



COPY

Submitted by MCB  
Date 4/2/15  
Received by KL  
Date 4-2-15

TOWN OF CHARLTON  
Minutes of Regular Selectmen's Meeting  
Tuesday – March 17, 2015 at 6:30pm

Present: Chairman – Frederick C. Swensen, Vice-Chairman – Joseph J. Szafarowicz, Clerk – Cynthia B. Cooper and Members – David M. Singer and John P. McGrath. Also present: Town Administrator - Robin L. Craver.

*NOTE: Some matters may have been taken out of agenda order but were typed up in agenda order for ease of locating information when necessary.*

I. Call to Order:

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. 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.
3. Chairman Swensen stated that we are in the Senior Center for now due to a burst pipe in the attic that flooded the Town Clerk's office who is now located in the Selectmen's meeting room. This is temporary.

II. Consent Agenda:

1. Minutes of Regular Meeting – March 3, 2015. **Motion by Mr. Szafarowicz to accept the March 3, 2015 meeting minutes, seconded by Mr. McGrath, motion carries.**

III. Community Relations, Announcements and Open Forum:

- Chairman Swensen read the announcements.
- Ron Charette from 205 Brookfield Road came forward and said he has two petitions to ask the Board to include in the Annual Town Meeting Warrant. One is to establish a noise control bylaw for off road vehicles and one is an amendment to the Zoning Bylaws pertaining to the use of motosports vehicles. Mrs. Craver stated that we will bring these to the Town Clerk to verify the signatures.

IV. Appointments/Resignations:

V. Scheduled Appointments:

**6:45pm** – Technology Committee – Phone System Upgrade. Mrs. Craver stated that as you are aware, the Technology Committee has been working diligently on a phone system upgrade for the Town Hall. Attached is their recommendation for the proposed new phone system and all the supporting documents.

The costs associated with this are:

Phone system installed	\$81,456.95
Paging system	\$ 4,070.00
Paging Wiring	\$ 3,600.00
Total	\$89,126.95

BF & E \$ 6,996.33 separate contract  
(Break, Fix & Entitlement)

As a reminder, monies were approved at the May 19, 2014 Annual Town Meeting to appropriate \$35,700 for the phone system and the October 21, 2014 Special Town Meeting appropriated \$55,000 to replace the phone system. Therefore, there is a total of \$90,700 for replacing the phone system. The BF & E (Break, Fix & Entitlement) is a separate contract which would come out of the telecommunications account. The Technology Committee has been working very hard to provide the town with a new phone system and she would recommend the Board approve the costs associated with it. Curtis Meskus and Clifford Cloutier from the Technology Committee were present to explain what they have done to come to this recommendation. Mr. Meskus stated that Bay Path Vocational just went through this process. **Motion by Mr. McGrath that we enter into a contract for the phone system with Harbor Network a/k/a ShoreTel for a contract not to exceed \$90,700.00 that's already encumbered, seconded by Mr. Singer, motion carries unanimously.** The Board thanked the Technology Committee for all their work on this project.

**7:00pm** – CMG Environmental, Inc. – Contracts. Gary Magnusson from CMG Environmental came forward. He provided two proposals for Environmental Services for FY2016 for the old Highway Barn located at 54 N. Main St. and the Community Center located at 4 Dresser Hill Road. In FY10, CMG Environmental reduced its fees for both sites and will continue to hold the same 2% discount. The costs for the mandated reporting for DEP for the 54 N. Main Street is \$10,133.00. **Motion by Mr. McGrath to accept the CMG Environmental proposal for 54 N. Main Street in the amount of \$10,133.00 for testing, seconded by Mr. Singer, motion carries unanimously.** Mr. Magnusson stated that the costs for the mandated reporting for 4 Dresser Hill Road is \$8,142.00. **Motion by Mr. Szafarowicz to approve the budget as laid out for \$8,142.00, seconded by Mr. Singer, motion carries unanimously.**

