

Submitted by MOJ
Date 5/19/14
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Date 5-20-14

TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
Tuesday – April 15, 2014 at 6:30pm

Present: Chairman – Frederick C. Swensen, Clerk – Joseph J. Szafarowicz and Members – Brent Sellew and Kathleen W. Walker. Also in attendance: Town Administrator – Robin L. Craver and Student Selectperson – Emily Sprague. ¹ Absent: Vice-Chairman – David M. Singer.

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 and a moment of silence in recognition of the victims of the marathon bombing last year. Mrs. Craver stated that Mr. Singer called and he is not feeling well so he will not be here.
2. Chairman Swensen reminded everyone to treat each other courteously and be acknowledged by the Chair before speaking. Those in attendance are requested to turn off cell phones or put them on vibrate so as not to disrupt the proceedings and remove hats, if any.

II. Consent Agenda:

1. Minutes of Selectmen's Regular Meeting – April 1, 2014. **Motion by Mr. Szafarowicz that we approve the minutes of April 1, 2014, seconded by Mr. Sellew, motion carries.**
2. Minutes of January 2012 – August 7, 2012 for approval. Mrs. Craver stated that as the Board may remember, a member of our staff was out part time due to illness from the end of 2010 through 2012. As time allows, minutes are being completed for your approval. Attached are minutes from the following meetings: December 13, 2011; January 9, 2012; January 10, 2012; January 18, 2012; January 25, 2012; March 7, 2012; March 14, 2012; March 21, 2012; April 10, 2012 – 5:30pm; April 10, 2012; April 25, 2012; May 10, 2012; May 16, 2012 and August 7, 2012. **Motion by Ms. Walker to approve, seconded by Mr. Sellew, motion carries with 3 ayes and Mr. Szafarowicz abstaining.**

III. Community Relations, Announcements and Open Forum:

- Chairman Swensen read the announcements.
- Ms. Walker stated that the ceramic jar composter on the table is one of the prizes that will be given for the recycling day contest. Kara Hmielowski in the Selectmen's office applied for a grant for the Recycling Committee and they were able to get three of these. The Recycling Committee will also be ordering Recycling containers for all town offices.
- Chief Pervier came forward and stated that for Earth Day, for people that are cleaning up the sides of the road to please come to the Senior Center for the bags and return them to the town hall when they are full. If anyone finds anything such as needles, wallets or purses that might be part of a crime that might have been discarded, please contact the police department. There will also be a car safety clinic on Earth Day. He also reviewed the vendors that will be present that day.

¹ Emily Sprague – Student Selectperson left early due to illness.

- Karen Spiewak came forward and stated that she is here to announce an event that she is helping with. It's called a time to talk about lyme and will be held on Saturday, May 10th from 1 – 4 upstairs in Dexter Hall in the Library. Mrs. Spiewak mentioned that to recognize lyme disease during the month of May, they are looking for approval to hang green ribbons around trees. The Board was fine with that.

IV. Appointments/Resignations: None

V. Scheduled Appointments:

Mrs. Craver stated that to provide the Board with more information on some of the articles requested for town meeting, we have scheduled the following times for discussion and invited the departments/boards/commissions/committees to attend. We have also provided you with any information that we had on the article.

6:40pm – Codification of By-laws. Robert Burnham and Fred Pappalardo came forward and stated that this process has been going on since last year and they have been working with General Code. They are hoping to have this approved at town meeting so we have a new set of bylaws to go by. This new system would set up all bylaws in an organized way. The Board thanked them for their work on this. Mrs. Craver reviewed how the new set up looks.

