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TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
Tuesday – April 17, 2012

Submitted by MCD
Date 5/16/12
Received by alt
Date 5-16-12

Present: Chairman – David M. Singer, Vice-Chairperson – Kathleen W. Walker and Member – Frederick C. Swensen. Also present: Robin L. Craver, Town Administrator. Absent: Clerk – Brent Sellev and Member – Peter J. Boria.

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 and a moment of silence for Donald Burlingame who worked for the Highway Department.

II. Consent Agenda:

1. Minutes of Regular Meeting – April 3, 2012. **Motion by Mr. Swensen to accept the minutes of April 3, 2012, seconded by Ms. Walker, motion carries unanimously.**

III. Community Relations, Announcements and Open Forum:

- Chairman Singer read the announcements
- Linda Davis came forward to remind everyone about Earth Day and the events that will take place.
- Bay Path Road – Patricia Heath of 60 Bay Path Road came forward with her fiancé Kevin O'Donnell. Ms. Heath is here regarding the parcel of land on Bay Path Road that is earmarked by the town for a two family affordable home. She is a direct abutter for this property and would like to bring four items of concern that she has to the Board's attention. (see attached)
 1. Her interest to purchase this town owned parcel and the town's interest in maximizing revenue and allowing abutters to purchase.
 2. Easement issue – Ms. Heath stated that, as seen on the Assessors Map, she has frontage on a discontinued town road called Old Bay Path Road. As a result of surveying 64 Bay Path Road, a boundary marker has been placed in her existing driveway. She is at risk of losing the right of way to her property.
 3. Best kept secret in town – Ms. Heath said that she has reached out to different departments, abutters and residents of Bay Path Road and no one has any knowledge or information on this project.
 4. Single family please – Ms. Heath stated that this road is a private road and has taken a toll over the years with all the new homes on it. She would ask the Board to consider a different location for this that is located on a public road or that the town take over Bay Path Road and make it a public road. She would ask the Board to take all these items into consideration and revisit the plans for this parcel of land. After discussion, Mrs. Craver to review the concerns stated by Ms. Heath and bring back to the board at the next meeting.
- Stefan Sage from the Library Building Committee came forward. He asked the Board to look into the rocks/barrier that were supposed to be placed by the ball field on the left side of the driveway. Mrs. Craver to check with Highway Superintendent Foskett on status.

IV. Appointments/Resignations:

V. Scheduled Appointments:

6:45pm – Charlton Garden Club – Mrs. Craver stated that members from the Charlton Garden Club have asked to come before you seeking permission for the following:

1. Permission to hang a banner on the gazebo on the Town Common to announce the 75th Anniversary of the Garden Club. Should the Board give approval for this, they would need to fill out the proper paperwork in the building department;
2. Permission to donate and plant a flowering tree on the common in honor of their 75th anniversary; and
3. A letter from the Selectmen for a book they are putting together regarding the flowers that have been planted around the common for many years.

You have also been invited to the Tea which will take place in Dexter Hall on Saturday, June 9, 2012 from 11am to 2pm. Ms. Walker has already confirmed that she will attend. **Motion by Mr. Swensen to approve the request as long as the hanging banner meets the Building Commissioner's requirements, seconded by Ms. Walker, motion carries unanimously.** The Board thanked the Garden Club for all they have done to beautify the common and also congratulated them on their 75th year.

6:50pm – Request to renew/reopen Earth Removal permit – Joel Piekarczyk. Mrs. Craver stated that Joel Piekarczyk has requested to be placed on tonight's agenda to ask the Board to allow him to renew/reopen his previously approved Earth Removal Permit. Mr. Piekarczyk has not renewed this permit since 2009. He did come forward in February, 2010 to renew but never completed the process. This request was forwarded to Curt Meskus, Building Commissioner for review. Mr. Meskus and I would recommend the Board allow Mr. Piekarczyk to renew pending the following requirements are met:

- Installation of all erosion controls and construction entrance in accordance with the revised plans be inspected by Graves Engineering, Inc. prior to resumption of activities at the site;
- The hours of operation are limited to 7:00am to 5:00pm, Monday through Saturday. No equipment to be started or arrive and idle at the site prior to 7:00am. Dust shall be controlled by means to keep any drift within the property of Mr. Piekarczyk;
- Truck traffic to and from the site will be limited to the route directly to Muggett Hill Road via Freeman Road;
- The road shall be cleaned of any mud and/or spillage on a daily basis if needed and the construction entrance shall be cleaned and shall be replaced if material is continually tracked onto the roadway;
- A surety bond is posted in the amount of fifty six thousand, two hundred fifty dollars (\$56,250.00) and such Surety Bond is maintained until the site has been restored and/or stabilized in accordance with the approved plans;
- Inspections by Graves Engineering are made at intervals prescribed by the Board of Selectmen;
- The license may be revoked at any time by vote of the Board of Selectmen; and
- The permit is valid until December 31, 2012, at which time it may be renewed by paying a fee of \$10.00, a review of the Site Restoration Construction Estimate is completed to ensure the Surety Bond is sufficient and replaced as necessary and a vote is taken by the Board of Selectmen to renew the license.

Mr. Piekarczyk apologized for not renewing the license. He didn't realize the importance of it. **Motion by Ms. Walker to renew the permit pursuant to Mr. Meskus' recommendations in his letter dated April 12, 2012 and not charge the \$500 but the renewal fee of \$10.00, seconded by Mr. Swensen, motion carries unanimously.**

7:00pm – Solar Credits Presentation. Mrs. Craver stated that attached is information on Net Metering for the Town. Mark Moriarty from Duxbury Energy has asked to come to tonight's

meeting to do a NMC Presentation for the board. I would ask the Board after the presentation, what your wishes would be. The Board thanked Mr. Moriarty. Discussion was to set up a workshop meeting after Town Meeting.

VI. New Business:

1. Request for sponsorship – Police Academy. Mrs. Craver stated that attached you will find a letter from Michael L. Domingues requesting sponsorship of the Town and the Charlton Police Department to attend the Full Time Police Academy located in Boylston, MA starting July 16, 2012. He is currently an auxiliary police officer and is interested in the possibility of pursuing a full time police career in the future. Chief Pervier supports this request noting that Auxiliary Officer Domingues has been a great asset to the Charlton Police Department’s Auxiliary Unit and is deserving of this opportunity. Mr. Domingues will be responsible for all costs associated with this academy sponsorship. In addition, Chief Pervier has noted that the Town of Charlton requires every sponsored candidate to sign a liability waiver in the event that said candidate sustains an injury or becomes disabled during the course of his/her training. **Motion by Mr. Swensen to sponsor Michael L. Domingues to attend the Full Time Police Academy located in Boylston, MA as recommended by Chief Pervier, seconded by Ms. Walker, motion carries unanimously.**
2. Insurance Bid recommendation – Mrs. Craver stated that given the finances of the Town and the need to reduce costs, we entertained quotes for General Insurance, Worker’s Comp and Police & Fire Accident Insurance. She is pleased to report that the Town stands to save \$16,225 in savings over the next year if the Board approved awarding the Worker’s Comp and Police & Fire Accident to Braley & Wellington Insurance Agency and the General Insurance to MIIA. Thus the FY12 total combined insurance is \$208,612 and FY13’s will be \$192,387. The FY13 Recommended awards: General Insurance – MIIA - \$140,783; Workers Comp – Braley & Wellington - \$31,701 and Police & Fire Accident – Braley & Wellington - \$42,284. **Motion by Mr. Swensen to award the Insurance Bids as recommended, seconded by Ms. Walker, motion carries unanimously.**
3. Sale of Town Properties – Award. Mrs. Craver stated that the Invitation to Bids for various town owned properties of low value were opened and read on Wednesday, April 11, 2012. We were very pleased with the response. Several properties did not receive any bids and will be revisited when land values begin to increase. There is a total of \$79,953 which will be deposited into the General Fund if approved. She would like to thank Treasurer Keith Arsenault & Deb Cecciarini for their work on this project. Mrs. Craver would recommend the board award the bids for each property as listed:

Parcel	Bidders Name	Location	Amount Bid
1A-I-10	Bruce Rabor	Pine Road	\$7,701.00
1A-K-6	Leo & Susan St. George	Pine Road	\$4,500.00
12B-D-3	Mark Racicot	Ash Road	\$11,001.00
64-C-12	John G. Santos	Denfield Road	\$48,900.00
81-A-5.6	Scott Brown	Haggerty Road	\$7,851.00