I. New Business:

1. Request for Special License – St. Joseph's church. Attached is a request from St. Joseph's Church for a special liquor license for Wine and Malt beverages to be used for their meat raffles from 5:00pm – 11:00pm in the Church Basement located at 10 H. Putnam Road Ext., Charlton, MA on the following days:  
March 28, 2015, April 25, 2015, September 19, 2015 and November 14, 2015  
This request has been approved by the Building Commissioner, Fire Department and Police Department. Per the Board's policy, the license if the days requested are 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)  
These dates would be reflected on the license. Mrs. Craver would recommend the Board approve the special license as requested. Just for information purposes: *From the ABCC guidelines, the local licensing authorities cannot grant special licenses to any person for more than a total of 30 days per calendar year.* **Motion by Mr. Szafarowicz to approve the special licenses as requested, seconded by Mr. McGrath, motion carries unanimously.**
2. Bill and Payroll Warrants – Authorization to sign. Mrs. Craver stated that as you know, we have had times where we could not get at least three signatures from the Selectmen in order to process payroll and the warrants in a timely fashion. She was asked before to look into the possibility of having the Town Administrator sign the payroll and warrants. Town Counsel has done some research and found that the Board can, pursuant to Mass. General Laws, Chapter 41, Section 23A, adopt the following policy: "Town Administrator Signing of Bill and Payroll Warrants: The Board of Selectmen having voted pursuant to Mass. General Laws, Chapter 41, Sec. 23A to delegate

such duties and responsibilities to the Town Administrator, the Town Administrator is authorized by and for the Board to sign warrants for bills and payrolls once a majority of the Board, per Mass. General Laws, Chapter 41, Sections 52 and 56, has been given an opportunity to examine and approve each bill, draft, order and payroll covered by such a warrant. The Town Administrator shall, on behalf of the Board, ensure such to be correct and that the goods, materials or services charged for were ordered, that such goods and materials were delivered and that the services were actually rendered to or for the town as the case may be." How does the Board wish to proceed? **Motion by Mr. Singer that we adopt this policy, seconded by Mr. Szafarowicz.** Chairman Swensen stated that there is a recommended motion to use. **Motion by Mr. McGrath that the Board vote, pursuant to Mass. General Laws Chapter 41, Sec. 23A, to adopt the following policy: "Town Administrator Signing of Bill and Payroll Warrants": The Board of Selectmen having voted pursuant to Mass. General Laws Chapter 41, Sec. 23A to delegate such duties and responsibilities to the Town Administrator, the Town Administrator is authorized by and for the Board to sign warrants for bills and payrolls once a majority of the Board, per Mass. Gen. Laws Chapter 41, Sections 52 and 56, has been given an opportunity to examine and approve each bill, draft, order and payroll covered by such a warrant. The Town Administrator shall, on behalf of the Board, ensure such to be correct and that the goods, materials or services charged for were ordered, that such goods and materials were delivered and that the services were actually rendered to or for the town as the case may be, seconded by Mr. Singer, motion carries.**

3. National Grid: - Vegetation, - Tree Removal. *Vegetation* – Mrs. Craver stated that attached is National Grid's transmission vegetation maintenance notification pursuant to 230 C.M.R. § 22.03(1), New England Power Company and/or Massachusetts Electric Company, each d/b/a National Grid (together, "National Grid") is providing Charlton with the annual notification of upcoming vegetation management activities within our municipality. These activities will be conducted between April 1, 2015 and March 31, 2016. (See maps attached). This program focuses on the removal of tall growing trees and shrubs to encourage the establishment of a low growing shrub population on the right of way. The primary method of control will include manual cutting, selective mechanical mowing and the application of federally approved and state registered herbicides to control targeted vegetation where site conditions allow.  
*Tree Removal* - We have received a list from National Grid Hazard Tree Mitigation program which identifies nineteen (19) town owned trees for removal and one (1) tree for pruning. These trees are on Oxford Road and Richardson Corner Road. (see attached list). The Board is being asked to approve the list provided by National Grid. This will save money for the town and also is a great way to be pro-active in eliminating interruption for residential services. Mrs. Craver stated that she spoke with the Highway Superintendent and he is in favor of these trees being removed. **Motion by Mr. McGrath that we vote to approve National Grid's vegetation program and tree removal list that they gave us that goes from April 1, 2015 to March 31, 2016, seconded by Mr. Singer, motion carries unanimously.**

## VII. Old Business:

1. Economic Development Director / Town Planner Position Split. As requested, Mrs. Craver has attached revised job descriptions that separate the Town Planner and the Economic Development Director positions. She has also attached a salary spreadsheet to accompany the job descriptions based on the recently completed Classification Plan by Human Resources Services, Inc. which is now being reviewed by the Personnel Board. According to the Wage Summary Market Date sheet (attached), the average hourly range for the Town Planner's position [without the EDC Director duties] is \$30.38-36.24 (average of range is \$33.31). At the time of the merger in 2002 (FY03), the best she can determine from town records is that the position of EDC Director was paid -

