



COPY

Submitted by MCD
Date 5/7/15
Received by KL
Date 5-7-15

TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
Tuesday – March 31, 2015 at 6:30pm

Present: Chairman – Frederick C. Swensen, Clerk – Cynthia B. Cooper and Members – David M. Singer and John P. McGrath. Also present: Town Administrator - Robin L. Craver. Absent: Vice-Chairman – 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.
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 17, 2015. **Motion by Mr. McGrath to accept the minutes of March 17, 2015, seconded by Mr. Singer, motion carries.**

III. Community Relations, Announcements and Open Forum:

- Chairman Swensen read the announcements.

IV. Appointments/Resignations:

1. Resignation – Town Hall Custodian. Mrs. Craver stated that attached is a letter of resignation from Sharon Carlson resigning her position as Town Hall Custodian effective April 13, 2015. Ms. Carlson has been a great asset to our team and will be missed. The Board should accept her resignation. A letter thanking her for her service to the town has been prepared and is in your sign folder. We will advertise as outlined in the Personnel Bylaws. **Motion by Mr. McGrath that we accept Sharon Carlson's resignation effective April 13, 2015 and that we send a letter of thanks, seconded by Mrs. Cooper, motion carries.**

V. Scheduled Appointments:

6:40pm – Peter Starkus – request to be appointed as Special Municipal Employee. Mrs. Craver stated that attached is a request from Peter Starkus asking the Board to appoint him as a Special Municipal Employee. As you know, Mr. Starkus is an elected member on the Planning Board and is appointed by the Board of Selectmen as the Gas & Plumbing Inspector. He is occasionally called upon to perform other work for the town, either sewer meter repairs for the Water & Sewer Commission or as demonstrated by the recent water damage event in the town hall, to assist in emergency repairs. Mr. Starkus was informed by the State Ethics Commission that to continue serving the needs of the Town in this manner, that he must be appointed by the governing board as a Special Municipal

Employee. As required by M.G.L. c. 268A, sec 20(c), he has completed the disclosure form required which states that by the classification of his position by the municipal agency or by the terms of a contract or his conditions of employment, that he is permitted to have personal or private employment during normal business hours and that he has a financial interest in a Municipal Contract. Mrs. Craver would recommend the Board declare the Plumbing Inspector a "Special Municipal Employee". This designation is for the position, not the person. Although not requested by Mr. Starkus, once the Board approves his request regarding a Special Municipal Employee, it is required by law that the Board also approve under M.G.L. c. 268A, sec. 20(d) which states, "We have received a disclosure under G.L. c. 268A, sec 20(d) from a special municipal employee who seeks to have a financial interest in a contract made by a municipal agency of this city or town. We understand that the special municipal employee participates in, or has official responsibility for, activities of the municipal agency that made the contract. We approve this exemption under sec. 20(d) regarding the financial interest identified by the special municipal employee". Mr. Starkus came forward. Mr. McGrath thanked Mrs. Craver for all her work with the ethics. Mr. Singer stated that he won't be supporting this because he has some issues with it. He has nothing against the person in the position. Mr. Singer feels this is a conflict of interest, he has concerns of the public's perception of this and he thinks it's unfair to put someone else in town in the awkward position of having to inspect this person's work who is their supervisor. He doesn't see how someone can fail their boss. Mr. Starkus responded to this. Anything that he will be doing, some of it will require an inspection and some of it won't. He stated that the position is not an assistant, it's an alternate. MGL doesn't allow Assistant's. Mrs. Cooper asked if the inspector meets the requirements for a special municipal employee, do the other inspectors need it as well? Mrs. Craver stated no. The Board of Selectmen decides who will be Municipal Employees. Mr. Starkus stated that presently when a water meter is installed, it's done by a licensed plumber. He stated that he does the inspections to make sure it's installed correctly. Because the Sewer Department does not have an employee that can go out and make the connections, Mr. Starkus stated that as a freebie for the Sewer Department, he's been filling out a report, he makes the connections, he puts the transmitter boxes on the outside of the house, he makes sure it works. He has all the computers needed to generate this report, he fills it out and gives it to the Sewer Department the next day. He's been asked in the past if there is a problem with one if he could service it. Mr. Singer stated that Mr. Starkus has clarified his concerns. **Motion by Mr. McGrath to appoint the Plumbing Inspector as a Special Municipal Employee, seconded by Mrs. Cooper, motion carries. Motion by Mr. McGrath that we approve the 20(d) exemption M.G.L. c. 268A, sec. 20(d) for a Special Municipal Employee, seconded by Mrs. Cooper, motion carries.**

6:45pm – Public Hearing – ANYA, LLC, d/b/a Oxbow Variety & Package Store – selling of alcohol to minor. Mrs. Craver stated that on February 13, 2015, the Charlton Police Department conducted an alcohol sting at Oxbow Variety & Package Store located at 3 Oxbow Road. They were provided with information that this establishment may be selling alcohol to under age patrons. Detective Dowd contacted a 20 year old female who agreed to participate in the sting. He sent her into the establishment without any identification. The female came out of Oxbow Variety & Package Store with a 6 pack of Bud Light bottles. Detective Dowd immediately secured the bottles as evidence. He went into the store and advised the only one working "Sunny", that he had just sold to a minor and that he'd be forwarding this information to the Police Chief and Board of Selectmen. Upon returning to the station, Detective Dowd turned over the acquired alcohol to Sgt. Mason. On February 18, 2015, Detective Dowd contacted the owner of the establishment and advised him of what transpired. The owner stated that this is not how he normally operates his business. He stated he has stopped many patrons from buying with false identification since operating the business in town. It should be noted that the Police Department conducted an alcohol sting on all retail package stores and this is the only store in violation. Just for your information, the previous owners of Oxbow had two violations against them. On March 20, 2013 when the request to transfer the license came before the board, discussion of

the past history of violations was discussed. The town does not have a liquor license violation policy. The following is what the Board used at the time of past violations for the previous owners:

- *Suspend license for one (1) day – first violation
- *Suspend license for five (5) days – second violation
- *Cover all coolers
- *Remove all bottles from shelves
- *Lock all cooler doors
- *Place a note on the door of the establishment and on cooler indicting alcohol sales cannot be made during suspension. The notice must contain the date(s) of suspension.
- *The Police should be notified and must check daily to make sure establishment is in compliance
- *If any violation occurs during the “SUSPENSION” period, the Board of Selectmen will automatically revoke the license
- *Licensee and staff required to view a video provided by the Police Department regarding alcohol sales and have each employee and owner sign a statement that they have viewed the video.

Depending on what the Board’s wishes are, the owner will have the right to appeal to the A.B.C.C. within five (5) business days of notification of the Board’s decision. The Board should open the hearing by reading the public hearing notice as placed in the paper and hand delivered to Amanda Parent at Oxbow Variety & Package Store. Chairman Swensen opened the hearing at 6:55pm by reading the notice of public hearing: The Charlton Board of Selectmen will hold a public hearing on Tuesday, March 31, 2015 at 6:45pm in the Town Hall Senior Center, 37 Main Street, Charlton MA to act on a complaint received against ANYA, Inc., d/b/a Oxbow Variety & Package Store regarding sale of alcohol to a minor. Anyone wishing to be heard on this matter should appear on the date and time, specified or submit concerns in writing. He asked the parties to come forward. Jignesh Patel from Oxbow Variety, Detective Daniel Dowd and Police Chief Pervier came forward. Detective Dowd was asked to add anything if it wasn’t stated. Detective Dowd stated that that’s pretty much it. He stated the procedure that the police do for the stings. Mr. Patel apologized for this and said they do their best to pick up on this. He had a book with him that had copies of over 400 fake id’s over the year. They take them and do not give them back to the customer. Chairman Swensen asked Mr. Patel what their policy is at the store for who gets carded. Mr. Patel stated that people who look over 30 aren’t carded. Chief Pervier stated that he understands there is a book by Mr. Patel but to his knowledge, the Police have never been notified. Mr. Singer asked Mr. Patel what happened to this employee, “Sunny”? Mr. Patel said he was fired. Detective Dowd stated that the Chief incurs expenses when the stings are done such as hiring kids to come in and do this, this money doesn’t replenish itself. He would leave that up to the Board on how to put that pool of money there for future endeavors. Mr. McGrath stated that the town should be reimbursed for these expenses. After discussion, **Mr. McGrath made a motion to close the public hearing at 7:10pm, seconded by Mr. Singer, motion carries. Motion by Mr. Singer that the Board issue Mr. Patel a warning with it being very clear that we do not want to see this again as there won’t be a second warning, it would be the license and that we ask Mr. Patel if he would be so kind as to reimburse the Police for the cost of this in lieu of any other penalties for this offense, seconded by Mr. McGrath.** Chairman Swensen stated that he can’t support this vote because Mr. Patel was told that the Board takes this very seriously and the guidelines that we have say that the license would be suspended for 1 day for the first offense. Mrs. Craver asked if Chief Pervier knew what the amount of reimbursement was. Chief Pervier stated that it would be a minimum of 4 hours which is about \$280 for the officers time, fuel, cost of the alcohol plus the person who helped. Mr. McGrath said his opinion would be \$500. **Mr. Singer amended his motion to include the fine of \$500.00 to reimburse the town. Mr. McGrath amended his second. Vote on motion: 3 in favor with Chairman Swensen opposed.** Chief Pervier asked if he should send the letter for the money to be reimbursed to the Police Department. Mrs. Craver stated that the money would go into the general fund. Chairman Swensen stated that we could develop a policy for any instances in the future. He

asked Mr. Patel if he could work with Chief Pervier on how to deal with bad ids instead of just collecting them. Mr. Singer would ask for this to be put on the next agenda to discuss a policy.

7:00pm – Kyle Meskus – update on Community Sign Board. Mrs. Craver stated that on July 22, 2014, Kyle Meskus came before the Board with an Eagle Scout Project for your consideration. (attached) Mr. Meskus proposed a community sign board on town property in front of 5 Main St. The Board granted him permission and accepted his concept. He is here to update the board on his progress with this project and also has a “Draft” policy for rules for the Charlton Community Sign Board for your consideration. Kyle Meskus stated that progress has been going very well. They have finished the head of the sign board. They are seeking donations for some of the materials for the rest of the sign. They will be putting the sign in on April 11th. Mrs. Craver stated that he’s done a great job but had a few questions on the policy. Mr. Meskus stated that these are just some recommendations for a policy and that the board could change what they need to. Mrs. Craver stated that there are a few things that we would have to work on. Chairman Swensen would like to have Mr. Meskus move forward and put this policy on the next agenda to give everyone a chance to review and come up with any comments they have. Chairman Swensen invited Mr. Meskus to come back in two weeks for discussion on the policy.

7:15pm – Anastasi Insurance Agency – donation to Police Department. Mrs. Craver stated that we have been notified by Anastasi Insurance Agency that they would like to make a donation to the Charlton Police Department in the amount of \$500.00 as part of their annual charitable giving campaign for 2014. They are here to present the check to Chief Pervier. Paul Anastasi stated that throughout the years Anastasi Insurance Agency employees generate funds for worthy organizations in our community and in 2014, they chose the Town of Charlton Police Department as the beneficiary and he’s proud to say through their efforts, they have raised \$500.00. Mr. Anastasi handed the check to Chief Pervier. Chief Pervier said it’s great that community businessmen recognize the department for their efforts. This will help defray some of the costs for the agency. Chief Pervier thanked Mr. Anastasi and the employees. The Board thanked them as well.

