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Date 5/19/14
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TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
Tuesday – April 29, 2014 at 6:30pm

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

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 also asked to observe a moment of silence for the victims of tornadoes that have gone through the Midwest in the past day or two.
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 15, 2014.

III. Community Relations, Announcements and Open Forum:

- Chairman Swensen read the announcements.
- Ms. Walker read a letter from Mr. & Mrs. Bellrose regarding the budget and supporting the Police and Fire Departments.
- Ms. Walker stated that they had a great time at Earth Fest. Pets were wonderful. The first recycled art contest was held. She stated that one of the groups that helped were the Charlton Police Explores and the Earth Day Committee wanted to recognize this group. They set up the tents and took them down and cleaned and just worked all day. She presented Officer McGrath with a certificate from the Board of Selectmen on behalf of the Charlton Police Explorers.
- Chief Pervier came forward and stated that on Earth Day, they held the "Drug Take Back" program and this was the largest pick up yet. The Police also did the car seat check and they will have another safety seat check. He also gave his thanks to the Police Explorers for all they do.

IV. Appointments/Resignations:

1. Resignation – Auxiliary Patrolman Kevin A. O'Brien. Mrs. Craver stated that attached is a letter from Kevin A. O'Brien resigning his position as an Auxiliary Patrolman from the Charlton Police Department. The Board should accept his resignation. A letter thanking him for his time has been completed and is in your sign folder. **Motion by Mr. Singer to accept Mr. O'Brien's resignation and send a letter of thanks, seconded by Mr. Sellew, motion carries unanimously.**

Scheduled Appointments:

7:00pm – Public Hearing – Ye Olde Commons Live Entertainment License. Mrs. Craver stated that attached is a request from Ye Olde Commons, 120 Northside Road, Charlton MA for a Live

Entertainment License. Also attached is information about Ye Olde Commons and what they do. We have scheduled a public hearing for 7:00pm. Mrs. Craver stated that if the Board remembers in the past year or so, the police were notified about a "RAVE" party taking place at Ye Olde Commons. From this event and others as well, we notified Ye Olde Commons that they were required to have a Live Entertainment License. The license review committee (police, fire, building, Board of Health and our office) reviewed the request and all events that would take place in 2014. Recommendations have been made for the Board's consideration which we feel meet the needs of the departments and residents in the area. Those stipulations are as follows:

1. All outside entertainment must end by 11:00pm;
2. All inside entertainment must end by 1:00am;
3. All sound levels should be maintained so as not to constitute a disturbance of the peace;
4. Maximum of 1,200 persons on site at any one time;
5. Maximum of 100 tents on the site;
6. Maximum parking for cars shall not exceed 300 on the property;
7. NO on street parking
8. If event disrupts street traffic, establishment must hire police detail;
9. Maintain sufficient bathroom and bathing facilities in accordance with Health Code Requirements;
10. Police details – if needed will be paid 30 days in advance of the event by Certified Bank Check or Money Order;
11. Serving of alcoholic beverages will require a separate license issued by the Charlton Board of Selectmen; and
12. Crowd control manager as applicable under 521CMR.

Also attached are letters from some of the abutters objecting to this license request. Representatives from Ye Olde Commons will be present to answer any questions the Board might have. The Chairman should open the hearing by reading the notice as placed in the paper. Chairman Swensen read the following: The Charlton Board of Selectmen will hold a public hearing on Tuesday, April 29, 2014 at 7:00pm at the Charlton Town Hall, 37 Main St., Charlton MA 01507 to act on a request by Harald Henning on behalf of Ye Olde Commons, LLC, 120 Northside Road, Charlton MA for a Live Entertainment License. Anyone interested should appear at the date and time specified, or submit concerns in writing. He declared the hearing open at 7:05pm. Chairman Swensen invited members of the audience to come forward. Harald Henning from 120 Northside Road came forward and briefly went over what they do and what this license is meant to cover. He stated that they have had this business since 2004. Two years ago, they had an event held that had very loud live music with an amplified sound system. They have never had that before and have not had any since. He feels this is the primary reason for requesting this license. They do apologize for the event that happened two years ago. For this year, the organizer for that event has cancelled this year. Ms. Walker said her understanding that the event that they had received notices about will not be happening this year and the answer was yes. Chief Pervier came forward and stated that during discussions with Mr. Henning, the amount of people and the need for officers was discussed. Chief Pervier feels Mr. Henning has a right to operate a business there. He has agreed with the stipulations. He would recommend the license be issued and see how it goes forward. Chairman Swensen stated that the board did receive letters in opposition of this license from Carl & Karen Remian, Wally & Nancy Eastman, Frank & Kelly Diliddo and Carolyn Colby, Kathleen & Joseph Godzik and Dan & Sonya Weagle. Mr. Singer asked Chief Pervier if one of the stipulations on the license should be having police detail on site for a certain amount of people. Chief Pervier stated that the event that happened two years ago didn't have alcohol. Last year the entertainment stopped at 6:00. Mrs. Craver stated that one of the things talked about was being fair across the board. The discussions were more based on what the events were. The committee had recommended leaving it up to the Police Chief depending on the event. Mr. Singer stated that there should still be a line in the license to direct them to contact the police for a certain