\$17,341 and the Town Planner was paid -\$44,539. If you add the COLAs over the years, the separate positions would be worth \$24,581 and \$63,134 (\$30.35 per hr for the Planner). The Planning Board sent two letters to the Board dated December 15, 2014 and March 5, 2015 requesting that the Town Planner's hours be restored to the full 40 hours because of the Planning Board office's workload. If you chose to remove the EDC Director duties, you will be assisting the Planning Board in that the Town Planner will devote 40 hours to Planning Board's increased needs. This should assist them in their increased workload. Given the Planner's years of experience, including 14 years in Charlton, and education level, she would recommend the higher rate which would provide an hourly rate of \$33.31. To put this rate in perspective, please see department head wages based on their hours worked:

Library Director:	\$72,287
Accountant:	\$70,748
Building Commissioner:	\$69,940
Town Planner:	\$69,284 (proposed)
Director of Assessing:	\$64,357
Conservation Agent/GIS	\$55,412
Town Collector:	\$53,246
Cemetery Supervisor	\$50,190
Director of COA	\$47,732
Town Clerk:	\$40,300

Also, she would suggest the Board include a line item in the EDC budget asking for \$20,000 to fund the EDC Director. As you know, based on department requests, the FY16 Operating Budget has a deficit of \$1.6 million. The EDC Director position may not be recommended for funding by the Finance Committee, but at least there would be a request and place holder. The Finance Committee is in the process of hearing budget requests and will be meeting with the EDC Wednesday, April 1st to discuss their budget. The Board is invited. Perhaps you would want to propose that the Planning Board be also invited to meet with the Finance Committee and EDC on April 1st to discuss a possible transition. As she stated above, honoring the Planning Board's request of restoring the Planner's hours to 40 may provide the Planning Board the relief they have requested while reducing the budget deficit. Mrs. Craver is expecting to provide the Board with additional possible cost savings as we work toward a balanced budget for FY16. Mr. McGrath wanted to clarify that he thought the letter from the Planning Board was to restore the Town Planner's salary and hours. He feels we would be better to wait this out and not act on it at this time. Chairman Swensen stated that this is information only unless the board wants to take any action. Mr. Singer doesn't think we should be allotting \$20,000 for an EDC position. Mr. McGrath would recommend meeting with the Planning Board. Chairman Swensen asked the Board to take some time and read this. Mr. Singer stated that he would not be able to attend the meeting but would like to provide his input before.

2. ATM – Warrant & Budget – Close Warrant. Mrs. Craver stated that the Board is scheduled to close the Annual Town Meeting warrant tonight. She has prepared a draft warrant list with articles for review. Usually there are various housekeeping items such as accepting town reports and authorizations for grants. As you know, we recently completed the codification of the Charlton Town Code and in that process we reviewed whether all "housekeeping" articles will be needed to be continued. After consultation with Town Counsel, there are several articles that have been codified in the bylaws that essentially take care of these articles and provide the appropriate authorizations. The articles recommended to be removed include:
  - Notice of Town Meetings
  - Appointments of Committees and Filling of Vacancies
  - Grant Applications

There are also warrant articles that can, for efficiency sake be made into bylaws. After consultation with Town Counsel, we recommend that the Sale of Surplus Property and Sale of Tax Title Land be adopted as Bylaws. Mrs. Craver is checking with Bond Counsel on the appropriate language for the Tax Title land. The Board also has articles as placeholders. Two of the warrant articles are to change of the classification plan as well as changes to State law regarding personnel leaves. We also have placeholders for the unpaid bills, solar bylaw and dam repairs. We will know more whether these articles will move forward once the Finance Committee, Personnel Board, Planning Board and other departments have had time to respond. She has also prepared a draft budget for the Board's review. At this time, the revenue forecast is \$24,094,608 and the total requested by departments is \$25,711,819 which leaves a \$1,617,211 deficit. This deficit includes a DCRSD increase of 11% in its operating assessment and an 8% increase in transportation. If we level fund except contractual and statute requirements, the request is \$24,632,203, leaving a deficit of \$537,596. This deficit includes the minimum assessment for DCRSD amounting to an additional \$48,300 over FY15 which may not be realistic. The Governor's Budget provided an additional amount of unrestricted local aid in the amount of \$46,409 (a 3.6%) and the DCRSD received \$77,400. As you know, the Finance Committee has been meeting with the departments to hear their needs and concerns.