VI. New Business:

1. Board of Selectmen review of 2014 Annual Town Report. Mrs. Craver stated that as you know, staff has been trying to complete the 2014 Annual Town Report. Each Department, Board, Committee and Commission is charged with submitting a report for the previous year so that an Annual Report may be printed. Chairman Swensen has provided you with a draft 2014 Selectmen Annual Report for your review. She would ask the Board to review, make changes if needed and approve so that we may complete the book in time for town meeting as required by bylaw. Mr. Singer thanked Chairman Swensen for the work on the report. Chairman Swensen thanked Mrs. Craver and Ms. Devlin for their help. **Motion by Mr. McGrath to approve the 2014 Selectmen Annual Report, seconded by Mr. Singer, motion carries.**
2. Site Plan Application – Zero Point Development, Inc. Mrs. Craver stated that attached please find a copy of a site plan application submitted to the Planning Board by Zero Point Development, Inc. for a site plan approval to develop a 2.9 Megawatt commercial ground mounted solar array on nine acres of a 120-acre site located at 28 Curtis Hill Road. Said property is zoned Low Density Residential. The Planning Board has scheduled the application for their April 15, 2015 Board meeting agenda. You are asked to review and submit any comments no later than Wednesday, April 8, 2015. Mr. Singer would ask that we convey his comments that the Planning Board take into consideration the neighbors and ensure some sort of natural barriers are put up to protect the view from surrounding areas.

VII. Old Business:

1. Town Owned Land. Mrs. Craver stated that as per request of the board, departments have reviewed the list of town property provided to you by Selectman Cynthia Cooper at your meeting

on March 3, 2015 and voted to sell any property on the list valued at \$50,000 or above. Staff was asked to review the list and mark properties as needed if they should not be sold. Mrs. Craver reviewed the list of properties recommended to sell and the ones not recommended to sell at this time. (attached) Chairman Swensen thanked Mrs. Cooper again for all her work on this. Mr. Singer questioned the Daniels Rd./Colburn Rd. property. It states it is recommended not to sell. Mr. McGrath suggested to even sell the ANR lots and keep the back. Mrs. Cooper stated that if your going to get money for timber on a property, it's not just a one time thing. She feels we should maintain this particular piece of property. Mr. Singer has a few questions that he would like answers to. On the four parcels for this property, knowing that if we sold all four, we are looking at a quarter of a million dollars of immediate revenue plus yearly tax revenue, (1) we need to find out if we allow that to happen and harvest the timber, how much does the town expect if we go that route and it's less that the amount if sold, how many decades would it take us to accrue the same revenue if we go this route and (2) if we find out that the timber harvesting would not bring as much money into the town and the town would be better off to sell the property and put it on the tax roll, could it be split in such a way that the more expensive parcels are sold and keep the less expensive parcels for what is needed. Mrs. Cooper stated that there are two parcels that we may want to consider getting timber off of them first before they are sold. Mrs. Craver recommended that if the board is going to vote to sell all of the recommended properties, that we have a forester look at the properties and come back with a plan. **Motion by Mr. McGrath that we use the Town Administrators list of properties that are recommended to sell, have a forester come up with a forestry plan so that we can harvest them before we sell them and then the town can put them out to auction, seconded by Mrs. Cooper, motion carries.**

2. ATM – Mrs. Craver stated that the Board closed the Annual Town Meeting warrant at the last meeting with several placeholders. Tonight you are scheduled to go over the warrant articles and placeholders for changes, approval or removal. The warrant list includes:

ARTICLE -. ELECTION

ARTICLE -. TOWN REPORTS

ARTICLE -. LITIGATION

ARTICLE -. BY LAW- SALE OF TAX TITLE LAND- Attorney Coppola recommends removing. He states that MGL Ch 60; Sec 77B does not require a town meeting vote and Ch 30B, Sec 16 governs the disposal of any property valued greater than \$25,000. Town Counsel defers to his recommendation- RECOMMEND TO REMOVE. **Motion by Mr. Singer to remove this article, seconded by Mr. McGrath, motion carries.**

ARTICLE -. BY LAW-SALE OF SURPLUS PROPERTY

ARTICLE -. APPROPRIATION OF FUNDS FOR UNPAID BILLS OF A PRIOR FISCAL YEAR- Placeholder- no known prior year bills RECOMMEND TO REMOVE. **Motion by Mr. McGrath that we remove the article for appropriation of funds for unpaid bills of a prior fiscal year, seconded by Mr. Singer, motion carries.**

ARTICLE -. INTER/INTRA DEPARTMENTAL TRANSFERS FOR FY15

so far we have the following requests:

To The following Accounts	Amount	From the following Source or Account	Purpose
Fire Exp-Dive Team	\$2,500	Water Ways Account	Equipment for Water Rescue
General Fund	\$27,884	Sewer Retained Earnings	Deficit in Sewer Revenue
Water-Legal Expense	\$364	Water- Water Consultant	Legal Expenses

ARTICLE -. TOWN BUDGET- so far, you have a balanced budget by making the following cuts/appropriations:

FinCom's reserve fund - \$50,000 (reduced \$75,000)
 General Insurance- \$265,731 (reduced \$22,000)
 Health Insurance -\$991,231 (reduced \$78,000)

DCRSD - \$9,476,493 for 2,071 students; this is the min con (increase of \$48,300 over last year's voted amount; last yrs min con \$9,132,717 for 2,112 students; this is \$343,776 over last year's min contribution)

No discretionary department budget requested increases are included

Senior Tax Work off Program (reduced \$5,000)

Using \$400,000 from Stabilization Fund

Town Counsel - \$100,000 (reduced \$6,183)

Mrs. Craver reviewed how the cuts were discussed between her, Chairman Swensen and Chairman Morrill. Chairman Swensen stated that he would like to ask the board to vote to either support or not support the budget where it stands right now with the understanding that this is not a final budget. He would like to be able to have the Finance Chairman be able to go to his board and let them know where we stand. **Motion by Mr. Singer that the board vote to support the budget as shown here with the understanding that it could change, seconded by Mr.**

McGrath, motion carries unanimously.

