconded by Ms. Walker, motion carries unanimously.**

2. Cub Scout pack #165 recognition of cub scouts. Mrs. Craver stated that attached is a letter from John Gaughan who is the Cubmaster for Cub Scout Pack 165 in Charlton. He states that on February 24th, they will be graduating several boys from Cub Scouting into the wonderful world of Boy Scouting. The following are the boys that have earned the Arrow of Light Award which is the highest award a boy can earn in Cub Scouting.

Jacob Heywood
Aidan Romanelli
Connor Novack
Dylan Smaltz
Andrew Bullen
Cutter Beck
Cameron Bodamer
Evan Borgeson
Nathan Dexter
Joshua Woods
Michael Mullaly
Albin Anderson
Connor Browne
Aidan Assisi

Mr. Gauhan is asking the Board to recognize these young men with a certificate of achievement for each which have been completed and are in your sign folder. These must be sent to him no later than February 18, 2014. Chairman Swensen congratulated the boys.

3. Charlton Little League parade. Mrs. Craver stated that attached is a letter from Jerome Michaelson, Board of Directors Member at Large for the Charlton Little League stating that they will be holding their Opening Day Parade for 2014 on Saturday, April 12th. They are combining Baseball and Softball for the opening day parade. The parade will kick off at 11:00am from the lot behind the old Southbridge Savings Bank building on Main St. They will be lining up at 10:30am. The parade will be followed by ceremonies at Center Field prior to the first games of the season. Members of the Board are always invited to participate in the parade.
4. Charlton Orchards Farmer Winery. Mrs. Craver stated that attached is a letter from Nathan R. Benjamin, Jr. Managing Member of Charlton Orchards Farm and Winery. Mr. Benjamin states that back in August of 2013, the Alcoholic Beverages Control Commission provided an advisory for sampling of alcoholic beverages with a farmer series pouring permit. This advisory stated that the ABCC stated they would no longer allow tasting and sampling within a winery without a specialized license approved by the Local Licensing Authority. Mr. Benjamin had filed a protest

with the help of the Massachusetts Farm Wineries and Growers Association because Charlton Orchards does not wish to have a pouring license as they are not a wine bar. They use tasting as a way to market their farm product. They have been notified that sampling does not necessarily constitute consumption and grandfathered them pending the approval of the Board of Selectmen. I would agree and recommend the Board determine sampling wine, M.G.L. Chapter 138, section 12 is not needed to be licensed and would see no need for a permit from the Board at this time.

Motion by Mr. Singer that the Board of Selectmen determine that sampling wine under M.G.L. Chapter 138 section 12 isn't needed to be licensed and that there is no need for a permit to be issued at this time, seconded by Mr. Sellew. Chairman Swensen asked Mr.

Benjamin if they regulate how much tasting is done. Mr. Benjamin stated that they follow the law with this. Mr. Singer asked Mr. Benjamin if what he heard about selling the orchard is true. Mr. Benjamin stated that he was in a car accident four years ago and no longer has use of his leg. They have looked at other alternatives but do not have any other option at this time. They are trying to keep this as a farm. **Vote on motion: motion carries unanimously.**

5. Special License request – Charlton Council 11379. Mrs. Craver stated that attached is a request from Charlton Council 11379 Knights of Columbus for a special liquor license for Wine and Malt beverages to be used on Saturday – March 15, 2014 from 5:30pm – 11:00pm for a St. Patrick's Day Dinner to be held at St. Joseph Parish Church Hall, 10 H. Putnam Road, Charlton, MA. This request has been approved by the Building Commissioner, Fire Department and Police Department. The Fire Department has given the following stipulations: Please keep all exits clear. Tables & chairs must not block any exit discharge points. The Police Department has given the following stipulations: All persons serving alcohol be TIP certified and that no one under the age of 21 be allowed to purchase or consume alcoholic beverages. All other requirements within the policy have been met.

Per the Board's policy, the license if approved, should be issued for two additional days for the following reasons:

Day 1 – to allow delivery of alcohol to establishment (no sales allowed)

Day 2 – For sale on the approved date and time as listed

Day 3 – To allow for pick-up of any unused alcohol (no sales allowed)

Mrs. Craver would recommend the Board approve the special license as requested with the dates on the license to be March 14, 2014 – March 16, 2014. This is for a profit organization therefore the fee will be \$25.00. **Motion by Mr. Singer to grant the special alcohol license through St. Joseph's to the Knights of Columbus so long as everything has been cleared by the Building Commissioner and Police and Fire Chief are met and that it be valid for three days, March 14th – March 16th with no sales allowed on that first and third day with a \$25 fee, seconded by Mr. Szafarowicz, motion carries.**

6. Snow and Ice removal account. Mrs. Craver stated that we have received notice from Gerry Foskett, Highway Superintendent that the snow and ice account is close to being exhausted, therefore he is asking the Board to declare a snow emergency and approve deficit spending in the Snow and Ice account for FY14 as authorized by MGL Chapter 44, section 31D. If approved, the Finance Committee will also need to vote on this issue before the account can be overspent. **Motion by Mr. Szafarowicz to declare a snow emergency, seconded by Mr. Sellew, motion carries unanimously.**
7. Dudley-Charlton Regional School District – request for election. Mrs. Craver stated that attached is a letter from Sean Gilrein, Superintendent of Schools stating that the Dudley-Charlton Regional School Committee voted to hold a special election to renovate the Shepherd Hill recreational facility, track, athletic lighting and concession stand. By unanimous vote of the committee, the following ballot language is presented to authorize the borrowing of \$2,200,000 for the project including the payment of all incidental or related costs as well as any borrowing shall be reduced by any grants or gifts received by the District. After consulting with the Dudley and Charlton Town Clerks, the election date has been set for Tuesday, March 18, 2014 from 12:00pm to

8:00pm at the Heritage School located at 34 Oxford Rd. with the ballot question being: "Do you approve of the vote of the Regional District School Committee of the Dudley-Charlton Regional School District on Wednesday, January 22, 2014, to authorize the borrowing of \$2,200,000 for the purpose of renovating the recreational facility, track, athletic-field lighting and concession stand, including the payment of all costs incidental or related thereto, which borrowing shall be reduced by any grants or gifts received by the District on account of that project and which vote provides as follows: VOTED: That the Dudley-Charlton Regional School District hereby appropriates the amount of \$2,200,000 for the purpose of paying costs of renovating the recreational facility, track, athletic-field lighting and concession stand, including the payment of all costs incidental or related thereto (the "Project"), said amount to be expended under the direction of the Regional District School Committee. To meet this appropriation the District Treasurer, with the approval of the Regional District School Committee, is authorized to borrow said amount under M.G.L. Chapter 71, Section 16(n) and the District Agreement, as amended or pursuant to any other enabling authority; provided that the amount to be borrowed shall be reduced by any grants or gifts received by the District on account of the Project.