DRAFT Charlton Annual Town Meeting May 18.2015- Article List

WARRANT ARTICLES Warrant Closed March 17, 2015

ELECTION

TOWN REPORTS

LITIGATION

BY LAW- SALE OF TAX TITLE LAND

BY LAW-SALE OF SURPLUS PROPERTY

APPROPRIATION OF FUNDS FOR UNPAID BILLS OF A PRIOR FISCAL YEAR-

Placeholder

INTER/INTRA DEPARTMENTAL TRANSFERS FOR FY15 TOWN BUDGET

WATER DEPARTMENT BUDGET (ENTERPRISE FUND)

SEWER DEPARTMENT BUDGET (ENTERPRISE FUND)

TRANSFER OF FUNDS TO AND FROM STABILIZATION FUND

CAPITAL ITEMS AND RELATED CONTRACTS

CEMETERY PERPETUAL CARE

REAUTHORIZATION OF REVOLVING FUNDS

CLASSIFICATION PLAN UPDATE

PERSONNEL BYLAW AMENDMENT- MATERNITY LEAVE- PLACEHOLDER

PERSONNEL BYLAW AMENDMENT- CHANGE DAYS TO HOURS IN ALL BENEFIT SECTIONS- PLACEHOLDER

AUTHORIZE SELECTMEN, FOR AND ON BEHALF OF THE TOWN, TO MAINTAIN AND REPAIR SOUTH RESEVOIR DAM AND APPURTENANT REALTY, AND RELATED MATTERS

AUTHORIZE SELECTMEN, FOR AND ON BEHALF OF THE TOWN, TO MAINTAIN AND REPAIR GLEN ECHO DAM AND APPURTENANT REALTY, AND RELATED MATTERS

AUTHORIZE SELECTMEN, FOR AND ON BEHALF OF THE TOWN, TO MAINTAIN AND REPAIR LITTLE NUGGET DAM AND APPURTENANT REALTY, AND RELATED MATTERS

GOVERNMENT STUDY COMMITTEE

SOLAR BYLAW- PLACEHOLDER

Mrs. Craver stated that she is looking for the board to close the warrant tonight. **Motion by Mr.**

**Singer to close the warrant with all the articles printed on it including the placeholders and the two petitions submitted tonight by Mr. Charette, seconded by Mr. McGrath, motion carries.**

VIII. Committee Reports:

Mr. McGrath stated that the Municipal Building Committee met and will be putting out the bid for the elevator. He stated that Mr. Singer brought up the issue about record storage He also said he spoke with the Town Clerk and she needs more fire proof storage and more day to day storage. He suggested going back to the Municipal Building Committee with that.

IX. BOS Policy Review:

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

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

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

-Mr. Singer questioned the ALICE training, that it hasn't been done yet and Mrs. Craver stated that he's correct.

-He also questioned the town owned land. He would ask Mrs. Craver to stay in contact with Departments to make sure this doesn't fall through the crack.

-Mr. Singer also brought up the space issue for the Town Clerk. **Motion by Mr. Singer that we direct the Town Administrator to allot that space for the Town Clerk even if it's temporary for their storage.** He stated that he did some research and there are three offices downstairs that are empty and used for taxes that Historical could use. Mr. McGrath mentioned that Mr. Singer stated before to add a door from the Town Clerk's office into the room and he agrees. **Mr. McGrath seconded Mr. Singer's motion.** Mrs. Cooper asked if there was any cost associated with moving all the materials. Mr. Singer isn't sure but whatever we do, there will be a cost. Mrs. Craver thought we could ask the Highway for help in moving the items. **Vote on motion: motion carries.** Mrs. Craver clarified the conversation: the Town Clerk will be utilizing the Historical Room, the Historical Commission will share space downstairs with the Veterans Office and the Board wants the Municipal Building Committee to look into adding a door from the Town Clerk's office to the "new" room and to also look into moving the Cemetery Commission to the Highway Department as space was allocated there for them when it was built.