6:50pm – New Recreation Fields Complex. Mrs. Craver stated that this has come before town meeting before. The Recreation Commission is here to explain the plan. John Perkins, Chairman came forward. He stated that they had a feasibility study done. A phased plan to develop a facility and it will have two options. 1 is the original recreation complex and the second will include the possibility of a new Senior Center building. The estimates show just the recreational facility and would not show any estimates for a Senior Building as it's a preliminary plan without any specs. Mr. Szafarowicz asked for the phase 1 cost, does that include the land? Mr. Perkins stated that Phase I is a construction phase. Chairman Swensen asked when was the last time the Town built fields and the answer was 1990. **Motion by Ms. Walker to approve the expanded phase of this program and move forward with it.** Mrs. Craver stated that she is not sure what they are asking for and Ms. Walker stated that she made a motion to support it through a debt exclusion. Mrs. Craver stated that we would need to write a warrant article and asked if the Recreation Commission has put it together and the answer was no. She asked what they were looking for from town meeting. Mr. Perkins stated that they were looking for input and guidance. Ms. Walker would recommend putting a warrant article to purchase the land and support a debt exclusion to complete phase 1. Ms. Walker would like to go with two motions as Mr. Snow stated. Ms. Walker withdrew her motion. **Motion by Ms. Walker to approve the Recreation Commission and Town Administrator to draw up a motion to buy the property for the stated price for a recreation complex, seconded by Mr. Sellew, motion carries unanimously. Motion by Ms. Walker to include an article on the warrant with regards to developing phase 1 of the project as a debt exclusion, seconded by Mr. Sellew, motion carries unanimously.**

7:00pm – Amendments to Charlton General Bylaws – town owned lakes and ponds, docks, mooring and berthing bylaw; and noncriminal disposition enforcement procedure bylaw as to same. Ziggy Waraskiewicz, Chairman of the Lakes and Ponds Committee and Todd Girard, Conservation Agent came forward. Mr. Waraskiewicz stated that the Board of Selectmen formed a Lakes and Ponds Committee who were charged with coming up with a bylaw for people that put private structures and moorings on town owned lakes and ponds. They did that for the last town meeting and that was defeated. The Lakes & Ponds Committee decided to amend that by what was said. This bylaw would help the town by giving the police some authority to enforce the bylaw. Mr. Girard was asked to explain how this came about. He stated that the original catalyst for this was when the Conservation Commission received complaints about a boat and dock that was off of a town owned parcel. At the end of that resolve, it was discovered that we had no bylaws for this. Robert Lemansky from Sunset

Drive came forward. He stated that he has a back lot which has deeded rights to Glen Echo Lake. He said if you look at section 3, Moorings and Docks, it states that no dock, pier, mooring, float or other structure or object shall be affixed to, placed or maintained on any town owned bank or other town owned land, including any such located under a body of water, or any town owned easement by any person other than the town itself or one of its duly authorized boards, commissions or agencies. He stated that the town will have to take some of these people to court that have items attached to docks. His specific deed talks about lot 22. He also stated that he could recommend the town sell the property which would help solve some of the issues. Chairman Swensen stated that the town had nothing to fight with regarding the issue that came up before. This would at least help the town have something to work with. Bill Woodward from Westview Drive came forward and said that sadly, he is the driving force behind this. He said what he put in the water actually improves access to Glen Echo. He said that if the town is going to be responsible for this being public access, then it has to be fixed. He said before he had no problem donating that dock to the town for use. Mr. Woodward stated that his deed says he has access to the lake. Mr. Szafarowicz stated the thing here is liability. Chairman Swensen ended the discussion and stated that their goal tonight is not to discuss whether this will pass or not but whether to put it in front of the voters and let the voters decide. **Motion by Ms. Walker to allow this issue to go forward to town meeting to leave up to the voters, seconded by Mr. Szafarowicz.** Eric Webb from 70 Sunset Drive came forward. He said this already went to town meeting last year and didn't pass. It seems repetitive to him. **Vote on motion: motion carries.** Bob Burnham from the bylaw committee came forward and provided the board with an updated bylaw for consideration. He reviewed all the changes. Chairman Swensen thanked Mr. Burnham for his work on the bylaw but they voted to put it on the town meeting warrant. Mr. Pappalardo asked the board to review and consider putting this in the bylaw for town meeting so if it's approved, this would be the wording. Mrs. Craver would recommend the Board approve to put this on and authorize her to work with the bylaw committee and lakes and ponds to make grammatical changes and come to a consensus.