YES _____ NO _____ In light of this, would the Board like to invite representatives from the Dudley-Charlton Regional School District to your next meeting to provide more information? Also, the Board and Finance Committee have talked about a debt exclusion for large capital. Would you like to see if we could add a ballot question on the school's ballot? Mrs. Craver believes the Board has 35 days to provide the Town Clerk a warrant which would be February 11th. If you are interested, she would recommend funding the Highway and Police capital at the May Town Meeting and asking for two Fire Apparatus as a debt exclusion. She has attached the Fire Dept. capital request. **Motion by Ms. Walker to do like Dudley did and put this on for the election on March 18, seconded by Mr. Singer.** Mrs. Craver stated that the school rescheduled a meeting for next Tuesday and she asked the Board's availability. The Board has a previous commitment. **Vote on motion: motion carries unanimously.** Mrs. Craver stated that now that the board has voted the warrant, did the Board want to add another one for Capital for Fire Department needs? Mr. Singer stated that if we do a debt exclusion, it goes away once it's paid for. Mr. Szafarowicz feels we should wait until the annual election for this and just focus on the schools. Mr. Sellew agrees with Mr. Szafarowicz. Mrs. Craver asked if the Board wanted her to draft a debt exclusion article for the fire apparatus.

8. Roundtable – Charlton Growth. Mrs. Craver stated that the Finance Committee met Wednesday, January 22, 2014 and did their Goals for FY15. One of the goals included hosting a roundtable for promoting economic development in town through education and review of present processes regarding permitting and review. Some members claimed that Charlton has some areas that could use improvement. Selectman Szafarowicz attended the meeting and suggested that the Board of Selectmen should be involved in the event and it could be a joint venture. It was also suggested to use a recent project, Ted's Package Store as a test-case to review what went well and what could be made better. The conversation was centered on making Charlton a more attractive place to live and work as well as generating more revenue for the Town. To that end, after speaking to Chairman Swensen and Chairman Morrill an invitation was sent to Town Inspectors, Board of Health, Planning Board, Economic Development Commission and Water/Sewer inviting them to a Roundtable meeting to be held in the Senior Center on February 11, 2014 at 6pm. We are looking at a speaker to talk about growth and development issues across the State and in the region as well as have invited Ted's Package Store to talk about their experience. Mr. Szafarowicz stated that he attended a Worcester County Selectmen's meeting and what he heard about Charlton was that we were not the friendly environment that people wanted to deal with. He finds it troubling that the Planning and Economic Boards do not want to discuss this at all. Mr. Singer agrees with Mr. Szafarowicz. Ms. Walker stated that she received a call from someone that was invited to a roundtable discussion and she knew nothing about it. She is very uncomfortable with calling the Planning Board into this meeting. Mr. Szafarowicz stated that it is within the power of the

Chairman's to organize meetings and he thinks this is the way this was done. Mr. Singer feels that people need to be professional and put the town first in the spirit of cooperation. Ms. Walker does not want to get into any kind of power play with any other boards. Chairman Swensen stated that he has been trying to get this meeting together since last fall but it hasn't happened. His thought was to have everyone get together to discuss how we can and what can we do to make it better. This was never meant to call anyone in. It was for discussion only to work together. Chairman Swensen stated he did speak with the Planning Board Chairman. Chairman Swensen stated that he was offended when the paper stated today that the Planner said because the Selectmen were involved, this has become a political meeting. He stated for the papers and the people, there is nothing political. He feels that we need to work together. He feels this would be a good process and he will defend the process. Mr. Singer stated that he read from a member of the EDC that there is nothing that can be learned. We can all learn from each other. Mr. Szafarowicz thinks a process the town has taken over the past few years in regards to Economic Development of combining positions of EDC Director which has been combined with the Town Planner. He doesn't feel that is really working right now and we should look at changing that. Chairman Swensen asked Mrs. Craver to put that on the next agenda, bringing back a part time economic development part time planner. Ms. Walker feels like that's a punishment. If one strong board invites another strong board as well as a builder who had a problem with the board, your inviting doesn't feel right. Mrs. Craver stated that she just realized this that Ms. Walker is talking very passionately and as if she has knowledge about their feelings, she may want to disclose her relationship with one of the members of the EDC. Ms. Walker stated that her husband, Mike Lally is a member of the EDC. Mr. Szafarowicz stated that our role as selectmen and we don't have that much power per se, but we are the figure heads of this town. We are here to make sure that we lead this town and we champion this discussion so we can get something done. Mr. Szafarowicz asked to read the response back from Ted's and Ms. Walker stated that you would have to read all the letters. Mr. Singer believes it's accurate that we do have authority over the EDC. He feels assumptions were made and shouldn't have. Ms. Walker has one point of clarification. Mr. Szafarowicz, you said that Ted's package store wasn't mentioned but it was in fact in the initial invitation. She also stated that Mr. Szafarowicz said we have to stop them from "muddling around and doing nothing". Mr. Szafarowicz stated he did not say that to the Planning Board. He stated that the town has not done anything to address Economic Development. Ms. Walker asked Chairman Swensen who stated that he didn't have the answers, why are we calling a round table and inviting the people that do have the answers so that we can hear what their answers are? That doesn't make any sense to her. Chairman Swensen stated that he doesn't have the answers but he has the questions. Ms. Walker stated that they could provide the answers. Chairman Swensen called an end to the discussion and the round table is scheduled to happen. Carol Sprague Cloutier came forward and commends the Board for bringing this issue up for the lack of communication between the boards. She feels that the Planning Board and EDC are ineffective and they are not doing their job properly. She also stated with all due respect that if you have a relative that is a member on one of those committees, you should excuse yourself from the conversation because it can be very emotional. She asked about the roundtable and asked if it was public and if other people could go to it? Chairman Swensen stated that it's a posted public meeting and the meeting he can say, will not turn into a personal attack on anyone. Mr. Singer thanked Mrs. Sprague Cloutier. He said it took her a lot of courage to come to the table to say what she did.