XIII. Next Meeting Announcement:

XIV. Adjourn/Executive Session:

**Motion by Mr. Szafarowicz to enter into executive Session at 7:50pm 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, #2, to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel, #3 – to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and #6, to consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, seconded by Mr. McGrath. Roll call vote taken: Mrs. Cooper – aye, Mr. Szafarowicz – aye, Mr. Singer – aye, Mr. McGrath - 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. McGrath to adjourn at 9:45pm, seconded by Mr. Singer, motion passes unanimously.**

Submitted by:  
Mary C. Devlin  
Administrative Assistant

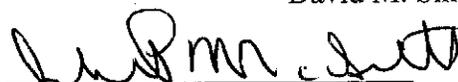
Accepted by:

  
\_\_\_\_\_  
Frederick C. Swensen, Chairman

\_\_\_\_\_  
Joseph J. Szafarowicz, Vice-Chairperson

  
\_\_\_\_\_  
Cynthia B. Cooper, Clerk

\_\_\_\_\_  
David M. Singer, Member

  
\_\_\_\_\_  
John P. McGrath, Member



**TOWN OF CHARLTON**  
**OFFICE OF THE TOWN ADMINISTRATOR**  
**37 Main Street**  
**Charlton, MA 01507**  
WWW.TOWNOF CHARLTON.NET

Phone: (508) 248-2206  
Fax: (508) 248-2374

TO: Board of Selectmen

FROM: Robin L. Craver, Town Administrator 

DATE: March 12, 2015

SUBJECT: Town Administrator's Report – for Selectmen's meeting of 3/17/15

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**Municipal Records Storage** – This item has been referred to the Municipal Building Committee as suggested at the board's last meeting. They are working on a project for permanent record storage. We will provide more information when it's received. The objective is to keep records in a fire proof area in a separate module. The committee feels that the use of any area on the main floor for file storage is not the best use of that space. They are pursuing a file storage strategy for a newly constructed space outside of the building. This has been pushed back repeatedly on the Capital Plan.

**Town Hall Lot Survey** – There are two town owned parcels of land approximately 0.5 and 3.4 acres respectively around the town hall. The Municipal Building Committee has approved an agreement with McClure Engineering, Inc. in the amount of \$8,540 for them to perform a property line and existing conditions survey with plan, set iron pins at property corners and provide property line survey plan suitable for recording at the Worcester Registry of Deeds.

**Vegetation Management Plan** – CSX Transportation, Inc. has provided you with a notice of public hearing and availability of the Vegetation Management Plan prepared for them. This plan describes the railroad's proposed means of vegetation control in Massachusetts. The hearing is a requirement for them pursuant to the Rights of Way Management Regulations in order to apply pesticides to control vegetation to maintain Rights of Way and must be approved by the Massachusetts Department of Agricultural Resources. The hearing is scheduled for March 18, 2015 at 11:00am until 12:30pm at the conference room located at MDAR.

**Town Owned Land** – At the Board's last meeting, Mrs. Cooper provided you with a list of town owned land to review and I was asked to see what the purpose of each lot was for worth \$50,000 or more. This list is still being worked on. I've asked Department Heads to review and provide me with information. Some boards and Departments have not met yet. I will let you know when it's completed.

Municipal Building Committee  
 Voted to approve  
 10/11/15

**McCLURE**  
 ENGINEERING, INC

**PROFESSIONAL SERVICE AGREEMENT**

5 Masonic Home Road  
 Charlton, MA 01507  
 T: 508.248.2005  
 F: 508.248.4887

<b>Client:</b>
Town of Charlton ATTN: Mr. Curtis Meskus 37 Main Street Charlton, MA 01507

<b>Proposal #</b>	<b>Date</b>
054-1096-E	01-19-15

Project #	Site Information	PWS ID #	Terms	PO #	Sub #
054-1096-E	TOC Map 42A, Parcel 11	N/A	Per Agreement		

**Description**

McClure Engineering, Inc. (McClure) is pleased to provide a professional service agreement (Agreement) to Town of Charlton (TOC) pertaining to survey of two (2) owned parcels of land shown on Assessors map 42A-B-10 & 11, being approximately 0.5 and 3.4 acres, respectively. The Agreement was developed based upon discussion with Curtis Meskus, Town Building Inspector, and preliminary review of parcel deed information.

**Scope of Work**

- A. Perform a boundary line and existing conditions survey of both parcels to include necessary deed and plan research, field work to locate existing monuments of record, office calculations to establish property lines, and topographic survey of the two parcel areas and abutting roadways. Locate wetland delineation as provided by others and prepare an existing conditions plan at a scale of 1 inch = 40 feet, with 2 feet contour intervals based upon the vertical datum of NAVD of 1988.
- B. Set Iron pins at property corners (requires field work after adequately evaluating initial survey work and researched information to set pins).
- C. Provide a survey plan suitable for recording with the Worcester District Registry of Deeds (WDRD).