ARTICLE -. WATER DEPARTMENT BUDGET (ENTERPRISE FUND)- you have a budget from the Water Sewer Commission that requests \$198,867 from the general fund which includes debt and expenses; and only \$151,014 (debt only) is being recommended.

ARTICLE -. SEWER DEPARTMENT BUDGET (ENTERPRISE FUND)- no issues, balanced

ARTICLE -. TRANSFER OF FUNDS TO AND FROM STABILIZATION FUND --so far, we only have the Millennium funds. Mrs. Craver stated that the Millennium Committee met today and voted to put \$80,000 into stabilization.

ARTICLE -. CAPITAL ITEMS AND RELATED CONTRACTS – so far, we have two placeholders:

Department/Board/ Committee	Project/Item Requested	FY15	Funding source
Town Hall	Municipal Building Account	\$125,000	Stabilization
Town Wide	Town Hall, Library, Police & Fire- Ice Dam Prevention	5,000	Stabilization

ARTICLE -. CEMETERY PERPETUAL CARE

ARTICLE -. REAUTHORIZATION OF REVOLVING FUNDS

ARTICLE -. CLASSIFICATION PLAN UPDATE- the Personnel Board will be making a recommendation.

ARTICLE -. PERSONNEL BYLAW AMENDMENT- MATERNITY LEAVE- do not need. RECOMMEND TO REMOVE. **Motion by Mr. McGrath that we remove the Personnel Bylaw Amendment for Maternity Leave, seconded by Mr. Singer, motion carries.**

ARTICLE -. PERSONNEL BYLAW AMENDMENT- CHANGE DAYS TO HOURS IN ALL BENEFIT SECTIONS- the Personnel Board will be making a recommendation

ARTICLE -. AUTHORIZE SELECTMEN, FOR AND ON BEHALF OF THE TOWN, TO MAINTAIN AND REPAIR SOUTH RESEVOIR DAM AND APPURTENANT REALTY, AND RELATED MATTERS- Chapter 20 of the Acts of 2010 already give the BOS authorization to better dam projects.

ARTICLE -. AUTHORIZE SELECTMEN, FOR AND ON BEHALF OF THE TOWN, TO MAINTAIN AND REPAIR GLEN ECHO DAM AND APPURTENANT REALTY, AND RELATED MATTERS Chapter 20 of the Acts of 2010 already give the BOS authorization to better dam projects.

ARTICLE -. AUTHORIZE SELECTMEN, FOR AND ON BEHALF OF THE TOWN, TO MAINTAIN AND REPAIR LITTLE NUGGET DAM AND APPURTENANT REALTY, AND RELATED MATTERS Chapter 20 of the Acts of 2010 already give the BOS authorization to better dam projects.

ARTICLE -. GOVERNMENT STUDY COMMITTEE – this is a place holder in case you wish to bring back with a more clear committee composed of: one appointee by the Bylaw committee; one appointee by the Personnel Board; two appointees by the Moderator; and three members at large appointed by the Board of Selectmen, (c) the term of such committee shall be for one year. Mrs. Craver added this as a placeholder in case the board wished to bring it back. **Mr. Singer doesn't feel this article should be on the warrant, seconded by Mr. McGrath.** Chairman Swensen stated he was a proponent for bringing this up in the first place. There are things in our government that could be done better. Mr. Singer and Mr. McGrath both stated that town meeting was quite clear that they didn't want this. It was stated that the purpose is to have an independent group look at this and bring back a recommendation. After discussion, **Mr. Singer withdrew his motion. Mr. McGrath withdrew his second.** Upon a recommendation from Mr. McGrath, **Mr. Singer withdrew his motion so that we can discuss this at the next meeting. Mr. McGrath withdrew his second.**

ARTICLE -. SOLAR BYLAW- The Planning Board does not recommend this article. Mr. Singer asked that this article stay on as he is the one that requested it as he feels it's necessary. He is working on correcting the language in the bylaw for a natural barrier being required to protect the homeowner. Mrs. Cooper asked why this would have to come before the Select board if it already goes in front of the Planning Board. Mr. Singer feels this creates a checks and balance. Chairman Swensen asked if we were overstepping our bounds and Mr. Singer doesn't think so. Other towns are doing this. Chairman Swensen asked if we could put a hold on this for now for further discussion and the board agreed.

ARTICLE -. PETITION

ARTICLE -. PETITION

ARTICLE -. PETITION

III. 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)

Chief Pervier wanted to remind everyone about Earth Day which is April 25, 2015.

XIII. Next Meeting Announcement:

* Next Regular Selectmen's Meeting – April 14, 2015

XIV. Adjourn/Executive Session:

Motion by Mr. McGrath to enter into executive Session at 8:35pm 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. Singer. Roll call vote taken: Mrs. Cooper – aye, Mr. McGrath – 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. McGrath to adjourn at 9:10pm, seconded by Mr. Singer, motion passes unanimously.