VII. Old Business:

VIII. Committee Reports

Ms. Walker talked about the Worcester County Selectmen's Association and it is moving forward. She also attended the MMA and Mr. Szafarowicz was there. This meeting is a two day event and has hundreds of people there. She reviewed a few meetings that she attended. She was told the new

Selectmen's handbook should be out soon and should be very helpful. Ms. Walker said they talked about the 6th grade essay contest and third place was presented to Christopher Sullivan who is in Charlton Middle School. The 2nd and 3rd place winners were told they would be presented with their trophies at the town hall. She would like to ask him to come to a meeting and read his essay and congratulate him.

Mr. Szafarowicz stated that he thought it was a really great event. He attended a meeting called citizen centric reporting. It boils down all the information that you want people to get and he would like to put this on a future agenda and ask the board to work on this and come up with some kind of process.

IX. BOS Policy Review: Mrs. Craver stated that at the Board's September 17, 2013 meeting, it was discussed to have the BOS Policies divided by each member of the Board for review and have them on each agenda for discussion until completed with no more than 5 policies per meeting for review. The policies were divided up as attached. The following are what has been reviewed with recommendations if needed:

Policy #10 – Closings/Delayed Opening of Town of Charlton Municipal Offices/Buildings in Event of Snow, Disaster or Other Circumstances – Employee Responsibilities and Compensation. *Mr. Singer has recommended some changes.* Mr. Singer stated that after reading this, he didn't realize that if the hourly employees don't work, they still get paid. He would recommend if the town isn't working that an employee could use their time to get paid. Mr. Szafarowicz asked if there were any bargaining or state mandates that we need to look at first. Mrs. Craver stated that yes there are. It would need to be bargained in good faith. She feels it's important to keep all employees whole. Ms. Walker stated that most of these people depend on their paychecks. Chief Pervier would ask for parity all around. No action taken. Mr. Sellew left the meeting at 9:26pm.

Policy #14 – Correspondence Policy. Ms. Walker would like to update the policy by adding in the first paragraph "and a copy scanned in and emailed to the Selectmen", and the third paragraph add after to that person, "by email and also". Mrs. Craver was asked how she felt and she stated that we have had this discussion before and it adds time onto staff and she is concerned with the items that come in that something might get missed. She would like to see the board come in to read the information. Ms. Walker feels we should be able to find time to do this and she is only talking letters. Mrs. Craver stated that the policy the Board is looking at is for all correspondence. Ms. Walker said she would change it. She would ask Mrs. Craver to suggest wording that would work for her and staff. Chairman Swensen asked Ms. Walker and Mrs. Craver to work on what they would like and bring it back for discussion. He also asked Mr. Singer if we could hold off on the next three policies until the next meeting because it is getting very late.

Policy #20 – Employee Parking in Front of Municipal Building. *Mr. Singer has recommended some changes.*

Policy #24 – Exit Interview Policy and Form. *Mr. Singer recommended no changes.*

Policy #57 – Winter Parking Ban. *Mr. Singer recommended some changes.*

X. Student Selectperson Report: Emily Sprague presented her report.

XI. Town Administrator Report: Mrs. Craver reviewed her report. (attached) She also stated that she feels we have the best staff. We have increased our rating from and A+ to an A++. We are being recognized for our financial stability. She also recognized our Conservation Agent, Todd Girard on another great fishing day. This one was at Buffumville and he stated that there were a lot of mothers and children there.

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

Mr. Singer offered congratulations to the girls Track at Shepherd Hill for being undefeated.

Mrs. Craver had a meeting with Todd Girard and Todd Burlingame and discussed the tree grant. They have been trying to come up with a plan to spend the grant money. They are making a priority list of trees that need to come down and some that need to be replanted. One of the big trees in front of the town hall is getting to the point its dangerous. She is asking the Board to consider removing the two larger trees and get new ones. Chief Pervier recommended having a maintenance program if they put in new trees. Ms. Szafarowicz asked Mrs. Craver if she could look into making some sort of art project for the community center or something out of the trees because these are like landmarks in town. Ron Wilmot, Colburn Road in Charlton reminded the board that there is documentation of the trees on the website. **Motion by Mr. Singer to remove the two trees, seconded by Mr. Szafarowicz, motion carries unanimously.**

XIII. Next Meeting Announcement:

- * FY15 DCRSD Budget Kick Off meeting – February 5, 2014 – 6pm – Charlton Middle School
- * Roundtable – Charlton Growth meeting – February 11, 2014 – 6pm – Senior Center
- * Next Regular Selectmen’s Meeting – February 18, 2014

XIV. Adjourn/Executive Session:

Motion by Mr. Szafarowicz to enter into executive session at 9:52pm 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 discuss the discipline or dismissal of or complaints or charges against a public officer, employee, staff member or individual and #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 and #6 – to consider the purchase, exchange, lease or value of real estate, 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 and the chair so declares, seconded by Ms. Walker. Roll call vote taken: Ms. Walker – aye, Mr. Szafarowicz – aye, Mr. Singer – aye and Chairman Swensen – aye.

The Chair 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.

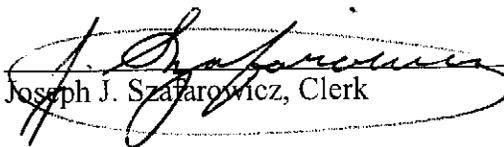
Motion by Mr. Szafarowicz to adjourn at 10:32pm, seconded by Ms. Walker, motion carries unanimously.

