

 **COPY**



**TOWN OF CHARLTON**  
Minutes of Regular Selectmen's Meeting  
Tuesday – February 7, 2012

Submitted by med  
Date 2/23/12  
Received by KL  
Date 2-24-12

Present: Chairman – David M. Singer, Vice-Chairperson – Kathleen W. Walker, Clerk – Brent Sellew and members – Peter J. Boria and Frederick C. Swensen. 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:

Chairman Singer called the meeting to order at 6:30pm with the pledge to the flag.

II. Consent Agenda: Minutes of January 24, 2012. **Motion by Ms. Walker to approve the minutes of January 24, 2012, seconded by Mr. Boria, motion carries. Four in favor, Ms. Walker abstained.**

III. Community Relations, Announcements and Open Forum:

- Chairman Singer read the announcements.
- Ms. Walker stated that the REAS foundation put on the Taste of the Towns and it was a resounding success.
- Ms. Walker also stated that the lease for Fay Mountain Farm has been signed. She thanked the hard work of our Town Administrator, Robin Craver and our Conservation Agent – Todd Girard and the Conservation Commission as well. She read a letter from Todd Girard.

IV. Appointments/Resignations:

1. Appointment – Water/Sewer Commissioner. Mrs. Craver stated that as you are aware, there has been an opening on the Water/Sewer Commission since the resignation of Gabe Berthiaume. The Water/Sewer Commission has received a few requests for appointment and are here to make a recommendation to the Board. This appointment will be a joint appointment by both boards. A roll call vote should be taken. The appointment opening has been advertised on cable and the Town's website since the announcement of Mr. Berthiaume's resignation. Mr. Lemansky opened the Water/Sewer Meeting. Members present: Rob Lemansky, Paul Gagner, John Elliott and Joe Haebler. Ms. Gagner, one of the candidates that submitted a letter of interest came forward and withdrew her letter. **Motion by Mr. Haebler to accept Ms. Gagner's withdrawal, seconded by Mr. Elliott, motion carries.** The three remaining candidates left are Joseph Spiewak; Joe Belanger and Alex MacKenzie. Mr. Lemansky stated that as Chairman of the Water Sewer Commission, he is trying to make sure there is a full board for them at every meeting. Chairman Singer asked if all the candidates were interviewed and the answer was no. He feels that all of them should be given the opportunity to be interviewed. Mr. Haebler would agree with Chairman Singer and would like to be able to interview these three candidates within the next two weeks. Ms. Walker feels that an elected Board should not make the recommendation but the BOS should. Mr. Lemansky would like to see this process done the correct way. He said they are already down one member and with vacations coming they will not have enough members at all times and there is business to be done before the election. Chairman Singer feels that with the election right around the corner, these people should be pulling papers right now for that seat and running in the

election. Mr. Haebler feels that we should get to know all three candidates and be able to interview them. Ms. Walker stated that if the commissioners do have time to interview the three candidates, she would like to attend. **Motion by Mr. Haebler to get together next Tuesday night to interview the candidates if they are available, seconded by Mr. Boria.** Mr. Lemansky asked if this is a sub committee. Mr. Haebler stated that it would be a posted meeting. **Roll call vote taken: Mr. Elliott - aye, Mr. Lemansky - abstain, Mr. Haebler - aye, Mr. Gagner - aye, Mr. Sellew - aye, Mr. Boria - aye, Ms. Walker - aye, Mr. Swensen - aye and Chairman Singer - aye. Motion by Mr. Gagner and seconded by Mr. Haebler to adjourn this meeting at 7:30pm, motion carries.** Set meeting up for next Tuesday at 6:30pm.