amount of people. Chief Pervier recommended when adding venue, they shall contact the Chief of Police with estimated crowds and type of entertainment and the owner and Chief of Police will come to an agreement with the amount of officers needed. **Motion by Mr. Singer that we add a 13th stipulation that will read venue shall contact Chief of Police with estimated crowd size and type of event and entertainment in advance and Chief will recommend any detail requirements, if any, per event, seconded by Ms. Walker for discussion. Mr. Singer amended his motion to include the Fire Chief, Ms. Walker amended her second.** Mr. Sellew would recommend adding the Building Commission as well. Chief Pervier stated that any time there is a request for a liquor license, it does go through all the departments so he doesn't feel this is needed. Mr. Henning stated that they have the crowd control certificate and they are not applying for a liquor license. **Vote on motion: motion carries unanimously.** Chairman Swensen stated that we will now discuss the request for the license. Steve Fortin from 28 Northside Road came forward. He said his question is how many times in the past several years have the police, fire and ambulance been called. He said there was an incident this past weekend. The residents are tired of it. Mr. Fortin says he is a mile away and he can hear the music. Karen Remian from 99 Northside Road came forward. She said she is surprised that the Chief is okay with this. She stated that this is a residential street. She asked who's going to count the number of cars, tents or people during this event. She hopes the town does not pass this. Chairman Swensen asked the two chiefs to come back to the table. He asked about the public safety issues that resulted from the event two years ago. Fire Chief Cloutier stated that the night of the rave two years ago, four people were transported with some sort of drug induced state. They were not all at once. As a fire aspect of the event, we are not aware of any that happened. Chairman Swensen asked other than the rave, have there been public safety issues? Chief Cloutier stated that it's not an address well known to the department. He stated that the department was asked to go to some of the events on really hot days in case they are needed. Chief Pervier stated that for the rave, they had to scramble to get officers because of the late notice. He stated that because of this event, that's why we came up with the stipulations that we did. This was the only event that we really had to run to. He also understands the residents concerns and he's not advocating for the license but doesn't want to see a business have to close. Carl Remian from 99 Northside Road came forward and stated that Mr. Henning after the rave a few years ago went to all the residents and apologized and said it would not happen again. He reviewed the stipulations that were provided. He said it sounds like a mini Woodstock and feels it's totally inappropriate for the town to approve this. Mr. Henning was asked how many acres of land he has and he stated that it was 40 acres. He said the focus of what they do is for the LARP. (live role playing) Chairman Swensen asked Mr. Henning if this business is zoned business and the answer was yes. Mr. Singer asked if there could be another stipulation added for temporary signage required for each event directing attendees to Ye Olde Commons. Laura Hopkins from 114 Northside Road came forward and said her backyard is right next door to this. She said on weekends traffic is phenomenal. Her property is well gated. The night of the Rave, they were woken up several times from people banging on their door asking to use the bathroom. The trash was incredible but she actually made a profit of \$70 from the cans. She was also woken up by people in her swimming pool. Chairman Swensen asked if there is anyone else that would like to come up with any information that we have not heard yet? None appearing, he entertained comments from the board. Ms. Walker asked what legal authority this board has to make changes at this point. Chairman Swensen stated as with all the other licenses we approve, we're the licensing authority to make the changes. She said that if we disapprove the license, it would cause someone to go out of business. Mr. Sellew stated that he was with Chief Pervier the night of the rave and went down there. He doesn't think anyone expected to deal with that. He commended Mr. Henning for going to the neighbors to apologize. He was adamant that wouldn't take place in our town again. He said it hasn't been allowed again in that venue. He asked if we could all work together on this and maybe come up with a solution. Mr. Singer stated that Rave is the first and only time he has heard anything about this establishment.