Submitted by:
Mary C. Devlin
Administrative Assistant

Accepted by:

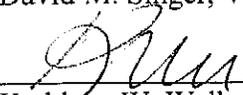


Frederick C. Swensen, Chairman



Joseph J. Szafarowicz, Clerk

David M. Singer, Vice-Chairperson



Kathleen W. Walker, Member

Brent Sellev, Member

February 4th 2014

My name is Kathy Fisher Fournier. I am the president of the Meadowview Tenants Association. This is my second time coming before the board of selectman, my reason for coming before you is because we the MTA asked that the Charlton housing board meetings be televised for greater transparency. At the last meeting we also discussed the ongoing mold issue. We asked that Jean Vincent, the executive director of Charlton housing be forthcoming with the toxicology report that the MTA requested for Jean to have done, this mold issue has been ongoing for over 12 years and the situation has never been rectified or even discussed with the board members. Jeans comments to the tenants that complain about the mold is "just use bleach and water to clean it." Finally, a phone call was made by myself to the executive director it was requested in writing that she hire a contractor to come and check on our mold situation (requested by the MTA). So, Jean hired someone in September 2013. A person came to each one of our homes on the family housing side with Will, the maintenance man, and the professional that was hired took swabs of our mold. We the MTA have requested the results of this toxicology test on several occasions. Now that we have made the town aware, the selectman wrote Jean Vincent and the Board of Directors a letter asking for this toxicology report. What the selectman have received was a report that was done in 2012 and actually was done on my apartment #20 (I also have this copy). This report was not good at all. The mold was scraped, bleached, and repainted. This is considered a bandaid approach (please google dateline, breathless). This will give you quite an insight about low income housing and mold issues are a huge problem, plaguing the United States.

Since starting this tenants association I have been harassed in every way by the executive director Jean Vincent. I have been unfairly targeted and have received many eviction notices. This is a major problem with housing developments starting tenants associations. However the DHCD and The Mass Union Of Housing, along with Governor Duval Patrick's office and the Attorney General's Office are all well aware of the situation here at the CHA that the number one rule in starting a tenants

organization for public or government housing is that the executive director of any housing development is not allowed to harass the person or persons organizing a tenants association. Somewhere, somehow Jean Vincent of the charlton housing association did not not receive that memo!!! We the tenants hired our own legal representation through a environmental lawyer and have recently had our own mold study done which we have the results from. Here is a copy of mine. To get back to the main subject of the whole reason this started was to have the CHA board meetings televised for the transparency, their last meeting would have certainly raised a red flag and the insinuation that we the tenants have been trying to explain that the board is unaware of anything the executive director does and she is not accountable to anyone,she runs the show not the board. The board members refused to attend your next meeting because they were all unaware of any mold issue(transparency, transparency, transparency). You the selectman sent a letter to the executive director Jean Vincent and board members to come to the next town meeting to be objective and give there side. You received a letter from the executive director explaining that they could not attend because of otherwise former obligations REALLY? Six members on the board and not one person could attend(red flag). Unfortunately the meeting had to be canceled due to weather conditions. Again, I ask that the selectman have the CHA board meeting televised because the public and the board members need to be made aware of what actually takes place here at the Charlton Housing Association.

Thank You

President of the MTA

Kathy Fisher Fournier

Vice President

Cedric Flower

Secretary

Michael Pintacura

Treasurer

Andrea Bozek

Housing Authority continues back and forth

MOLD REPORT, TELEVISED MEETINGS AT CENTER OF DISCUSSIONS

BY CHELSEA DAVIS
VILLAGER STAFF WRITER

CHARLTON — The
Charlton Housing
Authority addressed an
issue at their Tuesday,
Jan. 14 meeting that was
brought up in public forum
at a Board of Selectmen
meeting earlier in the
month.

At the Tuesday, Jan. 7
meeting of the Board of
Selectmen, a member of
the Meadowview Tenants
Association came before
the board to talk about tele-
vising Housing Authority
meetings.

"[We] request that

the Charlton Housing
Authority monthly board
meetings be televised ... to
ensure transparency and
accessibility to all resi-
dents of Charlton housing
in the Town of Charlton,"
said Meadowview Tenants
Association President
Kathy Fisher-Fornier at
the meeting.

Fisher-Fornier added
that it would be bene-
ficial to the residents on
top of making the Housing
Authority more transpar-
ent.

"Many of them are home-

Please Read **HOUSING**, page **A13**

February 4th, 2014

During the month of September 2013, Jeanne Vincent sent a mold inspector to my home, with Will the maintenance man, the mold inspector took samples from different areas of my home. I have asked for the results of the toxicology reports, however Jeanne Vincent refuses to give me the results.

Signed

Jeanne Vincent

Apartment #

10

February 4th, 2014

During the month of September 2013, Jeanne Vincent sent a mold inspector to my home, with Will the maintenance man, the mold inspector took samples from different areas of my home. I have asked for the results of the toxicology reports, however Jeanne Vincent refuses to give me the results.

Signed

J. Vincent

Apartment #

4120

February 4th, 2014

1 ADD OCTOBER INVENISE

During the month of September 2013, Jeanne Vincent sent a mold inspector to my home, with Will the maintenance man, the mold inspector took samples from different areas of my home. I have asked for the results of the toxicology reports, however Jeanne Vincent refuses to give me the results.

Signed

[Handwritten Signature]

Apartment #

17

2/14/12 EMLab JP

*Room / copy
email Nelson*

ENVIRONMENTAL HEALTH INC.

P.O. BOX 186 DOVER, MASSACHUSETTS 02030
(508)785-2258

February 10, 2012

FEB 14 2012

Ms. Jean Vincent, Director
Charlton Housing Authority
1 Meadowview Dr.
Charlton, MA 01507

RE: **Mold Bulk Sample from Second-Floor, 705 Family Unit 2D**

Dear Ms. Vincent:

Tom Hackinson delivered a bulk sample of suspect mold from the above-mentioned unit. He asked that we have it analyzed for mold. The sample was overnight delivered to EMLab in Phoenix Arizona for analysis. See the attached data page for analysis details.

Findings:

Mold was found in moderate to high concentrations on the sample. *Aspergillus/Penicillium* and *Pithomyces* were the dominant mold types found. These mold types are common in the indoor and outdoor environment and are common indoor colonizers of damp wood and gypsum board.