The estimated cost to perform the above Scope of Work itemized by individual tasks is as follows:

A. Property line and existing conditions survey with plan .....	\$7,104.00
B. Set iron pins at property corners .....	\$ 920.00
C. Provide property line survey plan suitable for recording at the WDRD .....	\$ 516.00

The total fee estimate to complete all these tasks is eight-thousand, five-hundred and forty dollars (\$8,540.00).

# McCLURE

ENGINEERING, INC

## PROFESSIONAL SERVICE AGREEMENT

### TERMS AND CONDITIONS

5 Masonic Home Road  
 Charlton, MA 01507  
 T: 508.248.2005  
 F: 508.248.4887

Proposal #	Date
054-1096-E	01-19-15

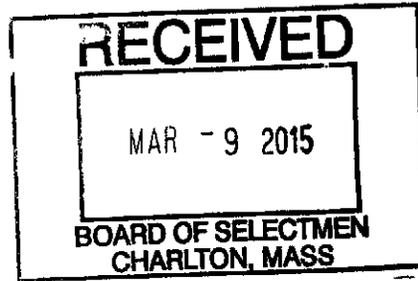
<b>Client:</b>
Town of Charlton ATTN: Mr. Curtis Meskus 37 Main Street Charlton, MA 01507

Project #	Site Information	PWS ID #	Terms	PO #	Sub #
054-1096-E	TOC Map 42A, Parcel 11	N/A	Per Agreement		

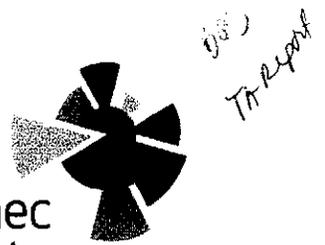
Description					
<p><b>ESTIMATED COMPLETION DATE:</b> McClure Engineering, Inc. is prepared to commence work upon receipt of this signed agreement. In the event that the Engineer is obstructed or delayed in the completion of said services by any act of the Client or the Client's agents or by any act beyond the control of the Engineer including, but not limited to, inclement weather, illness, strikes, failure of equipment, unanticipated degree of difficulty encountered in performing said services, or delay created within or by approving agencies, then the time herein fixed for the completion of the services shall be extended for a period of time equivalent of the time lost by reason of any or all of the aforementioned causes.</p> <p><b>TERMINATION:</b> This agreement may be terminated by either party upon five (5) days written notice in the event of persistent failures of performance of material terms and conditions of this Agreement by the other party through no fault of the terminating party. The Engineer shall then be paid for the services completed up to the time of the termination date based upon the above-described fees.</p> <p><b>OWNERSHIP of DOCUMENTS:</b> <del>All documents, including original drawings, estimates, specifications, field notes and data are and shall remain the sole and exclusive property of McClure Engineering, Inc. as instruments of service. The Client may, at his expense, obtain record prints of drawings, in consideration of which the Client will use them solely in connection with the above-described project and not for the purpose of making subsequent extensions or enlargements thereto.</del></p> <p><b>PAYMENT:</b> Unless otherwise specified in this Agreement, payment for the above-described services shall be due within thirty (30) days from the date of the first billing. In the event that said account is unpaid after the thirtieth day subsequent to the date of the first billing, the Client shall be subject to a monthly service charge of (1% - 1 1/2 %) on the then unpaid balance (12% - 18% true annual rate). In the event that any portion of all of this account remains unpaid ninety (90) days subsequent to the first billing date, the Client shall pay all costs of collection including reasonable attorney's fees.</p> <p><b>AMENDMENT of AGREEMENT:</b> This Agreement may be amended only in writing signed by the Client and Engineer.</p> <p><b>APPLICABLE LAW:</b> Unless otherwise specified, this Agreement shall be governed by the laws of the Commonwealth of Massachusetts.</p>					

March 6, 2015

Rick Swensen - Chair  
Chief Municipal Officer  
37 Main Street  
Charlton, MA 01507



amec  
foster  
wheeler



Re: Vegetation Management Plan  
CSX Transportation, Inc.  
Railroad Rights-of-Way in Massachusetts

Enclosed please find notice of a public hearing and availability of the Vegetation Management Plan (VMP) prepared for CSX Transportation, Inc. The VMP describes the railroad's proposed means of vegetation control in Massachusetts. A hard copy of the VMP is available and will be mailed to you or provided in PDF format by email upon request. Please address your request to:

Stephen Herzog  
Amec Foster Wheeler  
271 Mill Road  
Chelmsford MA 01824

Or by email to [stephen.herzog@amecfw.com](mailto:stephen.herzog@amecfw.com)

Sincerely,

**Amec Foster Wheeler**

A handwritten signature in black ink, appearing to read "Stephen G. Herzog".