Submitted by:
Mary C. Devlin
Administrative Assistant

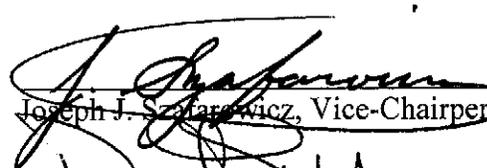
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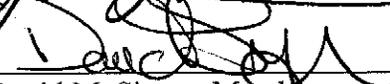
Frederick C. Swensen, Chairman



Cynthia B. Cooper, Clerk



Joseph J. Szafarowicz, Vice-Chairperson (absent)



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 25, 2015

SUBJECT: Town Administrator's Report – for Selectmen's meeting of 3/31/15

Bay Path – sale of bonds – We have received a check from Bay Path Regional Vocational Technical High School in the amount of \$34,657.86 which represents Charlton's share of the net bond premium received as a result of the recent sale the State Qualified General Obligation School Bonds. This money has been deposited into the general fund.

Municipal Aggregation of Electricity, Contracts for Electricity, Etc. – Special Town Meeting held on October 21, 2014 approved the Board to study, develop and participate in any municipal electric aggregation plan on such terms as the Board deems to be in the best interest of the town and its residential and business consumers and to authorize the Board of Selectmen to enter into a contract or contracts on the Town's behalf. Our office has received several inquiries as to whom our contract is with so that they have the option to sign with them. The Town has applied to become an electricity aggregator and that process, unfortunately, takes time. As we said at the town meeting, this is a process that could take a year or longer.

Plowing for town buildings – As you are aware, there has been an excessive amount of snow this year. The Highway Department has worked endlessly to make sure the roads and town buildings are plowed to make it safe for travel. With the amount of snow we've had, some town buildings have had a hard time removing the snow to allow access of town vehicles to move freely. The Highway Department has done an exceptional job to help in removing the snow. I would like to thank them for their professionalism and help. The Water/Sewer Commission and the Police Chief have also sent them letters thanking them.

Town Hall Repair Update – In working with Curt Meskus, Building Commissioner, the following is an update on the repairs to the town hall due to the burst pipe:

Clerk's Office – The Historical Commission has been moved downstairs as requested by the board to allow more space for the town clerk. The rough electrical and insulation has been completed. The board and plaster with new medallion is expected to be done by Monday, April 6. New light fixtures to follow. A door is being ordered and cut into the wall between the clerk's office and the old principal's office. Painting will have to be done. The floor is being worked on.

Originally it was thought that sanding and refinishing was going to be possible. This is not the case. Replacement of the flooring is now being investigated.

Council on Aging - Abatement of the flooring material is scheduled to be done April 1st. This work will be done under full containment and negative air pressure. We had hoped to do this work on a Friday however we would have to wait weeks to have it done on a Friday.

Following that (unknown date) demo of the exterior plaster wall will be done under lesser containment due to possible mold in the area behind the wall. Once that demo is completed, a cleaning of the area will be done. Next a new accessibility compliant door opening and door will be cut in the brick wall for the Outreach office followed by reconstruction of those 2 offices with new paint, ceiling and light fixtures.

Also in the mix of things - The upgrade to 3 phase power is scheduled for Friday, April 3, 2015. The Town Hall power will be completely shut down with the phone and network supported by a generator. The new phone system and overhead paging preparation work continues. The next phase of the split system AC is being specified (front of the building, COA area down stairs and the Treasurer's office). The bids are out for the Accessibility project, filed sub bids are due April 14th and the GC bids are due May 5th

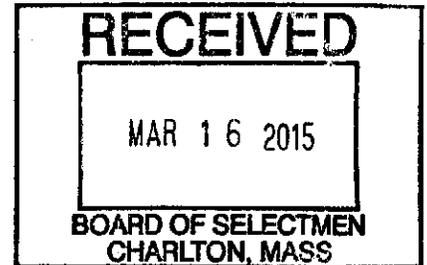
Snow Removal Reimbursement - As you know, the snow amount this year was astronomical. When the state calls a state of emergency, they try to assist towns with reimbursement for the amount of monies used during this time. The state this year is trying something new. Normally they ask for monies used during a 24/48 hr period. They have asked for a 4 week period of monies spent for the continuous snow storms that we had. The total we submitted for reimbursement for snow removal is \$302,000. We are hoping to get 75% of that back. I will keep you updated.



AUBURN • CHARLTON • DUDLEY • NORTH BROOKFIELD • OXFORD • PAXTON
RUTLAND • SOUTHBRIDGE • SPENCER • WEBSTER
Southern Worcester County Regional Vocational School District
BAY PATH REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL
57 OLD MUGGETT HILL ROAD
CHARLTON, MASSACHUSETTS 01507-1331
(508) 248-5971 - (508) 987-0326
FAX (508) 248-1644

Next
JA
Report

Dean J. Iacobucci
Business Manager



March 10, 2015

Ms. Robin Craver
Charlton Town Manager
37 Main Street
Charlton, MA 01507

Dear Ms. Craver:

Enclosed please find a check in the amount of \$34,657.86 which represents Charlton's share of the net bond premium received as a result of the recent sale the State Qualified General Obligation School Bonds. I have also enclosed a copy of the Department of Revenue's Bulletin 2013-01B entitled Bond Premiums and Debt Exclusions which explains the application of premiums received in connection with the sale of bonds.

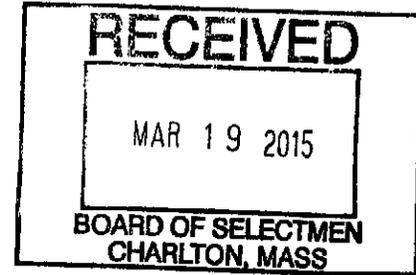
Please do not hesitate to contact me if you have any questions.