If you need assistance in discussing these results or in reviewing options for corrective action, please give me a call.

Sincerely,
Philip G. Terrell
Philip G. Terrell, CIH
President



EMLab P&K

Report for:

Phil Terrell
Environmental Health Inc
P.O. Box 186
Dover, MA 02030

Regarding: Project: Charlton Housing Authority; 705 Family Unit
EML ID: 885203

Approved by:

Dates of Analysis:
Quantitative spore count direct exam: 02-07-2012


Technical Manager
Aaron Agajanian

Service SOPs: Quantitative spore count direct exam (1041)

For clarity, we report the number of significant digits as calculated; but, due to the nature of this type of biological data, the number of significant digits that is used for interpretation should generally be one or two. All samples were received in acceptable condition unless noted in the Report Comments portion in the body of the report. Due to the nature of the analyses performed, field blank correction of results is not applied. The results relate only to the items tested.

EMLab P&K ("the Company") shall have no liability to the client or the client's customer with respect to decisions or recommendations made, actions taken or courses of conduct implemented by either the client or the client's customer as a result of or based upon the Test Results. In no event shall the Company be liable to the client with respect to the Test Results except for the Company's own willful misconduct or gross negligence nor shall the Company be liable for incidental or consequential damages or lost profits or revenues to the fullest extent such liability may be disclaimed by law, even if the Company has been advised of the possibility of such damages, lost profits or lost revenues. In no event shall the Company's liability with respect to the Test Results exceed the amount paid to the Company by the client therefor.

Document Number: 200091 - Revision Number: 5

ADDITIONAL COMMENTS

NOTE: DUE TO THE CURRENT CONDITION OF THE UNIT JEAN VINCENT (PROPERTY MANAGER) WAS TAKEN TO UNIT #20 FOR NOTIFICATION OF CURRENT CONDITION OF UNIT #20.

THE FOLLOWING ISSUE MUST BE ADDRESSED BY CHARLTON HOUSING AUTHORITY "FORTHWITH" TO PROTECT THE HEALTH OF THE OCCUPANTS OF UNIT #20:

THE FOLLOWING ISSUES DISCUSSED WITH PROPERTY MANAGER, JEAN VINCENT:

- SEVERE MOLD THROUGHOUT UNIT, ON WINDOWS, WALLS MUST BE CLEANED BY CERTIFIED COMPANY TO PROVIDE SAFETY TO OCCUPANTS AND PERSONS (CLEANING MOLD) - THIS IS TO BE DONE "FORTHWITH"
- ROOF IS LEAKING INTO WALLS CREATING EXCESSIVE MOISTURE.
- WINDOWS ARE NOT WEATHERTIGHT.
- FRONT STORAGE ROOM WITH AIR CONDITIONERS HAS SEVERE MOLD & WATER DAMAGE.
- REPAIR BATHROOM FAUCETS.
- TENANT IS HAVING MEDICAL ISSUES DUE TO MOLD AND I HAVE RECOMMENDED STAYING WITH FAMILY TO PREVENT FURTHER ISSUES IF POSSIBLE.

SEE ATTACHED PICTURES

This inspection report is signed and certified under the pains and penalties of perjury.

Signed

James Philbrook, Health Insp.
Code Enforcement Inspector/Board of Health

Date

1/29/12

Screens for Doors		
.552(1) Self closing device installed except for slide screen.	✓	
.552(2) Tight fitting around perimeter.	✓	
Installation of Screens		
.553 April 1st to October 30th both inclusive, in each year.	N/A	
Storage of Garbage and Rubbish		
.600(A) Garbage stored in water tight/rodent proof containers with tight fitting covers.	X	TRASH AT REAR OF PROPERTY NEEDS TO BE REMOVED.
.600(B) Plastic bags used only as a liner for 410.600(A).	✓	
.600(C) Owner provides receptacles for 3 or more units.	✓	
.600(D) Occupant responsible for proper placement of garbage in receptacle.	✓	
Collection of Garbage/Rubbish		
.601. Owner of dwelling with 3 or more units responsible for collection and disposal of garbage. Occupant of any other dwelling place responsible for collection of garbage.	✓	
Maintenance of Areas Free From Garbage and Rubbish		
.602(A) Owner responsible for maintaining land and property.	X	PICK UP DEBRIS AT REAR OF PROPERTY.
.602(C) If less than 3 units, occupants responsible for keeping stairs and landing to his unit sanitary if stairs not used by other occupants.	✓	
.602(D) Owner maintains common areas in sanitary condition.	✓	
Curtailement Prohibited		
.620 No owner or occupant shall shut off utilities or equipment.	✓	

Occupants Regulations

Occupants Responsibility Respecting Structural Elements	
.505 Occupants use reasonable care of floors, doors, windows and other structural elements.	
Occupants Installation and Maintenance Responsibilities	
.352(A) Occupant installed equipment installed in accordance with accepted plumbing, gas, heating and electrical standards.	
.352(B) Occupant keeps toilets, sinks, stoves and other appliances clean and exercises reasonable care in use and operation.	
Dwelling Unit	
.602(B) Dwelling unit is kept clean and sanitary by occupant free of garbage and rubbish and appliances.	

NO VIOLATIONS BY THE OCCUPANTS NOTED AT THE TIME OF INSPECTION.
J.P.