#### V. Scheduled Appointments:

#### VI. New Business:

1. Letter from Matthew McCabe, Cubmaster for Cub Scout Pack 165. Mrs. Craver stated that attached please find a letter from Matthew McCabe, Cubmaster for Cub Scout Pack 165 stating that on February 27th, several boys will be graduating from Cub Scouting into the wonderful world of Boy Scouting. All of these boys have earned the Arrow of Light Award which is the highest award that a boy can earn in Cub Scouting. In recognition of this achievement, Mr. McCabe is asking the Board to provide a certificate of achievement for each of the following young men: Drew Montigny; Joseph Heywood; John McCabe; Kenny Graff; Jackson Squitier; Andrew Cathcart; Brian Belmonte; Christopher Sampson; Christopher Carty; Matthew LaBonte; Jared Merchant; Sam Gaudette. Certificates have been completed and are in your sign folder. Once completed, they will be mailed to the address that was provided.
2. Site Plan Application – Swadia Convenience Store. Mrs. Craver stated that attached please find a site plan application submitted by Bertin Engineering on behalf of Krishnakant and Taru Swadia requesting site plan approval to construct a 3,200 square foot building with an accompanying 17 space parking lot for the purposes of operating a 2,000 square foot retail convenience store on the first floor with a 1,200 square foot residential apartment on the second floor on a .52 acre parcel of land located easterly off of North Main Street (Assessors Map 35, Block D, Parcel 1.1), directly across from the U. S. Postal Service Office. The property is zoned Village District (V). The Planning Board will be holding a public hearing for this application at their meeting of February 15, 2012. You are asked to review and provide any comments or concerns that you may have to the Planning Board no later than Thursday, February 9, 2012. No comments.
3. Town Audit – Mrs. Craver stated that our contract with Bill Fraher, CPA for Auditing Services has ended. Does the Board wish to go out to bid for these services or wish to continue with Bill Fraher, CPA? The Town Accountant and I would recommend renewing Mr. Fraher’s contract if the Board has been satisfied. I’ve attached the past contract ending 2011 for your review. **Motion by Ms. Walker to re-appoint Bill Fraher, seconded by Mr. Swensen.** Both Ms. Walker and Mr. Swensen stated that we have been well served by him. Mrs. Craver will bring back a new proposal to the Board when she receives it. **Vote on motion: motion carries unanimously.**
4. Municipal Gas Tanks – Mrs. Craver stated that it was brought to her attention that our municipal gas tank system has been comprised. We are concerned whether the outside concrete liner and bladder would be able to contain a leak if the steel tank failed. We contacted Peterson Oil and they sent their engineer to inspect the tank. We reviewed the option of immediately pumping the tank or just drawing it down through usage, the latter taking about 3 weeks. In no instance, can the tanks be continued to be used and we consider this as an emergency to replace the tank. I have been in contact with the Division of Local

Services Director of the Bureau of Accounts regarding an emergency procurement and deficit spending. Due to the safety and environmental hazards that would result if the tank's inner liner lets go, I recommend the Board vote pursuant to MGL Ch. 44, Section 31 that the tank poses an immediate threat to the health and safety of persons and property and to allow the Town Administrator to deficit spend and replace the defective municipal gas tank pending the approval of the Director of the Bureau of Accounts. I am waiting for direction from the Inspector General's Office as to whether we can perform an emergency procurement to replace the tank. If approved, I will work with the Highway Superintendent, Police Chief and Fire Chief to design a system and begin the procurement process. **Motion by Mr. Swensen that we move pursuant to MGL Ch. 44, Section 31 to declare the municipal gas tank poses an immediate threat to the health and safety of persons and property and to authorize the Town Administrator to deficit spend to replace the defective municipal gas tank pending the approval of the Director of the Bureau of Accounts, seconded by Mr. Boria, motion carries unanimously.** Mrs. Craver stated that there is a meeting on Monday with the Contractor to discuss the prices and plans to deal with this and she will bring the information back to the board and invited them to attend as well. **Vote on motion: motion carries unanimously.**

VII. Old Business:

1. Noise bylaw committee – Mrs. Craver stated that on Wednesday, January 25, 2012, she, Chief Pervier and Rick Swensen met with Ralph and Karen Doe to discuss their ideas and recommendations for a possible noise bylaw. There was some discussion about having a Noise By-Law Committee appointed to develop a proposal for the Board to review and if approved, placing it on the warrant for the May Annual Town Meeting. Should the Board form this committee, Karen and Ralph Doe would like to assist in the process and be appointed to the committee. It was discussed that it is important that a bylaw be in the best interests of all residents in town. We would ask the Board to consider forming this committee and include: Chief of Police or designee; Building Commissioner or someone from the Construction Trade; One Selectman and Four members at large. Should you approve as recommended, please consider appointing Karen and Ralph Doe as members at large. Mr. & Mrs. Doe are here for discussion. Ms. Walker isn't sure that she would like to have another committee formed. Mr. Swensen feels that he would like to see something that's not restricted but should there be a case where something is out of control it would give the police something to work with. If this does go forward, Mr. Swensen would offer to be on this committee. Chief Pervier came forward and stated that just simple things would help like times and then construction on roadways times of start. Mr. Sellew asked if there has been any case in town where someone was told to shut down and said that they wouldn't. The chief said it's not based on that, it's for those that are doing things maliciously to their neighbors. The answer was yes, there have been a few. **Motion by Ms. Walker to make up this committee and to appoint Mr. Swensen, seconded by Mr. Boria, motion carries unanimously. Motion by Mr. Swensen to appoint Ralph and Karen Doe to the committee.** Mr. Boria asked that because there are only four members at large, he would ask to appoint only one of the Doe's in case anyone else is interested. **Mr. Swensen amended his motion to appoint Mr. Ralph Doe, seconded by Mr. Sellew, motion carries unanimously.**