Mr. Singer stated that we tried to take the residents and towns concerns and put them into the stipulations to allow his business to run within the guidelines presented. Ms. DiPietro from 28 Northside Road stated that she heard the Chief stating that they haven't gotten any other police calls. She mentioned what happened last weekend with two cruisers being up there. She said that the speeding is awful. Mr. Singer reiterated that Mr. Henning would have to contact Chief Pervier for any event. Mr. Remian feels what would be approved tonight is way too much for the neighborhood. Chief Cloutier stated that he spoke with the Zoning Enforcement Officer who said it was a preexisting non-conforming property and the events are allowed. Ms. Walker stated that if the law allows this business to remain there, the people would have to go to town meeting to change the zoning. Chairman Swensen is concerned that this property is grandfathered and feels this would have it be used for more than what it is grandfathered for. Ms. Walker would ask the Chair to close this hearing at this time and continue it at the next meeting until we can get some answers on what was grandfathered in. Mr. Singer stated that the zoning is what was grandfathered in so there is no need to continue this. Ms. Walker stated that it would be a good idea for the residents along with the Chiefs to take the time and talk with Mr. Henning with what you feel the most comfortable with. **Motion by Mr. Singer to make another stipulation to the stipulations which would be for temporary signage required for each event directing attendees to Ye Olde Commons, seconded by Ms. Walker, motion carries.** Mr. Singer had one more stipulation that he would like to run by Chairman Swensen and Chief Pervier as they are both into music. He read the stipulation regarding all sound levels should be maintained and not constitute a disturbance of the peace. He asked if there is a range that could be considered. Chief Pervier stated that in discussion with Mr. Henning, it was mentioned to put the stage facing the highway. **Motion by Mr. Singer that amplified audio must be set up facing towards MA Pike and away from general neighborhood, seconded by Ms. Walker, 3 ayes with Mr. Sellew opposed.** Chairman Swensen stated that discussions have been going on well for over an hour and he will give Mr. Henning and one member from the audience time to give any further comments. Mr. Henning thanked everyone and all the information he's heard from the residents. He addressed the number of attendees again. He stated that the number is the total number of people that attend the renaissance festival over a weekend. He stated that this license is an attempt to cover a lot of the bases of concern. If any residents have any concerns, or problems, to please contact him. Mr. Remian came forward and stated that he understands that the board is concerned about the legal aspects but there are parameters that were drawn up that are in front of the board for consideration. He would ask the Board to consider something more reasonable. Mrs. Craver stated that this is an annual license and would terminate December 31st of every year. **Motion by Ms. Walker to close the hearing, seconded by Mr. Singer, motion carries unanimously.** Meeting closed at 8:30pm. **Motion by Ms. Walker that we do not take any action on this license tonight. No second.** Chairman Swensen has some concerns on the stipulations. He would like to see something put in place for the owner that abuts the property to keep people and trash off her property. He would propose having a representative or two from the neighborhood, Mr. Henning, Mrs. Craver, the two Chiefs and two members of the board to sit down and address some of the concerns. **Motion by Mr. Singer that we change line 4 to 600 people, seconded by Mr. Sellew, motion carries.** Mrs. Craver stated that if this is approved tonight, it gives the board 8 months to monitor the events. Mrs. Hopkins came back to the table. She said she doesn't want to be the mean neighbor. She asked if we could see how he does for three months compared to the eight months. She also asked who is going to monitor how many people are there at one time. It was suggested to hold off on this. Mr. Singer wants to know why if he hasn't broken any rules. Mr. Fortin came back to the table and stated that he feels Mr. Singer already made his decision for everyone else. **Motion by Mr. Singer that we approve the license with all of the amendments, #14, #15 and #16 and changes to it and with number 4 being changed to 600 allowed on the premise in half. No second. Motion by Chairman Swensen that the changes to the condition made by Mr. Singer be added to the recommendations and be put**

on our agenda in two weeks and ask that two representatives from the residents, Mr. Henning and one more representative, police and fire and a member of this board which Chairman Swensen will volunteer to sit down and address some of the issues which aren't addressed yet such as trash and traffic control, seconded by Ms. Walker. Mr. Singer stated that two of the Selectmen that are here tonight that are opposed to the original motion tonight will not be here in two weeks as Selectmen to vote again. He would request that even though they will not be members of the board he would ask them to attend that meeting and participate. **Vote on motion: motion carries unanimously.**

VII. New Business:

1. Letter of support – House Bill #3983 – An Act Relative to Workforce Reform. Mrs. Craver stated that Town Treasurer Keith Arsenault is recommending the Board of Selectmen support House Bill #3983 – An Act Relative To Workforce Reform by sending a letter of support to Representative Durant and House Speaker Robert DeLeo. These various reforms go a long way in preserving municipal funds for former employees legitimately eligible for unemployment benefits. Mrs. Craver would recommend the Board send the letter of support as recommended. **Ms. Walker made a motion to send this letter as recommended by Town Treasurer Arsenault, seconded by Mr. Singer, motion carries unanimously.**
2. Request to declare Tanker 1 as surplus property. Mrs. Craver stated that attached is a request from Chief Cloutier asking the Board to declare Tanker 1 as Surplus Property. This Tanker is 27 years old and is in need of an estimated \$50,000 of repairs to keep the truck in working condition. The cost of repair would only extend the life of the vehicle by one (1) year. The National Fire Protection Association along with the International Association of Fire Chiefs recommends that fire apparatus older than 20 years be replaced. Mrs. Craver would agree with Chief Cloutier and recommend the Board declare Tanker 1 as Surplus Property. Fire Chief Cloutier came forward and stated that Tanker 1 has been out of service for approximately 8 months. They have been using Tanker 2 for now. He stated that we do need to replace this vehicle. Chief Cloutier was asked to explain what an ISO is and he did. He was also asked how much the vehicle would sell for and he stated that we put it out in the open auction market and is not sure what we could get for it. He does think we could get something decent for it. **Motion by Mr. Singer to declare Tanker 1 as surplus property, seconded by Ms. Walker, motion carries unanimously.**
3. Award of Highway Materials Bid. Mrs. Craver stated that Highway bids were received and opened on April 24, 2014 at 2:00pm. After review of the bids, Highway Superintendent Foskett is recommending the awards as follows:
Item 1 – Bituminous Concrete, Type 1 in place at \$67.00 per ton to JSL Asphalt, Inc., 730 E. Mountain Road, Westfield, MA 01086. *Last year's bid was awarded to Massachusetts Broken Stone Company at \$67.00 per ton.*
Item 2 – Full-Depth Pavement Reclamation and the application of 1.0 gallons of Liquid Calcium Chloride per square yard at a cost of \$1.588 per square yard to Murray Paving and Reclamation, Inc., 55 Whitney St., Holliston MA 01746. *Last year's bid was awarded to Murray Paving and Reclamation at \$1.375 per square yard.*
Item 3 – Stone Seal at \$2.14 sq yard, Double Stone Seal at \$4.05 sq yard, 10% Asphalt Rubber at \$3.14 sq yard to All States Asphalt, Inc., P.O. Box 91, Sunderland, MA 01375. *Last year's bid was awarded to All States Asphalt, Inc. for Stone Seal at \$2.12/SY, Double Stone Seal at \$4.00/SY and Asphalt Rubber Surface Treatment a \$3.10/SY. Mrs. Craver would agree with Mr. Foskett and recommend the Board award the bids as stated.* **Motion by Mr. Singer to award the bids as requested and stated by Mr. Foskett, seconded by Ms. Walker, motion carries unanimously.**
4. Town Administrator Evaluation – 2014. Chairman Swensen stated that they try yearly to give the Town Administrator an evaluation. Ms. Walker stated that according to the procedure, the board is