Referral: Electric Plumbing Building Fire Other

This housing inspection has has not revealed conditions which may endanger or materially impair the health or safety, and well being of any person(s) occupying the premises. ROOF & WINDOWS ARE NOT WEATHERTIGHT CAUSING EXCESSIVE MOISTURE & SEVERE MOLD IN UNIT #20.

water heating equipment, stove and ovens, electrical fixtures and wiring. The above equipment is maintained in good working order.	✓	
Asbestos Material .353 Asbestos material maintained in good repair.	N/A	
Metering of Electricity and Gas .354(A) Gas and electricity properly metered.	✓	
Provisions of Oil .355 Owner provides oil used for heating and/or hot water unless oil is provided through separate oil tank which serves only that dwelling unit.	N/A	ELECTRIC IN ALL UNITS
Minimum Square Footage .400(A) Dwelling unit contains 150 square feet for 1st occupant and 100 square feet for each additional occupant.	✓	
.400(B) Rooms for sleeping one occupant, 70 square feet; 50 feet for each additional occupant.	✓	
.400(C) Rooming unit - Sleeping area for one occupant - 80 square feet; 60 square feet for each additional occupant.	✓	
Ceiling Height 401(A) Not habitable if more than 3/4 of floor to ceiling is less than 7 feet in height.	✓	
Grade Level 402 More than 1/2 of floor to ceiling height is below average grade of adjoining ground and subject to chronic dampness.	✓	SECOND FLOOR UNIT
Means of Egress 450 Dwelling and rooming units have adequate number of egresses in accordance with Mass. State Building Code.	✓	COMPLIANT
Egress Obstructions 451 No exit or passage way obstructed.	✓	
Safe Condition 452 Egresses in safe, operable conditions. Exterior stairways, egress balconies and fire escapes free of snow and ice.	X	FRONT EGRESS HAS BLACK MOLD AND WATER RUNNING DOWN THE WALLS CREATING HAZARDS.
Locks 480(A) Dwelling unit is secured against unlawful entry.	✓	
.480(B) Dwelling is secured against unlawful entry.	✓	
.480(C) Main entry of 3 or more units, has an automatic locking system with electrically operated mechanism and associated equipment.	N/A	2-UNITS SEPARATE
480(D) Entry door for rooming unit is secure against unlawful entry.	✓	
.480(E) Every operable exterior window contains locking device.	✓	
.480(F) Locking devices comply with requirements of 780 CMR 1017.4.1 to avoid entrapment in building.	✓	
Posting of Name of Owner 481 Owner's name, address and telephone number posted.		CHARLTON HOUSING AUTHORITY ON SITE.

.200	Facilities maintained in good operating condition.	✓	
.201	At least 68°F (7:00 AM - 11:00 PM) At least 64°F (11:01 PM - 6:59 AM)	✓	
Venting .202.	Space heaters and water heaters, except electrical ones, properly vented to chimney or vent leading to out doors.	✓	
Natural Light and Electrical Outlets Habitable rooms other than kitchen		✓	
.250(A)	Glass which admits light from out doors no less than 8% of floor area.	✓	
.250(B)	2 separate convenience outlets or one outlet and one electric light fixture.	✓	
Kitchen Lighting and Electrical Outlets		✓	
.251(A)	One electric light fixture.	✓	
.251(A)	Two convenient outlets	✓	
.251	Sufficient natural light provided.	✓	
Bathroom Lighting and Electric Outlets		✓	
.252	One electric light fixture provided.	✓	
Light Fixtures Other Than in Habitable Rooms or Kitchen		✓	
.253(A)	Light fixtures and switches provided and operating for safe use of laundry, stairway, hallway, exterior stairway, cellar, etc.	✓	
Light in Passageways, Hallways and Stairways		✓	
.254	Lighting provided 24 hours per day of at least one foot candle.	✓	
Amperage		✓	
.255	Electrical service supplies sufficient amperage to meet reasonable needs of occupant,	✓	
Temporary Wiring		✓	
.256	Temporary wiring prohibited. No wiring under rug or floor covering or running through doorway.	✓	
Natural and Mechanical Ventilation		✓	
.280	Windows, doors, skylights easily opened to 4% of floor area or mechanical ventilation exhausted to the outdoors.	✓	
.281	Mechanical ventilation provided with shut off or volume reduction.	✓	
Sanitary Drainage System		✓	
.300	Sanitary drainage system provided and in good working order.	✓	
Plumbing Connections			
.351(A)	Kitchen sinks, bathtubs, showers and handsinks connected to hot and cold water lines and to sanitary drainage system in accordance with accepted plumbing standards.	X	REPAIR BATHTUB FAUCET. THE HOT WATER IS RUNNING WITH FAUCET SHUT OFF CAUSING HIGH ELECTRIC BILLS.
.350(A)	Toilet connected to water distribution system and sanitary drainage system in accordance with accepted plumbing standards.	✓	
Owners Installation and Maintenance Responsibilities			
Owner has installed in accordance with accepted plumbing/gas, and wiring standards the following:		X	
.351(A)	Sinks, tubs/showers, toilets, heating equipment, gas pipes,	X	REPAIR BATHTUB FAUCET "FORTHWITH"

The next scheduled follow-up inspection: Date 1/29/12 Time 10:30 AM

LEGAL REMEDIES FOR TENANTS OF RESIDENTIAL HOUSING

THE FOLLOWING IS A BRIEF SUMMARY OF SOME OF THE LEGAL REMEDIES TENANTS MAY USE IN ORDER TO GET HOUSING CODE VIOLATIONS CORRECTED.

1. Rent Withholding (General Laws Chapter 239 Section 8A)

If Code Violations Are Not Being Corrected, you may be entitled to hold back your rent payments. You can do this without being evicted if:

- A. You can prove that your dwelling unit or common areas contain code violations which are serious enough to endanger or materially impair your health or safety and that your landlord knew about the violations before you were behind in your rent.
- B. You did not cause the violations and they can be repaired while you continue to live in the building.
- C. You are prepared to pay any portion of the rent into court if a judge orders you to pay it. (For this it is best to put the rent money aside in a safe place.)

2. Repair and Deduct (General Laws Chapter 111 Section 127L)

The law sometimes allow you to use your rent money to make the repairs yourself. If your local code enforcement agency certifies that there are code violations which endanger or materially impair your health, safety or well-being and your landlord has received written notice of the violations, you may be able to use this remedy. If the owner fails to begin necessary repairs (or to enter into a written contract to have them made) within five days after notice or to complete repairs within 14 days after notice you can use up to four months rent in any year to make the repairs.

3. Retaliatory Rent Increases or Evictions Prohibited (General Laws Chapter 186. Section 18 and Chapter 239 Section 2A).

The owner may not increase your rent or evict you in retaliation for making a complaint to your local code enforcement agency about code violations. If the owner raised your rent or tries to evict within six months after you have made the complaint he or she will have to show a good reason for the increase or eviction which is unrelated to your complaint. You may be able to sue the landlord for the damages if he or she tries this.