7:10pm – Amendments to Charlton General Bylaws – Solicitors bylaw. Chief Pervier came forward and said that this bylaw helps the police to regulate this type of activity. **Motion by Ms. Walker to approve this, seconded by Mr. Sellew, motion carries unanimously.**

7:20pm – Funding Police Detail Account – Chief Pervier stated that they have been working on clearing up past due monies. They are meeting on Thursday with Bill Fraher to see where they are. Chairman Swensen stated that all we are trying to do is decide if we are putting this article on the town meeting warrant and let the voters decide from there. **Motion by Mr. Szafarowicz to include this article on town meeting, seconded by Mr. Sellew, motion carries unanimously.**

7:30pm – Amendments to Charlton General Bylaws – Article XXI: Removal of Snow and Ice from Sidewalks. Mrs. Craver stated the only thing changing in this bylaw is the wording Highway Superintendent to Police Chief. **Motion by Mr. Szafarowicz to put this article on the town meeting warrant, seconded by Mr. Sellew, motion carries unanimously.**

7:35pm – Amendment to Charlton General Bylaws – Public consumption of marihuana. Chief Pervier stated that we want to put this bylaw on because of the fact that obviously of the changes in the law. It also states that no person shall smoke, ingest or otherwise use or consume marihuana while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot or any other passenger conveyance operated by a common carrier; or in any place accessible to the public. **Motion by Ms. Walker to approve this article on the warrant, seconded by Mr. Sellew.** Mr. Sellew stated that he and the Chief attended a meeting on this today. He feels this is very important that the town passes this as it gives the wrong idea to children. It's just the area that's being restricted for use for medically needed marihuana. Chief Pervier states this is just like alcohol, it has it's own place to be used. **Vote on motion: motion carries.**

7:45pm – Amendments to Charlton General Bylaws – Civil Fingerprinting License bylaw. Mrs.

Craver stated that all we are doing is changing the one year to three years. Fingerprints are needed for licenses and permits and is not needed every year. **Motion by Mr. Szafarowicz to put this article on the town meeting warrant, seconded by Mr. Sellew, motion carries.**

8:00pm – Mandatory Water Hook Up. Mrs. Craver read the article as follows: To see if the town will vote to amend the General Bylaws by adding to Chapter XXII Water Use Bylaw a new Section 6 Mandatory Water Connection as follows: If a lot of land abuts a public or private way or easement in which there is a public water supply pipe, any building constructed, reconstructed, substantially enlarged or substantially altered upon such lot, the building permit for which is issued on or after the effective date of this section, must be connected to the water supply pipe prior to occupancy, unless the Water and Sewer Commission determines that the water supply pipe or water system has insufficient capacity to accommodate such building, in compliance with all applicable rules, regulations, standards, procedures and fees and assessments of the Water and Sewer Commission. For the purpose of this section, reconstruction shall mean demolition of an existing building and construction of a new building upon a lot whether or not within the footprint of the existing foundation; substantial enlargement shall mean alteration of a building for the purpose of accommodating a new use or expanding an existing use which new or expanded use is estimated, using the standards set forth in the State Environmental Code or similar regulation by which water consumption or sewage disposal requirements of buildings and uses are calculated, to require twenty-five percent more potable drinking water than the existing use of the building, or take any action relative thereto. Mrs. Craver stated that we have an opportunity to receive 6 miles of pipe from Exxon and one of the concerns is that we might not have enough users. Some people were not comfortable with mandating this but they were comfortable with having this for new construction. Matt Gagner from the Board of Health stated that the board has a consensus that they are not in support of this article as written. Nelson Burlingame feels that they don't have enough information on this and are not sure what is trying to be accomplished. Chairman Swensen explained what we are using for water right now and where we need to go. Mr. Gagner asked how much new construction are we going to have? Is it enough to take care of what we need? They haven't seen any kind of clauses for those that would need it to not hook up. Chairman Swensen stated that this isn't the answer but it's part of the answer. Mr. Sellew stated that we need some sort of a vehicle that allows review of case by case. Ms. Walker feels it's very important to have a member of the Board of Health at these meetings. Chairman Swensen stated that what's in question is should this be a town bylaw or a board of health regulation and this suggestion was made due to the similarities with the septic. The goal is to try to increase water usage in the town. Due to concerns heard, Mrs. Craver stated that she could ask Town Counsel to include that if the Water and Sewer Commission determine an undue hardship or insufficient capacity. Mr. Burlingame stated that we should discuss if we just have new construction, will that help us? Which piece would work? **Motion by Ms. Walker that we put this forward on the warrant but only with regards to new construction. No second.** She wants to show Southbridge that we are trying. **Motion by Mr. Sellew that we put this on the town warrant with the new construction and the renovation and the substantially altered, seconded by Ms. Walker.** Ms. Walker stated that she would support this motion if we had the support from the Board of Health. **Mr. Szafarowicz amended the motion to include unless the Water/Sewer Commission determines the water has insufficient capacity or causes undue hardship, seconded by Mr. Sellew, 3 ayes and Ms. Walker – opposed.** Mr. Gagner stated that they also do not like the 25%. Chairman Swensen stated that the motion will stay as written adding the phrase that would cause undue hardship. **Motion by Mr. Szafarowicz to increase the 25% to 50% for growth spore area or expanding usage, seconded by Mr. Sellew.** Mr. Gagner asked if this includes reconstruction? It was stated that only if it's 50%. **Mr. Burlingame stated that the Board of Health is in an open meeting and he would make a motion that they give the Board their support, seconded by Mr. Stevens, motion carries with Mr. Gagner opposed. Chairman Swensen called for a vote on the amendment: motion carries. Chairman Swensen called for a vote on the**