supposed to get a self evaluation report. Mrs. Craver said normally the process is September but she asked the Chairman if he wanted to put out the performance evaluation to the board before two members left. Chairman Swensen stated that he did this because he thought it was more fair and accurate to have board members that have served full time than have new people coming in. He said it is based on seven items which are: board relations, personnel, financial management, general management, community relations, interdepartmental relations and completion of FY12 BOS G & O. The scale is 1 – 5 with 5 being highly commendable. Each Board member is asked to rate the Town Administrator and return to the Chairman for tally. Mr. Sellew stated that since his wife is a direct employee of the town he recused himself from this process. Ms. Walker disagrees with Mr. Sellew for his actions. She feels he owes it to the Town and the Town Administrator to perform the evaluation and Mr. Singer agrees with Ms. Walker. Chairman Swensen reviewed the evaluations as follows:

Town Administrator Evaluation 4/29/14

	Board Relations	Personnel	Financial Management	General Management	Community Relations	Interdepartmental Relations	Completion of FY12 BOS G & O
Swensen, Rick	4	4	5	5	5	4	5
Singer, David	4	4	5	4	4	4	4
Szafarowicz, Joe	4	3	4	4	5	4	3
Walker, Kathleen	1	2	2	2	2	1	1
Sellew, Brent	X	X	X	X	X	X	X
Total Score	13	13	16	15	16	13	13
Base Score	3.25	3.25	4	3.75	4	3.25	3.25

He stated that this averages out to a 3.5 which is between satisfactory/acceptable and strong performance. Mr. Singer stated that he's never given Mrs. Craver all 4's and 5's. He saw a great effort on her part to improve relations across the board. The 5 he gave her for Financial, he feels she has worked really well with the Board, Department Heads and the Finance Committee and managing within those constraints that are tighter than they have ever been to where it needs to be and to still offer the services that we have to our residents. He feels this year above all else, is maybe her best year yet as the Administrator. Ms. Walker stated that her comments are quite extensive so she is not going to read them. She stated that she gave Mrs. Craver all 2's and 1's. If she had stayed on the Board, this is her last meeting, she would have been more lenient. In the past, she's held herself back hoping she could create some change, however since this is not the case, she believes her opinions, what they are worth, need to be surfaced. On a more positive note, she does think Mrs. Craver is quite intelligent and hard working and she can see where those qualities are useful to this board especially with regard to the finances. She would hope this board understands they represent all aspects of town government, not just the finances. Mr. Singer requested a copy of everyone's evaluation when the meeting is over. Ms. Walker would like to see them as well and requested copies be put in their boxes. Chairman Swensen stated as Chairman, he works with Mrs. Craver daily and talks to her at least twice a day if not more on different things. His experience has been that she has a solid and professional relationship with the Board. Anything that he has asked of her, anything that he has seen at these meetings that people have asked for information, it's been provided in a timely manner. Her actions are the directions provided to her by this board. As far as

relationship to Personnel and Interdepartmental relationships, he feels these are similar to him and he thinks it has improved. He feels with the financial constraint that we are putting employees under, morale is an issue. This always needs to be watched and always need to strive for improvement. As far as goals and objectives, he feels this Board needs to delineate what goals are the Board's and what goals are the Town Administrator's. In summary, as Chair, he works with the Town Administrator on a daily basis, talking usually more than once a day. He finds Mrs. Craver a pleasure to work with. Her skills as Town Administrator combined with her professionalism and commitment to the Town have proven time and again to be a very positive asset to the Town and he thanked her. Chairman Swensen stated that all comments and scores are part of the public record.

VIII. Old Business:

1. Annual Town Meeting

- Warrant – Motions
- Budget

Mr. Singer asked if Mr. Szafarowicz wanted us to hold this. Mrs. Craver stated that he did have some concerns. Mr. Singer would ask, if possible, to hold this until we have a full board and wait. Chairman Swensen stated that Ms. Walker and Mr. Sellew will not be with us. Ms. Walker stated that there were some decisions made at the last meeting she was not at, in executive session, are they reflected in this? Mrs. Craver stated that they are not in there yet. The Board is meeting with staff next week. Ms. Walker stated that she had asked for the Library Chiller and Fay Mountain Farm Roof to be put on the warrant in case we do not receive grants. Fay Mountain Farm is not here. Mrs. Craver stated that the Board has not reviewed the motions yet. That can be added. Chairman Swensen asked to keep those in until we get formal announcements that grants have been awarded. Chairman Swensen asked if the Board would make a motion to support the first 8 housekeeping articles.