4. Rent Receivership (General Laws Chapter 111 Section 127C-H).

The occupants and/or the board of health may petition the District or Superior Court to allow rent to be paid into court rather than to the owner. The court may then appoint a "receiver" who may spend as much of the rent money as is needed to correct the violation. The receiver is not subject to a spending limitation of four months rent.

5. Breach of Warranty of Habitability.

You may be entitled to sue your landlord to have all or some of your rent returned if your dwelling unit does not meet minimum standards of habitability.

6. Unfair and Deceptive Practices (General Laws Chapter 93A).

Renting an apartment with code violations is a violation of the consumer protection act and regulations for which you may sue an owner.

THE INFORMATION PRESENTED ABOVE IS ONLY A SUMMARY OF THE LAW. BEFORE YOU DECIDE TO WITHHOLD YOUR RENT OR TAKE ANY OTHER LEGAL ACTION, IT IS ADVISABLE THAT YOU CONSULT AN ATTORNEY. IF YOU CANNOT AFFORD TO CONSULT AN ATTORNEY, YOU SHOULD CONTACT THE NEAREST LEGAL SERVICES OFFICE WHICH IS:

Kathy Fournier
(NAME)

508-248-5051
(TELEPHONE NUMBER)

Client: Environmental Health Inc
 C/O: Phil Terrell
 Re: Charlton Housing Authority; 705 Family Unit

Date of Sampling: 02-03-2012
 Date of Receipt: 02-06-2012
 Date of Report: 02-08-2012

QUANTITATIVE SPORE COUNT REPORT

Location:	1: 2nd Floor 705 Family Unit	
Comments (see below)	None	
Sample type	Tape sample	
Lab ID-Version†:	3931578-1	
Analysis Date:	02/07/2012	
	raw ct.	spores/unit
Alternaria		
Arthrinium		
Ascospores*		
Aureobasidium		
Basidiospores*		
Bipolaris/Drechslera group		
Botrytis		
Chaetomium		
Cladosporium		
Curvularia		
Epicoccum		
Fusarium		
Myrothecium		
Nigrospora		
Other colorless		
Penicillium/Aspergillus types‡	62	62,000
Pithomyces	102	100,000
Rusts*		
Smuts*, Periconia, Myxomycetes*	10	170
Stachybotrys		
Stemphylium		
Torula		
Ulocladium	6	100
Zygomycetes		
Background debris (1-4+)††	1+	
Sample size	1	
Unit	1 cm ²	
§ TOTAL SPORES/UNIT		160,000

Comments:

* Most of these spore types are not seen with culturable methods (Andersen sampling), although some may appear as nonsporulating colonies. Most of the basidiospores are 'mushroom' spores while the rusts and smuts are plant pathogens.

† The spores of *Aspergillus* and *Penicillium* (and others such as *Acremonium*, *Pezizomyces*) are small and round with very few distinguishing characteristics. They cannot be differentiated by non viable sampling methods. Also, some species with very small spores are easily missed, and may be undercounted.

†† Background debris is an indication of the amount of non-biological particulate matter present on the slide (dust in the air) and is graded from 1+ to 4+ with 4+ indicating the largest amounts. This background material is also an indication of visibility for the analyst and resultant difficulty reading the slide. For example, high background debris may obscure the small spores such as the *Penicillium/Aspergillus* group. Counts from areas with 4+ background debris should be regarded as minimal counts and may actually be higher than reported.

‡ A "Version" indicated by "x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

§ Total Spores/unit has been rounded to two significant figures to reflect analytical precision.

Spore types listed without a count or data entry were not detected during the course of the analysis for the respective sample.

File per Insp.

CHARLTON

JAN 30 2012

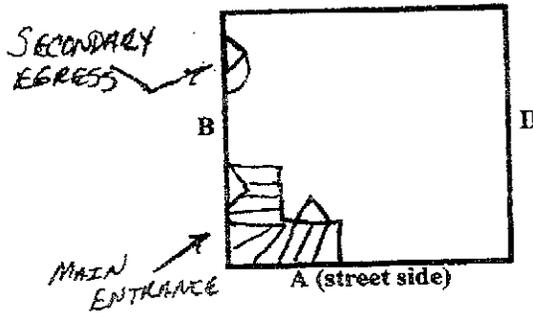
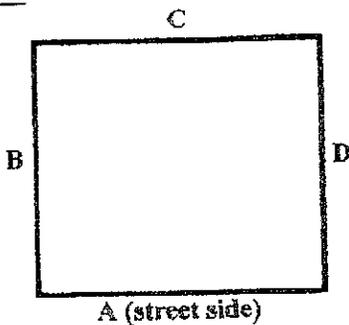
NAME OF CITY OR TOWN

STATE SANITARY CODE
CHAPTER II, MINIMUM STANDARDS OF FITNESS FOR HUMAN HABITATION
105 CMR 410.000

505-248-6912		HOUSING INSPECTION REPORT 774-289-0517	
ADDRESS	MEADOWVIEW DR. APT. # 20	OCCUPANT	LISA FREDETTE
OWNER	TOWN OF CHARLTON / JEAN VERRENT (MAYG.)	ADDRESS	20 MEADOWVIEW DR. UNIT #20
DATE OF INSPECTION	1/26/12	TIME	10:00 AM
INSPECTED BY	JAMES PHILBROOK, HEALTH INSP.		

Floor # _____

Floor # 2nd



Regulation 105 CMR 410.000. The items marked below with an "X" indicate the violated provisions of 105 CMR 410.000.

REGULATION	VIOL.	COMMENTS
Kitchen Facilities		
.100(A) Suitable space to store, prepare and serve foods in sanitary manner.	✓	
.100(A)(1) Kitchen sink provided to wash dishes and utensils.	✓	
.100(A)(2) Stove and oven in good repair.	✓	
.100(A)(3) Space and proper facilities for installation of refrigerator.	✓	
Sanitary Facilities		
.150(A) Sink, toilet, bathtub or shower provided.	✓	
Shared Facilities		
.151 Toilet, sink and bathtub or shower sanitized at least once every 24 hours.	X	N/A
Potable Water		
.180 Sufficient quantity and pressure.	✓	WATER REPORT?
Hot Water (110°F - 130°F)		
.190 Sufficient quantity and pressure.	✓	
Heating Facilities		
	✓	ELECTRIC HEATERS ON WALLS



Microbiology Chain of Custody

EMSL Order Number (Lab Use Only)

EMSL ANALYTICAL, INC.