Sincerely,

Dean J. Iacobucci

DJI/kms
Enclosures

27 Turner Road
Charlton, Massachusetts 01507-1433
March 17, 2015



Ms. Robin L. Craver
Town Administrator
37 Main Street
Charlton, Massachusetts 01507

Dear Ms. Craver,

Thank you for meeting with me yesterday. At our meeting, I asked you to explain your progress concerning the provisions contained in Article 7 which passed by majority vote at the 2014 Town Meeting. You explained that you, delegated to act on behalf of the Board of Selectmen, the residents, and the businesses of Charlton, have had discussions with members from other municipalities seeking an aggregate plan to benefit our town. As a reminder, Article 7 authorizes you to “execute a contract . . . **independently.**”

As you are aware, National Grid increased its rates significantly on November 1, 2014, and their rate beyond April 2015, is unknown. Viridian, a competitor to National Grid, requires a 36 month contract with a \$150 termination fee to secure its rate of \$0.1279 per kilowatt hour. My meeting, and this correspondence, is my request for an expedited development and execution of a contract for power to be supplied to all Charlton residents at lower than the current electric rates.

I respectfully request that the residents and businesses of our community be provided monthly updates on the status of your study, development, and execution of a plan to “seek lower electric rates in a competitive market” as we approved ten months ago.

Sincerely,

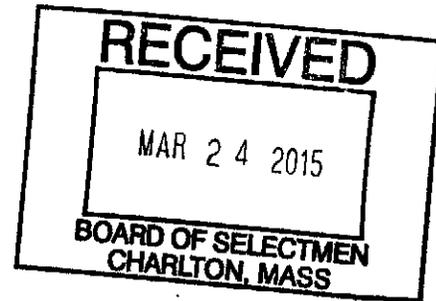
Allan R. Turmelle

Town of Charlton
Water and Sewer Commission
37 Main Street
Charlton, MA 01507



Phone: (508) 248-4953
Fax: (508) 248-0917

March 23rd, 2015



Board of Selectman
37 Main Street
Charlton, MA 01507

Attn: Ms. Robin Craver, Town Administrator

Dear : Ms. Craver;

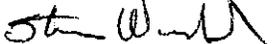
The Water & Sewer Commission are very appreciative of the inter-departmental cooperation with the Charlton Highway Department. Their willingness and enthusiasm, to help with a snow accumulation issue, we have had at the sewer plant and some of the pump stations. We had run out of room to put snow. We had piled it as high as our truck could reach.

Highway came in with a front loader and pushed the snow up and out of the way at the treatment plant, where our truck traffic had been handicapped. The trailers were not able to make the turn at the end of the our circular driveway. They did the same at several pump stations. We have room now to move snow and pile it in and around the areas we need to get to. Hopefully we are done for this year's snow season.

The Water & Sewer Commission, would again like to thank Mr. Gerry Foskett and his entire highway team, for their help and support with our snow issues.

Thank you again for your help and continued support.

For the Water and Sewer Commission


Steve Wandland

Water & Sewer Administrator
Town of Charlton

Cc's
Charlton Highway Department

Saved as Letter of Appreciation Charlton Highway Dpt winter snow 2015



Bulletin

2013-01B

BOND PREMIUMS AND DEBT EXCLUSIONS

(Supersedes Bulletins 2003-11B and 20B and Inconsistent Prior Written Statements)

TO: Assessors, Collectors, Municipal/Regional School Treasurers, Accountants/Auditors, Mayors/Selectmen, City/Town Managers/Executive Secretaries, Finance Committees, Finance Directors, City Solicitors/Town Counsels, Clerks and Regional School Superintendents

FROM: Gerard D. Perry, Director of Accounts

DATE: March 2013

SUBJECT: Impact of Bond Premiums on Borrowings Subject to Debt Exclusions

This *Bulletin* explains the application of premiums received in connection with the sale of bonds or notes that are subject to an approved Proposition 2½ debt exclusion generally and announces an alternative method for applying them. G.L. c. 59, § 21C(k). It supersedes *Bulletins* 2003-11B (May 2003) and 2003-20B (October 2003) and any inconsistent prior written statements and is effective immediately.

If you have any questions, please contact the Public Finance Section of the Bureau of Accounts at 617-626-2382.

A. TREATMENT OF PREMIUMS

Premiums received when bonds or notes are sold, less issuance costs, are general revenue of the city, town or district and cannot be spent without appropriation. G.L. c. 44, §§ 20 and 53.

A premium received for a bond or note for which a Proposition 2½ debt exclusion has been approved ("excluded debt"), must be offset against the stated interest cost of financing the project when computing the annual exclusions for the borrowing. G.L. c. 44, § 20. This ensures that the additional amount raised in taxes for the borrowing reflects the true interest cost of financing the project.

The Division of Local Services is responsible for oversight of and assistance to cities and towns in achieving equitable property taxation and efficient fiscal management. The Division regularly publishes IGRs (*Informational Guideline Releases* detailing legal and administrative procedures) and the *Bulletin* (announcements and useful information) for local officials and others interested in municipal finance.

Post Office Box 9569, Boston, MA 02114-9569, Tel: 617-626-2300; Fax: 617-626-2330 <http://www.mass.gov/dls>

B. TRUE INTEREST COST ADJUSTMENT

Form DE-1 is used as part of the tax rate process to document and report the amount to be added to the levy limit for approved debt exclusions. This section explains the method for determining, in Fiscal Year 2005 and later years, the adjustment required in the reported debt exclusion on account of a premium in order to reflect the true interest cost.

1. Bond Issue

Form DE-1 for a bond issue is completed as follows. The example shown uses the attached debt service schedule for a bond issue dated 11/15/02 for \$18,138,000.