Motion by Mr. Singer to support the first 8 articles, seconded by Mr. Sellew, motion carries unanimously. Chairman Swensen stated that we would wait until the meeting next week to take action on the rest of the articles. Mrs. Craver explained the capital on pages 9 and 10. She has broken it down in two articles. The board is in agreement with the way this is going so far. Mrs. Craver stated that a few people went to go look at a piece of property. There is a piece of property on the warrant for Recreation Fields. The Fire Station Building Committee has found a site that they believe we can purchase at a very low price. Mrs. Craver has spoken with the owner. She asked if the motion and article is acceptable to the board and they were ok with it. Mr. Sellew thanked the committee for their work on this.

IX. Committee Reports

Mr. Singer noted that Highway Negotiations are under way.

X. BOS Policy Review:

XI. Student Selectperson Report – Emily Sprague reviewed her report.

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

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

1. Mrs. Craver stated that a meeting was held today with staff for open enrollment for health insurance with Hampshire County Health Insurance. Employees will see a reduction in their costs.
2. Work will be starting soon in installing the air conditioning in the South Wing as voted by the Town Meeting.

3. Mrs. Craver was notified by Charter business today that they are doing a merger with ComCast. The Town of Charlton will be merging to ComCast and there would be no changes to the services.
4. Ms. Walker stated that they heard a lot of comments on Earth Day about when we are getting replacement trees on the common for the two that were taken down. She asked for an update. Mrs. Craver asked if the Board wanted to replace both trees? In the long term master plan, we are looking at taking the driveway and going around the building. We would have to take the two down on the side. One would be the tree that is in memory. Chairman Swensen recommended making this an agenda item for our next meeting that way it would give residents a chance to provide their thoughts on how they would like to see the common replanted. Ms. Walker also commended the Charlton Garden Club for the work they do on the common. All the flowers are from them.
5. Ms. Walker stated that this is her last meeting and she wanted to thank everybody that voted for her during the last twelve years and to the many volunteers on the many committees that she's worked on and to the extraordinary hard working employees of this town. She is greatly honored with the trust that was put in her. It's been a pleasure.
6. Mr. Sellew stated that it's been a great honor to serve this town in this capacity. It's been a great learning process for himself. Working with all the people in the town, all the departments that we work with, we have some fantastic people that work here. A lot of people that volunteer their time to the town, he would like to thank. The unsung heroes. He thanked all the people of this town.
7. Chairman Swensen stated that on the behalf of the town, he thanked both members for their service to the town. Mr. Singer thanked them for all the other things they do for the town.

XIV. Next Meeting Announcement:

- Annual Town Election – May 3, 2014
- Next Regular Selectmen's Meeting – May 13, 2014
- Annual Town Meeting – May 19, 2014

XV. Adjourn/Executive Session:

Motion by Mr. Singer to enter into executive session at 9:22pm 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 Ms. Walker. Roll call vote taken: Ms. Walker – aye, Mr. Sellew – 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. Sellew to adjourn at 9:40pm, seconded by Ms. Walker, motion carries.

Submitted by:
Mary C. Devlin
Administrative Assistant

Accepted by:



Frederick C. Swensen, Chairman



David M. Singer, Vice-Chairperson

Joseph J. Szafarowicz, Clerk (absent)

Kathleen W. Walker, Member

Brent Sellew, Member

MR & MRS GEORGE BELLEROSE
180 BROOKFIELD RD
CHARLTON, MA 01507

508-248-7469

APR 16 2014

MR RICK SWENSEN CHAIRMAN
BOARD OF SELECTMEN
37 MAIN ST
CHARLTON, MA 01507

APRIL 15, 2014

DEAR MR SWENSEN,

WE WILL SOON HAVE A BUDGET REVIEW FOR THE TOWN'S DEPARTMENTS IN MAY.
I PRAY THE TOWN GIVES SERIOUS CONSIDERATION, IN PARTICULAR, FOR THE POLICE
AND FIRE DEPARTMENTS.
THESE MEN ARE ON THE LINE EVERY DAY AND NEED AS MUCH HELP AS WE CAN GIVE THEM.
IN VIEW OF THE RECENT HISTORY OF THE BOSTON POLICEMEN AND FIREMEN WHO DIED ON DUTY,
RE-ENFORCE THE NEED TO KEEP THE MEN WE HAVE AND INCREASE WHERE POSSIBLE.
EVERY TIME WE CALL THE POLICE DEPARTMENT FOR ONE REASON OR ANOTHER, THEY ARE ALWAYS
ON TOP OF THINGS DOING THEIR JOB AND ANSWERING THE CALL.
I, PERSONALLY, HAVE BEEN STRICKEN WITH RECENT ILLNESSES AND WAS IN NEED OF THE FIRE DEPARTMENT'S
AMBULANCE MORE THAN ONCE IN THE PAST YEAR...I MUST TELL YOU THAT THESE MEN ARE DEVOTED,
PROFESSIONAL, AND CARING.
EVERYONE IS NEEDED IN THEIR JOB TO ACCOMPLISH A SUCCESSFUL END.
AGAIN, I ASK THAT THESE TWO DEPARTMENTS BE CONSIDERED WITH GREAT SERIOUSNESS AND DELIBERATION TO
ACHIEVE A POSITIVE AND FRUITFUL CONCLUSION.
GOD BLESS THESE MEN.

THANK YOU IN ADVANCE FOR YOUR ATTENTION.