171400469

Company: Microzyme Technologies
 Street: 420 Boston Tpk
 City: Shrewsbury State/Province: FL Ala Zip/Postal Code: 05475 Country: _____
 Report To (Name): Dina & Roy Fax #: _____
 Telephone #: 508-841-8158 E-mail Address: dina@microzyme.us
 Project Name/Number: Kathy Fournier 20 Meadowview Dr. Chelton, MA
 Please Provide Results: Fax E-mail POS Other Samples (Specify): _____

Turnaround Time (TAT) Options* - Please Check
 3 Hour 6 Hour 24 Hour 48 Hour 72 Hour 96 Hour 1 Week 2 Weeks
 *Analysis completed in accordance with EMSL's Terms and Conditions located in the Analytical Price Guide. TATs are subject to availability.

- Non-Culturable Air Samples (Spore Traps)**
- M001 Air-O-Cell
 - M049 BioSIS
 - M036 Micro 5
 - M173 Allegro M2
 - M003 Burkard
 - M174 MoldSnap
 - M004 Allergenco
 - M043 Cyclor
 - M176 Rota Smart
 - M032 Allergenco-D
 - M004 Cyclor-d
 - M130 Via-Cell
 - M172 Airco Trap

- Other Microbiology Test Codes**
- M041 Fungal Direct Examination
 - M005 Viable Fungi ID and Count
 - M006 Viable Fungi ID and Count (Speciation)
 - M007 Culturable Fungi
 - M008 Culturable Fungi (Speciation)
 - M009 Gram Stain Culturable Bacteria
 - M010 Bacterial Count and ID - 3 Most Prominent
 - M011 Bacterial Count and ID - 5 Most Prominent
 - M012 Sewage Contamination in Buildings
 - M014 Endotoxin Analysis
 - M015 Heterotrophic Plate Count
 - M100 Real Time Q-PCR-ERM1 30 Panel
 - M016 Total Coliform (Membrane Filtration)
 - M000 Fecal Streptococcus (Membrane Filtration)
 - M010-315 Legionella Detection
 - M000 Recreational Water Sensor
 - M007 Mycotoxin Analysis
 - M000 Enterococci
 - M019 Fecal Coliform
 - M133 MRSA Analysis
 - M000 Cryptosporidium neofortensis Detection
 - M126 Microplasma capsulatum Detection
 - M000-30 Allergen Testing
 - M044 Group A Strep (Cat, Dog, Calico, Shetland)
 - Other: See Analytical Price Guide

Preservation Method (Water): _____

Name of Sampler: _____ Signature of Sampler: _____

Sample #	Sample Location	Sample Type	Test Code	Volume/Area	Date/Time Collected
S-1	Victorias Bedroom Window	Swab	M041		4:00 PM 1-29-14

Client Sample # (s): _____ Total # of Samples: 1

Relinquished (Client): Dina & Roy Date: _____ Time: _____

Received (Client): ANar Date: 1/27/14 Time: 11:30 am

Comments: Kedex 8018 4379 173A



EMSL Analytical, Inc.

19501 NE 10th Ave. Bay A N. Miami Beach, FL 33179
Phone/Fax: (305) 650-0577 / (305) 650-0578
<http://www.EMSL.com> / miamilab@emsl.com

Order ID: 171400469
Customer ID: MICZ85
Customer PO:
Project ID:

Attn: David Roy
Microzyme Technologies, Inc.
19 Bunker Hill Road
Shrewsbury, MA 01545

Phone: (508) 523-1579
Fax: (508) 841-8158
Collected: 01/23/2014
Received: 01/27/2014
Analyzed: 01/27/2014

Proj: Kathy Fournier 20 Meadowview Dr. Charlton, MA

Test Report: Microscopic Examination of Fungal Spores, Fungal Structures, Hyphae, and Other Particulates from Swab Samples (EMSL Method: M041)

Lab Sample Number:	171400469-0001				
Client Sample ID:	S1				
Sample Location:	Victoria's Bedroom Window				
Spore Types	Category				
Agrocybe/Coprinus	-				
Alternaria	-				
Ascospores	-				
Aspergillus/Penicillium	-				
Basidiospores	-				
Bipolaris++	-				
Chaetomium	-				
Cladosporium	*Medium*				
Curvularia	-				
Epicoccum	-				
Fusarium	-				
Ganoderma	-				
Myxomycetes++	-				
Paecilomyces	-				
Rust	-				
Scopulariopsis	-				
Stachybotrys	-				
Torula	-				
Ulocladium	*Medium*				
Unidentifiable Spores	-				
Zygomycetes	-				
Phoma	*Medium*				
Fibrous Particulate	-				
Hyphal Fragment	Medium				
Insect Fragment	-				
Pollen	Rare				

Category: Count/per area analyzed
Rare: 1 to 10 Low: 11 to 100 Medium: 101 to 1000 High: >1000

Bipolaris++ = Bipolaris/Dreschlera/Exserohilum Myxomycetes++ = Myxomycetes/Periconia/Smut
* = Sample contains fruiting structures and/or hyphae associated with the spores.

No discernable field blank was submitted with this group of samples.

EMSL maintains liability limited to cost of analysis. This report relates only to the samples reported above and may not be reproduced, except in full, without written approval by EMSL. EMSL bears no responsibility for sample collection activities or analytical method limitations. Interpretation of the data contained in this report is the responsibility of the client. "-" denotes not detected. Samples received in good condition unless otherwise noted.
Samples analyzed by EMSL Analytical, Inc. N. Miami Beach, FL AIHA-LAP, LLC--EMLAP Accredited #102813

Ariel Escoto, Laboratory Manager
or Other Approved Signatory

Initial report from: 01/27/2014 17:39:15

For information on the fungi listed in this report please visit the Resources section at www.emsl.com