Column G: Debt service (principal and interest) for the current fiscal year
Column H: Adjustments for School Building Authority or other reimbursements
Applicable portion of premium, computed as follows:

Premium received at time of sale, less cost of issuance if paid from premium

- divided by total interest payable over life of bond or note
- equals a percentage of interest costs
- multiplied by the interest included in Column G for current year

Debt service schedule (applicable portion):

<u>FY</u>	<u>Due Date</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2005	11/15/04		\$397,782.50	
	05/15/05	\$605,000.00	\$397,782.50	\$1,400,565.00
TOTAL		18,138,000.00	10,469,020.00	\$28,607,920.00

Closing details:

Premium	\$811,599.72
Less: Underwriting	- 70,947.64
Less: Bond Insurance	- 90,690.00
Net Premium	\$649,962.08

Calculation of premium as percentage of interest cost:

Net Premium	\$649,962.08
<u>Divided</u> by interest cost of life of issue:	\$10,469,020.00
Premium as % of Interest	= 6.2%

Calculation of adjustment of interest for debt exclusion

<u>FY</u>	<u>Annual Interest Due</u>	<u>x Premium %</u>	<u>Adjustment</u>
2005	\$795,565.00 (\$397,782.50 x 2)	x 6.2	\$49,325
Subsequent, e.g., 2006	\$783,162.50 (\$391,581.25 x 2)	x 6.2	\$48,558

2. **Note Issue**

Bond anticipation note (BAN) issues are generally for a term of one year with interest payable at maturity. The DE-1 for a one year BAN is completed as follows:

Column G: Debt service -- interest for the current fiscal year

Column H: Adjustments -- premium received, less cost of issuance *if paid from premium*

For a two year BAN with interest payable semiannually, the premium adjustment would be proportional to the interest payments occurring in each fiscal year.

3. **Accounting Procedures**

The premium is reserved for appropriation to offset debt service budgeted in future years for the project, rather than closed to unreserved fund balance at the end of the fiscal year received. This ensures the interest payment due will be fully offset by the addition to the tax levy for the debt exclusion in those years.

4. **Investment**

Treasurers should consult with bond counsel to ensure that the investment of the premium reserved for appropriation in future years is consistent with federal arbitrage regulations on tax-exempt borrowings.

5. **Regional School District Debt Excluded by Member Cities or Towns**

Regional school district debt for a project that has been excluded by a city or town is subject to these same procedures. The assessment to the city or town should reflect only the net interest cost associated with the project.

C. **ALTERNATIVE APPLICATION OF PREMIUMS TO PROJECT COSTS**

The adjustment explained in Section B above is not required to the debt exclusion for a borrowing if the premiums received in connection with the sale of the bonds or notes are appropriated to reduce project costs and the amount borrowed as explained in Sections C-1 and C-2 below. The full amount of the debt service payable in each year is excluded and reported on the DE-1.

This alternative is available to cities and towns with debt exclusions for municipal borrowings and regional school districts for district borrowings for which all members have approved debt exclusions.

1. **Premium Received**

Cities, towns and regional school districts that receive a premium on excluded debt for a project that has not been permanently financed may appropriate the premium (less issuance costs if paid from the premium) to (1) pay project costs directly or (2) pay-down BANS for the project. To do so, however, they must, at the time of the appropriation, also vote to rescind the same amount of the authorized borrowing for the project. This alternative approach results in the issuance of fewer bonds or notes and the avoidance of the associated interest expense for the project.

Example 1
Interim Financing of Building Project Costs
Sale Premium Received

Community A has a \$25 million DPW project, with a construction schedule of two years. The voters have approved a Proposition 2½ debt exclusion for the bonds. To take advantage of favorable rates, Community A decides to issue \$15 million bonds at the commencement of construction, with plans to issue the balance of the bonds as needed in the future. At the time of delivery of the bonds, Community A receives a sale premium on the bonds of \$2 million, after paying issuance costs. At a subsequent town meeting, Community A votes to appropriate the \$2 million to pay project costs and reduce the authorized borrowing for the project by the same amount. As a result, the total amount of bonds actually issued by Community A will not be greater than \$23 million.

2. **Premium Applied at Sale**

Issuers of bonds or notes may reasonably expect that a significant premium will be offered for their bonds or notes at the time of sale. In these instances, a city, town or regional school district may reserve its right at the time of sale to reduce the size of its bond or note issue by the amount of the premium received from the purchaser of the bonds or notes. The city, town or regional school district then applies the premium, net of issuance costs paid from the premium, to pay costs of the project, reducing the overall amount to be borrowed accordingly and avoiding the associated interest expense. As in Section C-1 above, the city, town or regional school district must vote to appropriate the premium and reduce the borrowing authorization by the same amount.

Example 2
Interim Financing of Building Project Costs
Sale Premium Applied When Bonds or Notes Sold

Community A has a \$25 million DPW project, with a construction schedule of two years. The voters have approved a Proposition 2½ debt exclusion for the bonds. To take advantage of favorable rates, Community A decides to issue \$15 million bonds at the commencement of construction. Anticipating that a

substantial premium will likely be received at the time of sale of the bonds, Community A reserves its right to reduce its bond issue size at the time the bonds are awarded, so as to reduce the bond issue by the amount of the premium received. The purchaser of Community A's bonds offers a premium of \$2 million, net of issuance costs paid from the premium, on the \$15 million issue. Community A reduces the issue by \$2 million to \$13 million, but still receives \$15 million in proceeds. At a subsequent town meeting, Community A votes to appropriate the \$2 million premium to pay project costs and reduce the authorized borrowing for the project by the same amount. As a result, Community A has \$10 million that can still be borrowed to pay remaining project costs and it will not actually issue more than \$23 million in bonds for the project.