SINCERELY,


GEORGE BELLEROSE

GEB/CR

CC: POLICE CHIEF JAMES PERVIER
FIRE CHIEF CHARLES CLOUTIER, JR.

HDQ041514



**TOWN OF CHARLTON
OFFICE OF THE TOWN ADMINISTRATOR
37 Main Street
Charlton, MA 01507
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Phone: (508) 248-2206
Fax: (508) 248-2374

TO: Board of Selectmen

FROM: Robin L. Craver, Town Administrator 

DATE: April 24, 2014

SUBJECT: Town Administrator's Report – for Selectmen's meeting of 4/29/14

Dartmouth Select Board letter – At the Board's last meeting, you were asked by the Dartmouth Select Board to support modification to state tax classification. The Board of Assessors had recommended not to support it at this time. We were requested to ask the Board of Assessors for clarification as to why they did not support it. Ms. Ceccarini responded and stated that the Board of Assessors doesn't think it's fair to have the taxpayers supporting and paying for more exemptions. Whenever you exempt a certain class from paying their fair share in taxes, another class must pay for it. In addition, for Charlton, we don't have a split tax rate. This type of program is only necessary for those cities and towns that vote to have a commercial rate as well as a residential rate.

Petroleum Contamination Migration – Our LSP, Ryan Goad from CMG Environmental collected a drinking water sample from the Carmelite Sisters of the Eucharist residence at 188 Old Worcester Road. He reports that the VOC analysis of the main and duplicate samples identified MTBE at a concentration that is slightly less than double the previous results from November. Furthermore, they identified TAME in both April 2014 samples. TAME had been previously identified in the duplicate sample we collected on September 28, 2011. (The reports are in the office) CMG believes this constitutes ample evidence the drinking water impacts to 188 Old Worcester Road are attributable to the former LaMountain service station and thus the responsibility for treatment and monitoring should fall to ExxonMobil. CMG is preparing a letter to DEP asserting this.

Re-codification of the Bylaws – We have completed the review of the bylaws and have sent them to the departments for review. This has been a good project and will allow the residents and businesses to easily find information. I would like to thank the department heads who reviewed the segments and added to the suggestions including Chief Pervier, Curt Meskus, Alan Gordon and Deb Ceccarini. I know this is a project my staff has wanted to complete and, to that end, I thank Mary for her work on this.

Town Administrator Evaluation 4/29/14

Select person	Board Relations	Personnel	Financial Management	General Management	Community Relations	Interdepartmental Relations	Completion of FY12 BOS C & C
Swensen, Rick	4	4	5	5	5	4	5
Singer, David	4	4	5	4	4	4	4
Szafarowicz, Joe	4	3	4	4	5	4	3
Walker, Kathleen	1	2	2	2	2	1	1
Sellew, Brent	X	X	X	X	X	X	X
Total Score	13	13	16	15	16	13	13
Excluding Brent							
Base Score	3.25	3.25	4	3.75	4	3.25	3.25

Note- Brent Sellew did not complete because his wife is an employee of the town.

Kick

Town Administrator Evaluation 2014

1 - I believe the Town Administrator has a very solid, professional relationship with the board. She responds in a timely and professional manner to questions and inquiries from board members.

2 - I find the relationship between the TA and personnel to be good and professional. I also feel that this is an area that needs to be constantly monitored and worked on. As our financial struggles continue personnel are being asked to do more with less. This can put a strain on morale and requires constant awareness by TA to maintain morale in the workplace.

3 - While we have been facing severe financial constraints for several years, we have been able to always present a balanced budget at Town Meeting and have not had to lay off a single person. We have also raised the Town's bond rating in the process. This is due primarily to the TA's ability and skill in working with FinComm and BOS in the budget development process.

4 - I believe that Ms. Craver is an exceptional TA. In a close professional relationship she has always shown me a true commitment to always acting in the Town's best interest. I have found her to be creative, thorough caring and detailed in her work for the Town.

5 - Ms. Craver has always been very visible in Town, participating in most public events. I have found her to be responsive and helpful to the many civic organizations and groups in Town.

6 - I believe this category is very tied to personnel. While my observation is that the TA has a good working relationship with the different departments within the Town, this is an area that always needs to be monitored and ways sought to constantly improve.

7 - The TA has played an important role in helping the BOS establish its Goals & Objectives and been very helpful in us completing those Goals & Objectives. It is the job of the BOS to direct the TA with the Boards Goals & Objectives for the TA. My observation is that the TA has been very thorough in the Goals & Objectives given. We sometimes get caught up in holding the TA responsible for Goals & Objectives that have not been accomplished which were the responsibility of the BOS.

In summary, as Chair I work with the TA on a daily basis, talking usually more than once a day. I have found Ms Craver to be a pleasure to work with. Her skills as TA combined with her professionalism and commitment to the Town have proven time and again to be a very positive asset to the Town.

TOWN OF CHARLTON
TOWN ADMINISTRATOR EVALUATION
FISCAL 2009

PURPOSE OF EVALUATION

The purpose of this evaluation policy and instrument is to formally appraise the Town Administrator's performance on an annual basis. The document allows the Board of Selectmen to assess the Town Administrator in the areas of management, analysis, and public relations, as well as the accomplishment of long and short term goals. Through the evaluation procedure, Board members will recognize strengths, offer positive feedback, and suggest any areas that require improvement.