Stephen G. Herzog  
Project Manager

Attachment

Amec Foster Wheeler,  
Environment & Infrastructure  
271 Mill Road, 3<sup>rd</sup> Floor  
Chelmsford, MA 01824  
+1 978-692-9090  
amecfw.com

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114  
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lt. Governor

MATTHEW A. BEATON  
Secretary

ALISHA BOUCHARD  
Interim Commissioner

***PUBLIC HEARINGS: VEGETATION MANAGEMENT PLAN***

Pursuant to the Rights-of-Way Management Regulations (333 CMR 11.00) in order to apply pesticides to control vegetation to maintain Rights-of-Ways, the Department of Agricultural Resources must approve a Vegetation Management Plan (VMP) and a Yearly Operational Plan (YOP). The VMP is intended to justify the need to control vegetation, identify target vegetation, describe the intended methods of control, describe methods for identifying sensitive areas, describe operational guidelines for applicators, outline a program of Integrated Pest Management (IPM) designed to reduce the use of herbicides, and describe alternative land use activities.

The following municipalities are advised that the **CSX Transportation, Inc.** proposes to utilize herbicides to treat their Rights-of-Way:

Auburn, Becket, Berlin, Bolton, Brimfield, Brookfield, Charlton, Chester, Clinton, Dalton, East Brookfield, Framingham, Hinsdale, Huntington, Lancaster, Leicester, Leominster, Marlborough, Middlefield, Monson, Montgomery, Northborough, Oxford, Palmer, Pittsfield, Richmond, Russell, Southborough, Spencer, Springfield, Sterling, Warren, Washington, West Brookfield, West Springfield, West Stockbridge, Westfield, Wilbraham, Worcester.

**PUBLIC HEARINGS SCHEDULED:**

In accordance with 333 CMR 11.05 the Department of Agricultural Resources will conduct a regional hearing to receive public comment on the proposed Vegetation Management Plan for **CSX Transportation Inc.**, as submitted by: Amec Foster Wheeler Environment and Infrastructure, Inc. 271 Mill Road, Chelmsford, MA 01824

**To provide all interested parties an opportunity to comment on the proposed VMP, a public hearing will be held at the following location:**

**Wednesday, March 18, 2015 at 11:00 AM until 12:30 PM @ the conference room located at Massachusetts Department of Agricultural Resources 101 University Drive, Suite C4 Amherst, MA**

**Plans Available for Review Prior to Public Hearings:**

Section 11.05 (3)(d) of the ROW Management Regulations provide: "At least 21 days prior to the end of the public comment period, the applicant shall send a copy of the proposed VMP to the chief elected

official, the Board of Health, and the Conservation Commission in affected communities upon their request." Such request should be made to:

Mr. Stephen Herzog  
Amec Foster Wheeler Environment & Infrastructure, Inc.  
271 Mill Rd  
Chelmsford, MA 01824

Copies of the proposed VMP are also available for review at the Massachusetts Department of Agricultural Resources, Pesticide Bureau, during regular business hours. It is also available for review at the Reference Desk of the following public library:

Springfield Public Library, 220 State Street, Springfield  
Worcester Public Library, Salem Square Worcester

**Written Comments Requested**

The public hearings listed above will give interested parties the opportunity to present data, views or arguments, orally or in writing concerning the proposed VMP. Persons giving testimony are also requested to provide written comments. Written comments in advance of the hearing dates are welcome. **The Department will accept written testimony concerning the CSX Transportation, Inc. VMP until the close of business Friday, April 10, 2015.**

Commentary should be sent to:

Rights-of -Way Program  
Massachusetts Department of Agricultural Resources  
Pesticide Bureau  
251 Causeway Street, Suite 500  
Boston, Massachusetts 02114-2151