motion: motion carries unanimously.

VI. New Business:

1. Dartmouth Select Board request to support modification to state tax classification. Mrs. Craver stated that attached is a letter that was received from the Dartmouth Select Board stating that they have asked their legislative delegation to support a modification within the current state tax classification which would allow municipalities to expand the small business tax exemption which provides municipalities the options of:
 - A. Expanding the current tax exemption from 10% to 20% of their respective tax bill;
 - B. Allowing communities to expand the assessed value exemption from \$1 million to \$2.0 million dollars; and
 - C. Increasing the number of employees a small business can have to qualify for the exemption from 10 employees to 20 employees.

We forwarded this letter to the Board of Assessors for their recommendation and they did not recommend supporting the legislation proposed by the Dartmouth Select Board at this time. What is the Board's wishes? **Ms. Walker stated that based on the Assessors recommendation not to support this letter, she would make a motion not to support this, seconded by Mr. Szafarowicz.** It was asked to contact the Board of Assessors office and get their input as to why they do not support it at this time. **Vote on motion: motion carries unanimously.**

VII. Old Business:

1. Draft amendments to Charlton Contract. Mrs. Craver stated that the Cable Committee has been working on the renewal of the Charlton Charter Contract. They have recommended draft amendments to the current contract and would ask the Board to review the amendments. A notice has been placed in the paper notifying residents that they can come in to the Town Clerk's office to view the proposed amendments and provide input no later than May 19, 2014. The Board is asked to review and approve the amendments. The amendments cannot be signed by the Board and Charter until AFTER the comment period ends on May 19, 2014. Mrs. Craver would recommend the Board approve the amendments as provided. **Motion by Ms. Walker to approve the amendments as provided, seconded by Mr. Sellew, motion carries unanimously.**
2. Annual Town Meeting
 - Warrant – approve for posting
 - Budget

Mrs. Craver reviewed the warrant articles that the Board has at this time. She stated that the Classification Plan update will be presented to the Board in executive session regarding any implications for negotiations with union or non-union personnel. Mrs. Craver would ask the Board to approve the warrant tonight as amended and we will get it posted by the 24th. **Motion by Mr. Szafarowicz that we approve the warrant as amended tonight for posting, seconded by Mr. Sellew, motion carries unanimously.** Mrs. Craver stated that she was not going to review the budget tonight but would like to discuss the Library and a position they have. One of the questions she has for the board is do you want a hiring freeze? The Library and the Police each have an opening and they need direction from the board. Ms. Walker is not in favor of a hiring freeze at this moment. It might be needed in the future. Mrs. Craver stated that the reason for asking that question was the possibility of reduction in services for hours in the town hall or library. Mr. Szafarowicz thinks we should hold off for a while. Chairman Swensen stated his concern is that if we hire people best case, we would reduce their hours and reduce their compensation, worse case is to let them go. Chief Pervier came forward and stated that when the 19th officer was allowed back on, it was stated that the Chief would not be asked to reduce staff. He said right now with lack of staffing, he is paying out a lot more of overtime. Cheryl Hansen,