PROCEDURE AND TIME LINE

1. The period of evaluation is July 1 through June 30. The Town Administrator will submit a narrative self-evaluation including a report on goal achievement by the second week of September. A copy of the report and a blank evaluation form will be distributed to each Board member at that time.
2. **As preparation for the evaluation**, each Board member will meet with the Town Administrator individually to raise any areas of concern the member might have and to receive from the Town Administrator any further, factual information she may have relating to such concerns. It is the intent of the Board and Town Administrator that no public discussion should be a surprise to either party and that evaluations be conducted on the basis of the most complete and accurate information reasonably available. The Board members shall take into consideration information given to them by the Town Administrator when making their individual assessments of the Administrator's performance. Board members shall not discuss with one another their individual assessment of the Administrator's performance prior to the public meeting discussed in paragraph 3 immediately below.
3. Once the foregoing has been done, the Board shall schedule an open meeting to perform the evaluation. Each member's completed evaluation form shall become a public record, unless otherwise prohibited by law.
4. Any areas for improvement shall be included on the next performance evaluation's goals and objectives.

The written evaluation form is divided into 6 categories. Each item will be rated according to the following:

- 5 Excellent/Highly Commendable
- 4 Strong performance
- 3 Satisfactory/Acceptable
- 2 Needs Improvement
- 1 Unsatisfactory

Space is provided for optional comments. The Chair and Vice Chair will write a summary narrative that highlights the commendations and recommendations, which will also be a public record unless otherwise prohibited by law.

CATEGORY	5	4	3	2	1
1. Board Relations		<u>X</u>			

**TOWN OF CHARLTON
TOWN ADMINISTRATOR EVALUATION
FISCAL 2014**

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PROCEDURE AND TIME LINE

1. The period of evaluation is July 1 through June 30. The Town Administrator will submit a narrative self-evaluation including a report on goal achievement by the second week of April. A copy of the report and a blank evaluation form will be distributed to each Board member at that time.
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CATEGORY	5	4	3	2	1
1. Board Relations		✓			
2. Personnel		✓			
3. Financial Management	✓				
4. General Management		✓			
5. Community Relations		✓			
6. Interdepartmental Relations		✓			
7. Completion of TA FY 12 Goals and Objectives		✓			

Optional Comments:

I gave Robin 4's because she has really strived for improvement in all of those areas.

I gave Robin a 5 for Financial Mgmt

Suggestions for Additional Goals for Next Year:

as this year in particular she has really risen to the task and worked exceptionally hard as part of the team with the BOS, Fincom & Dept heads to successfully steer the town through difficult financial times.

Submitted by:

David Sigm

Selectperson

Date:

4/24/14

TOWN OF CHARLTON
TOWN ADMINISTRATOR EVALUATION
FISCAL 2014

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CATEGORY	5	4	3	2	1
1. Board Relations		X			
2. Personnel			X		
3. Financial Management		X			
4. General Management		X			
5. Community Relations	X				
6. Interdepartmental Relations		X			
7. Completion of TA FY 12 Goals and Objectives			X		

Optional Comments:

Overall great performance. TA continues to show great enthusiasm for position. Very skilled at negotiations. Has a good working relationship with the Board. Great work bringing iPads in to replace agenda packets. Truly a pleasure to work with.

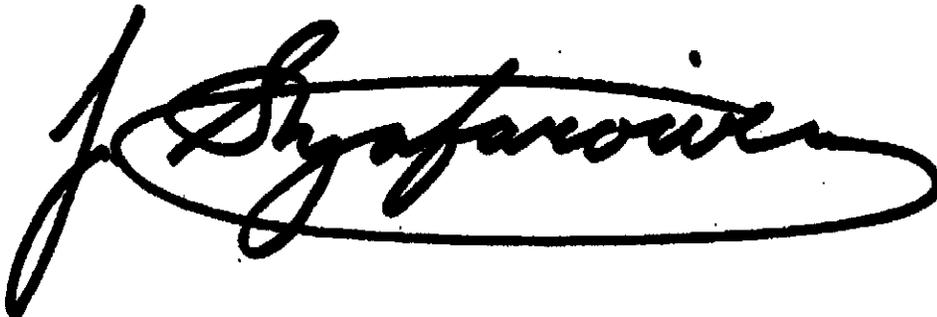
Suggestions for Additional Goals for Next Year:

Information presented to the Board (budgets, updates, studies, etc) are timely and comprehensive, but the information can be thick. **Goal:** Along with information, have a more distilled summary of information (executive summaries).

Goal: Work with Chair to organize more workshops

Goal: Work with Chair to invite/contact involved boards and committees of related activity (i.e. if a topic comes up on the agenda, invite the pertinent boards to comment and/or speak at meeting). For example: when the letter of support for changing small business tax exemptions came up, TA contacted the Board of Assessors and received their opinion on the subject. In this case, it was good the party was contacted (which was good), but could have used more of an explanation. Overall this *is* done, but would like to see this more often.

Goal: Be more involved with economic development of town. Develop better relationship/communication with EDC and planning board/planner.

A large, stylized handwritten signature in black ink, which appears to read "J. Szafarowicz". The signature is written in a cursive, flowing style with a large loop at the end.