3. **Required Votes**

The following language should be used for votes to appropriate bond premiums for project costs and reduce the authorized borrowing for the project.

If the bonds or notes sold were for more than one excluded borrowing, the portion of the premium allocable to each borrowing should be clearly identified in the vote, preferably by a separate vote for each borrowing.

a. **Town Meeting Votes**

Article: To see if the Town will vote to appropriate the premium paid to the Town upon the sale of bonds or notes issued for _____ (purpose), which are the subject of a Proposition 2½ debt exclusion, to pay costs of the project being financed by such bonds or notes and to reduce the amount authorized to be borrowed for such project, but not yet issued by the Town, by the same amount, or to take any other action relative thereto.

Motion: That the Town appropriate \$ _____ from the premium paid to the Town upon the sale of bonds or notes issued for _____ (purpose), which are the subject of a Proposition 2½ debt exclusion, to pay costs of the project being financed by such bonds or notes and to reduce the amount authorized to be borrowed for such project, but not yet issued by the Town, by the same amount.

b. **City/Town Council Orders**

Ordered: That the City/Town appropriate \$ _____ from the premium paid to the City/Town upon the sale of bonds or notes issued for _____ (purpose), which are the subject of a Proposition 2½ debt exclusion, to pay costs of the project being financed by such bonds or notes and to reduce the amount authorized to be borrowed for such project, but not yet issued by the City/Town, by the same amount.

c. Regional School Committee Votes

Voted: That \$ _____ from the premium paid to the District upon the sale of bonds or notes issued for _____ (purpose), which are the subject of Proposition 2½ debt exclusions approved in all member municipalities, be appropriated to pay costs of the project being financed by such bonds or notes and to reduce the amount authorized to be borrowed for such project, but not yet issued by the District, by the same amount.

DEBT SERVICE SCHEDULE EXAMPLE

Period Ending	Principal	Interest	Debt Service	Annual Debt Service
11/ 15/ 2002				
05/ 15/ 2003	\$553,000	\$414,702.50	\$967,702.50	
06/ 30/ 2003				\$967,702.50
11/ 15/ 2003		406,407.50	406,407.50	
05/ 15/ 2004	575,000	406,407.50	981,407.50	
06/ 30/ 2004				1,387,815.00
11/ 15/ 2004		397,782.50	397,782.50	
05/ 15/ 2005	605,000	397,782.50	1,002,782.50	
06/ 30/ 2005				1,400,665.00
11/ 15/ 2005		391,581.25	391,581.25	
05/ 15/ 2006	635,000	391,581.25	1,026,581.25	
06/ 30/ 2006				1,418,162.50
11/ 15/ 2006		382,850.00	382,850.00	
05/ 15/ 2007	665,000	382,850.00	1,047,850.00	
06/ 30/ 2007				1,430,700.00
11/ 15/ 2007		369,550.00	369,550.00	
05/ 15/ 2008	700,000	369,550.00	1,069,550.00	
06/ 30/ 2008				1,439,100.00
11/ 15/ 2008		355,550.00	355,550.00	
05/ 15/ 2009	735,000	355,550.00	1,090,550.00	
06/ 30/ 2009				1,446,100.00
11/ 15/ 2009		342,687.50	342,687.50	
05/ 15/ 2010	770,000	342,687.50	1,112,687.50	
06/ 30/ 2010				1,455,375.00
11/ 15/ 2010		328,250.00	328,250.00	
05/ 15/ 2011	810,000	328,250.00	1,138,250.00	
06/ 30/ 2011				1,466,500.00
11/ 15/ 2011		312,050.00	312,050.00	
05/ 15/ 2012	850,000	312,050.00	1,162,050.00	
06/ 30/ 2012				1,474,100.00
11/ 15/ 2012		295,050.00	295,050.00	
05/ 15/ 2013	895,000	295,050.00	1,190,050.00	
06/ 30/ 2013				1,485,100.00
11/ 15/ 2013		271,556.25	271,556.25	
05/ 15/ 2014	940,000	271,556.25	1,211,556.25	
06/ 30/ 2014				1,483,112.50
11/ 15/ 2014		246,881.25	246,881.25	
05/ 15/ 2015	985,000	246,881.25	1,231,881.25	
06/ 30/ 2015				1,478,762.50
11/ 15/ 2015		221,025.00	221,025.00	
05/ 15/ 2016	1,035,000	221,025.00	1,256,025.00	
06/ 30/ 2016				1,477,050.00
11/ 15/ 2016		193,856.25	193,856.25	
05/ 15/ 2017	1,085,000	193,856.25	1,278,856.25	
06/ 30/ 2017				1,472,712.50
11/ 15/ 2017		165,375.00	165,375.00	
05/ 15/ 2018	1,140,000	165,375.00	1,305,375.00	
06/ 30/ 2018				1,470,750.00
11/ 15/ 2018		135,450.00	135,450.00	
05/ 15/ 2019	1,195,000	135,450.00	1,330,450.00	
06/ 30/ 2019				1,465,900.00
11/ 15/ 2019		104,081.25	104,081.25	
05/ 15/ 2020	1,255,000	104,081.25	1,359,081.25	
06/ 30/ 2020				1,463,162.50
11/ 15/ 2020		71,137.50	71,137.50	
05/ 15/ 2021	1,320,000	71,137.50	1,391,137.50	
06/ 30/ 2021				1,462,275.00
11/ 15/ 2021		36,487.50	36,487.50	
05/ 15/ 2022	1,390,000	36,487.50	1,426,487.50	
06/ 30/ 2022				1,462,975.00
TOTAL	\$18,138,000	\$10,469,920.00	\$28,607,920.00	\$28,607,920.00