Director of the Public Library and Cheryl Meskus, Library Trustee Chair came forward. Mrs. Hansen said that she knows that the Library and Police each have an open position but she noticed in the paper that the Cemetery and Board of Health advertised one as well. She stated that in May, the hours for the Library will be decreasing if they do not have the proper staff. If they have to decrease hours because of staffing, the state will not consider them fully compliant. They have to be open 40 hours to be fully compliant. What this means is that they will be losing money through the aid that they receive. She also stated that this is a 7% cut in their budget. If all other departments take a 7% cut, then the Library loses their certification. What this means is that any resident cannot borrow books from another Library. Chairman Swensen reviewed how we got where we are. He stated that after hearing this, does the Board want to initiate a hiring freeze? Mrs. Craver recommended holding off until the second week in May when we have all the numbers. Ms. Walker would like to take the recommendation of the Library Trustees as they know best. Mrs. Meskus stated that they have not met yet as a board to discuss this so she cannot answer this. Karen Spiewak, Vice-Chairman of the Library Trustees came forward. She stated that they could move forward right now as they have it in their budget for this year. Hundreds of people use the library every day. She also said that as a town, we need to get our priorities in order. Which is more important? She went back to the process of how they were notified about not hiring yet. Mrs. Craver reviewed how it was done. She reviewed the two other positions that were mentioned. The animal inspector is a state mandated position. The Cemetery positions is only seasonal. Chairman Swensen stated that it was brought up, should we do this, should we initiate a hiring freeze. If a freeze is put on it would affect everyone. He stated that we are at the point that we are looking at cutting services. Mr. Sellew stated that last year, we tried to get the people to help but it didn't pass. He doesn't agree with a freeze right now. He thinks we need to wait two more weeks when more numbers come in. **Motion by Ms. Walker that we don't initiate a hiring freeze at this time, seconded by Mr. Sellew.** Mrs. Craver is concerned about making commitments to people and not being able to follow through. She asked if the Library would be willing to hold off for two weeks to see what happens with the budget? Mrs. Spiewak stated that the Library has the money in the budget for this year. Mr. Szafarowicz asked what would happen in two weeks with the budget to make it more clear? Does it involve school numbers and state numbers. Mrs. Craver stated both. Mrs. Hansen stated that they had to put the process on hold for hiring and they are getting a lot of calls daily. What does the staff say to these people? **Vote on motion: 3 ayes with Mr. Szafarowicz opposed.**

VIII. Committee Reports

IX. BOS Policy Review:

X. Student Selectperson Report – Not present.

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

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

XIII. Next Meeting Announcement:

- Next regular Selectmen's meeting – April 29, 2014
- Annual Town Election – May 3, 2014
- Annual Town Meeting – May 19, 2014

XIV. Adjourn/Executive Session:

Motion by Mr. Szafarowicz to enter into executive session under M.G.L. c. 30a, sec. 21, #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 and #6 – to consider the purchase, exchange, lease or value of real estate, if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares, seconded by Mr. Sellew. Roll call vote taken: Mr. Szafarowicz – aye, Mr. Sellew – aye and Chairman Swensen – aye. Ms. Walker was not in the room when roll call was taken. 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.

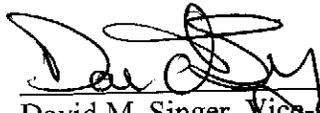
Motion by Mr. Szafarowicz to adjourn at 10: 35pm, seconded by Mr. Sellew, motion carries.

Submitted by:
Mary C. Devlin
Administrative Assistant

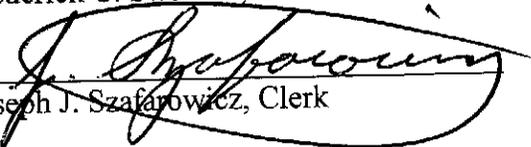
Accepted by:



Frederick C. Swensen, Chairman



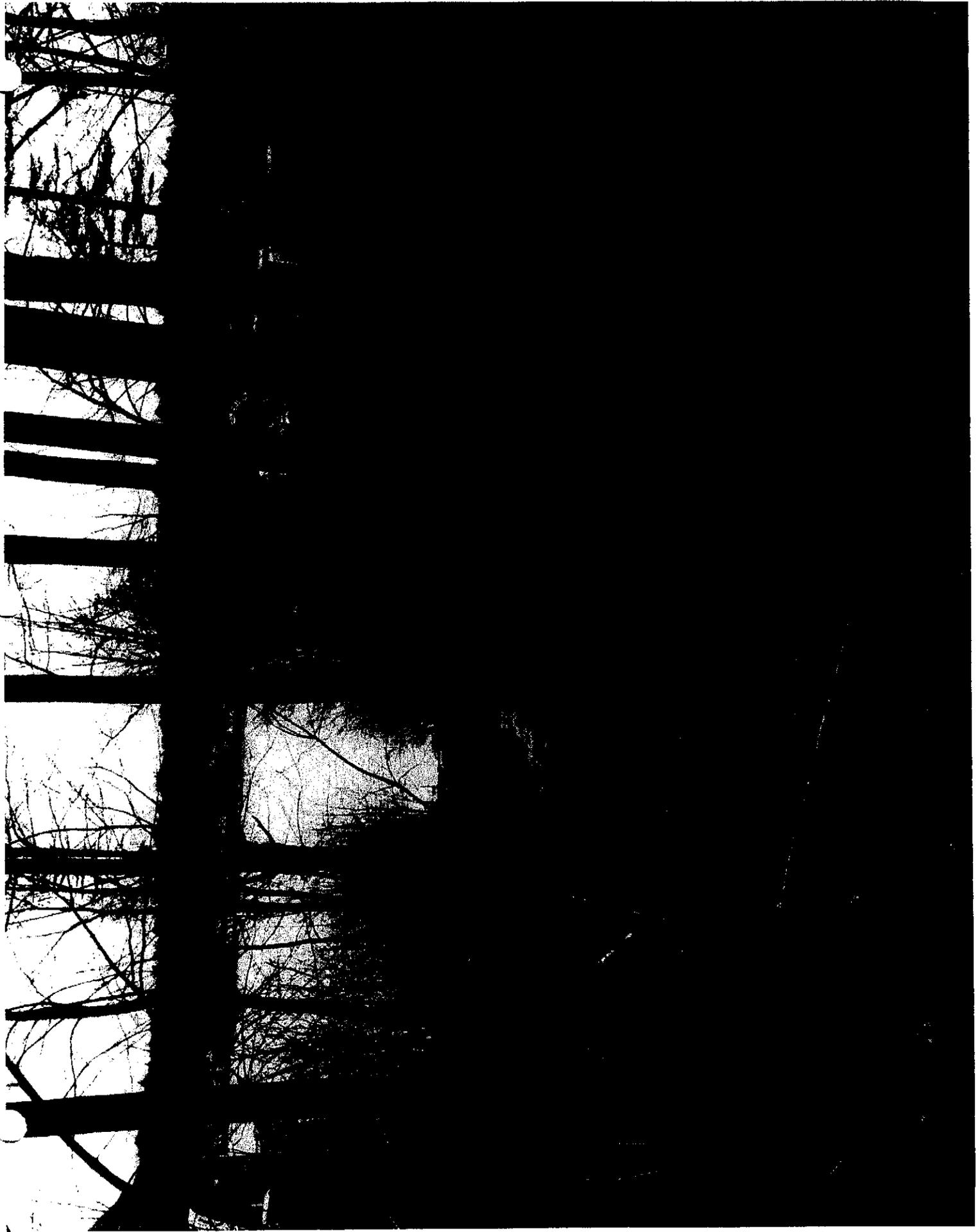
David M. Singer, Vics-Chairperson (absent)