Submitted by: **Selectman Joseph J. Szafarowicz**

Date: **4/18/14**

Devlin, Mary

From: Joseph Szafarowicz <joeszaf@gmail.com>
Sent: Friday, April 18, 2014 11:23 AM
To: Devlin, Mary
Subject: Re: Town Administrator Evaluation
Attachments: Szafarowicz - TA Evaluation form FY14.pdf

Hello Mary,

Attached you will find my TA evaluation. Please let me know if you have questions or concerns.

Thanks,

Joe

On Fri, Apr 18, 2014 at 8:35 AM, Craver, Robin <robin.craver@townofcharlton.net> wrote:

Good Morning,

The Chairman asked that I forward you the FY14 Town Administrator's FY14 Performance Evaluation. He asks that you be ready to discuss your evaluation April 29, 2014 at your regularly scheduled meeting. If you can have the forms back to Mary by the 24th, the office can compile them for the Chair. Thank you.

Sincerely,

Robin Leal Craver, Town Administrator

Town of Charlton

37 Main Street

Charlton, MA 01507

508-248-2206 office

508-243-3905 cell

TOWN OF CHARLTON
TOWN ADMINISTRATOR EVALUATION
FISCAL 2014

PURPOSE OF EVALUATION

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CATEGORY	5	4	3	2	1
1. Board Relations					X
2. Personnel				X	
3. Financial Management				X	
4. General Management				X	

5. Community Relations				X	
6. Interdepartmental Relations					X
7. Completion of TA FY 12 Goals and Objectives					X

Optional Comments:

1. Board Relations - Ms. Craver continues to take on too much authority, acting as a Town Manager and not a Town Administrator. Recently, she invited other departments to come to a meeting to discuss Economic Development and the Planning processes; the BOS was not told until after the fact even though the invite indicated it was from the BOS.
Each Board member should be provided with ANY communication through the mail to the BOS, any reports from the Town Administrator or other Boards or Committees and these should be emailed to Board Members immediately as they come in. Many items are left in the READ file and do not get seen. Also, all Board members are not copied on every issue. This becomes a serious problem when Members are advised "on the street" or by other town employees.
2. Personnel relations within the town hall and TA are still not good. There is a genuine lack of trust which becomes exacerbated by the TA's attempt to reprimand or advise others working for the Town and for other Departments. The BOS is left out of many of these incidents and only hear about them if they ask town employees.
3. Financial Management - Ms. Craver initiates cost cutting measures that affect all other departments, but not the BOS office. She has not offered to cut her salary or benefits, to cut the BOS stipend, to reduce or cut hours of her staff. She appears to have the desire to micro-manage the accounts of every department through approaches with the finance committee. She seems to be unable to present a 'live' running Financial Report that reflects accurately the day-to-day expenditures of the accounts. She does not seem to be able to pin down the exact status of the accounts of each department except by a request specifically from each department for an update.
4. General Management - Despite having two assistants, Ms. Craver does not seem to be able to produce the minutes of the BOS meetings in a timely fashion. In the general managing of business of the town, she is not 'bringing home' the reports, but instead seems to focus on controlling outcomes and direction of committees, boards and departments that do not answer to her.
5. Community Relations - Ms. Craver should make a stronger attempt to encourage the public to get involved in town government, e.g. by getting all minutes posted and all agendas, by encouraging everyone to update the town calendar with regard to any changes. There is a perception that she does not have the best interest of the Town at heart; she does not live in town or pay taxes here and her salary and benefits are quite high for a town this size and with this many financial problems.
6. Interdepartmental Relations - Ms. Craver has denigrated members of other departments for their 'lack' of communication. She has stated that there should be a link between herself and certain boards and that 'things' should go through her. Using the media or her 'podium' to accuse or chastise other departments for their lack of communication is really a lack of her communication. To have knowledge and understanding of the other groups, she has to walk in their shoes rather than stepping on their toes. She is paid a handsome price to be in the building for official business and most on committees and boards are not paid. The 'Beck and Call' that she demands seems to be at her convenience. Her recent actions toward the library and Planning Board are examples of her overreaching her authority since both are overseen by elected Boards. With regard to the library, she took it upon herself to advise the Chief Librarian to halt all proceedings toward getting a position replaced, even though it had been

approved and there was money in the budget. This was done without the approval from BOS. The EDC/Planning Board issues were mentioned previously.

7. Completion of goals - Specifically with regard to the water acquisition with Southbridge, I strongly disagreed with Ms. Craver's approach last spring, e.g. writing long letter to Town Manager after he walked out of the meeting. Said letter did nothing to bring the talks back on track, but only further alienated Southbridge. I believe TA should have recused herself from further negotiations once it was clear that the Southbridge Manager had significant problems with her. This same scenario seems to be repeated with the new Acting Town Manager and as if this writing there is no progress.

Suggestions for Additional Goals for Next Year:

Getting a water agreement with Southbridge is essential as well as holding Exxon/Mobil to be more accountable. They have been allowed to barely address the contamination issues. The TA has been alone in working with Exxon and has developed a working relationship with their representative; there is a perception that they are being let off too lightly. This needs to change. Charlton needs to bring the TA out of this negotiation - it has been many years and we are not getting the results we need and deserve from them. A small committee should be formed with knowledgeable members of Water/Sewer and BOS. The TA should not be involved in either negotiation since neither is working.

Submitted by: Kathleen Walker
Selectperson

Date: 4/24/14