VIII. Student Selectperson Report: not present

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

X. Other Business:

Mrs. Craver started to put the budget calendar together and realized that the Board should open the warrant tonight and asked them to consider it. She presented the Board with a timeline of the budget process prior to town meeting. **Motion by Mr. Boria that we open the warrant for the Annual Town Meeting for 2012, seconded by Mr. Sellew, motion carries unanimously.**

X. Adjourn/Executive Session:

**Motion by Mr. Boria that the Board enter into executive session at 7:35pm 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; and #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 the chair so declares; 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. Swensen. Roll call vote taken: Ms. Walker – aye, Mr. Swensen – aye, Mr. Sellew – aye, Mr. Boria – aye and Chairman Singer – aye.**

Chairman Singer declared the need for executive session and stated that the Board would come out of executive session for the sole purpose of adjourning.

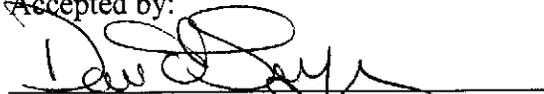
**Motion by Mr. Boria to adjourn, seconded by Mr. Swensen, motion carries unanimously.**

XI. Next Meeting Announcement:

- February 21, 2012

Submitted by:  
Mary C. Devlin  
Administrative Assistant

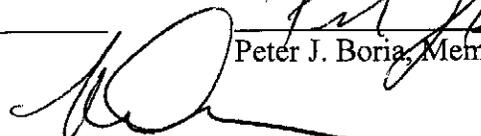
Accepted by:

  
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David M. Singer, Chairman

  
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Kathleen W. Walker, Vice-Chairperson

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Brent Sellew, Clerk

  
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Peter J. Boria, Member

  
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Frederick C. Swensen, Member



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## **MEMORANDUM**

TO: Board of Selectmen

FROM: Robin L. Craver, Town Administrator 

DATE: January 31, 2012

SUBJECT: Town Administrator's Report – for Selectmen's meeting of 2/7/12

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**MMA Annual Meeting** – I attended the Annual MMA meeting where the Lt. Governor addressed the attendees and stated that the budget, as we have now seen, will level fund local aid and provide increases to Chapter 70. I also attended workshops on Municipal Law Updates and Personnel Law Updates.

**Charlton First Fishing Day** – The Conservation Agent has informed me that he is working with Mass-Wildlife and will be hosting a day of fishing for the residents of Charlton. The tentative location is Snow's Pond Cemetery Road on May 5, 2012 10:00 AM till 2:00 PM. This venue has over 1,200 feet of shoreline and is a little bigger than 2 acres in size. The location is Town owned land and is open to the public. All the fishing equipment will be supplied by the State of Mass. They are also researching the possibility of stocking the pond before the event with trout.

**Prindle Lake Dam Repair**: The Committee is ready to solicit quotes for the design for the repair. I expect that they will be bringing you a recommendation in the next 4 weeks.

**Water/Sewer**: I attended a meeting with the Water/Sewer Department regarding the close out of the contract for construction of the North Main Street waterline. It is near complete and hopefully will be activated in the early spring.

**Energy Conservation**: We had the Town Hall and Police Station undergo an energy audit which was performed by National Grid and the Department of Energy Resources. We held an Action Plan meeting last week and received recommendations for energy conservation in both buildings. We expect more will follow as we look to see what we can easily implement versus what we may need additional funds for. I am happy to report that the investments we have made over the past several years, such as replacing windows and installing light sensors have made the buildings very energy efficient already. A thank you is deserved to Curt Meskus for his diligent work to up grade the Town Hall building.