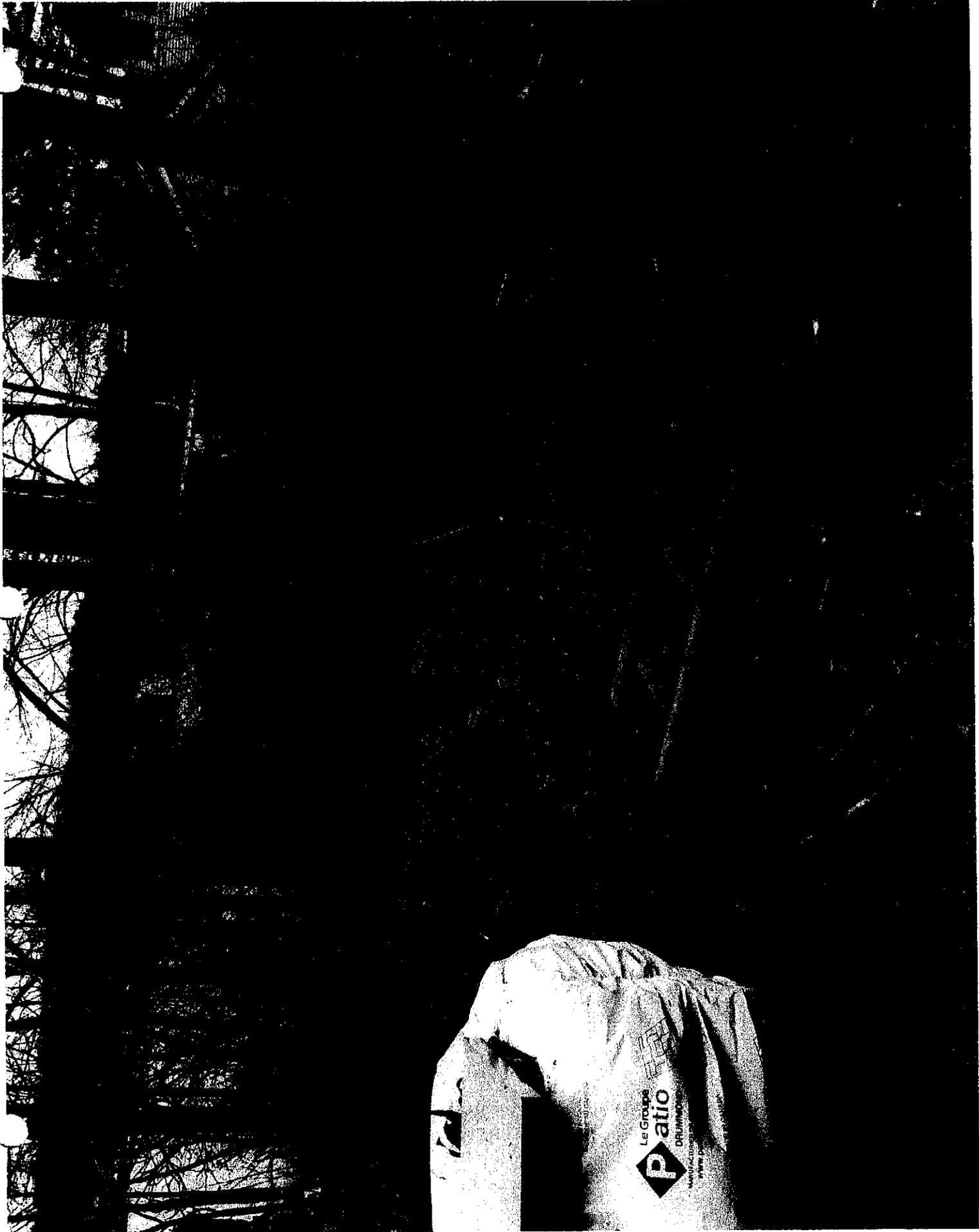


Joseph J. Szafarowicz, Clerk

Kathleen W. Walker, Member

Brent Sellew, Member





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MANUFACTURING
By Name
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Phone: (508) 248-2206
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TO: Board of Selectmen

FROM: Robin L. Craver, Town Administrator 

DATE: April 11, 2014

SUBJECT: Town Administrator's Report – for Selectmen's meeting of 4/15/14

Employee Exit Interviews – Employee exit interviews for two employees who have taken jobs elsewhere both stated they enjoyed working for the Town but, for financial reasons, have accepted new positions. We wish them well and appreciate their service to the Town.

Greg Bialecki, Secretary of Housing and Development – I attended a meeting along with Chairman Swensen, EDC Chair Jay Dedetrado and Town Planner Alan Gordon where Secretary Bialecki toured a local Charlton business, Incom. I was pleased to hear the Secretary state he is committed to help retain jobs in Charlton by helping local businesses to get their needs met. One topic was a trained workforce.

Who's who in Charlton – I taped the first Who's Who in Charlton, meet your town officials sponsored by the Cable Committee. This is the brainchild of our newly appointed Cable General Manager Dick Vaughan. So, be sure to tune in. His next one will be with the Assessor Deb Ceccarini.