(Please note that there was a property that was bid on but did not meet the minimum bid requirements). **Motion by Mr. Swensen to award as recommended, seconded by Ms. Walker, motion carries unanimously.**

VII. Old Business:

1. E-Billing – Lucia Blanchette & Deb Cecciarini. Mrs. Craver stated that this item was discussed at the board’s 4/3/12 meeting and at that time, she was directed to have Town Counsel review the contract. Attorney Cosgrove reviewed the contract for E-billing proposed by Factor Systems, Inc., d/b/a Billtrust and his comments were forwarded to the Board for review. Mrs. Blanchette stated that she has enough funds in her present budget to handle this.

She also stated that she has spoken with other Collectors and the feed back has been positive. **Motion by Mr. Swensen to approve the contract for E-billing and authorize the Town Administrator to sign the contract, seconded by Ms. Walker, motion carries unanimously.**

2. Policy for appointment of vacant boards. It was asked to hold this item until a full board is present for discussion.
3. Town Meeting – warrant and budget – continued. Mrs. Craver stated that tonight you are scheduled to approve the warrant language for the FY13 Annual Town Meeting. There are 30 articles as well as one placeholder for which she has no information or direction from the Board. Two of the articles are by petition and as you know when a petition comes in, the Board is obligated by law to include it in the warrant as signed. Town Counsel has reviewed the warrant and made corrections and recommendations. Regarding the petition for the recycle bins, it is Town Counsel’s opinion that the bylaw must be a zoning bylaw rather than a general by law and the petitioner should begin the process with the Planning Board. She has notified the petitioner of this. Mrs. Craver asked Attorney Cosgrove whether there was a motion that might fix deficiencies in a motion but because it would be a zoning bylaw, there would need to be a hearing of the Planning Board. Perhaps Mr. Gordon might have some suggestions. If there is any questions on the language, she’d be glad to clarify. You are asked to vote to post the warrant as presented to you tonight with any changes you desire. The deadline for posting is Friday, April 27th. Regarding the FY13 Budget, the Finance Committee met last Wednesday and would like to meet this week for another review of the budget. They have suggested that the Board and Finance Committee meet jointly on Wednesday, April 25th at 6:30pm to reconcile any budget differences. I have provided you a copy of the budget as you outlined at your budget workshop on Tuesday, April 10th. After discussion, **Motion by Mr. Swensen to reopen the warrant, seconded by Ms. Walker, motion carries unanimously. Motion by Mr. Swensen to remove the place holder for Article 31, seconded by Ms. Walker, motion carries unanimously. Motion by Mr. Swensen to close the warrant, seconded by Ms. Walker, motion carries unanimously. Motion by Mr. Swensen to approve the language for the FY13 Annual Town Meeting Warrant, seconded by Ms. Walker, motion carries unanimously. Motion by Mr. Swensen to post the warrant by April 27, 2012, seconded by Ms. Walker, motion carries unanimously.** The Board also agreed to meet with the Finance Committee on April 25, 2012 at 6:30pm.

VIII. Student Selectperson Report: Not present.

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

X. Other Business:

XI. Adjourn/Executive Session:

Motion by Mr. Swensen that the Board enter into executive session 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; #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 Ms. Walker. 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. **Roll call vote taken: Mr. Swensen – aye, Ms. Walker – aye and Chairman Singer - aye.**

Motion by Mr. Swensen to adjourn at 8:35pm, seconded by Ms. Walker, motion carries unanimously.

XII. Next Meeting Announcement:

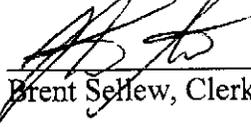
Submitted by:
Mary C. Devlin
Administrative Assistant

Accepted by:

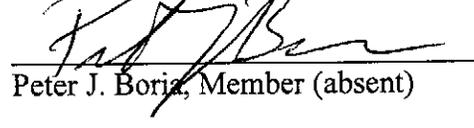


David M. Singer, Chairman

Kathleen W. Walker, Vice-Chairperson



Brent Sellew, Clerk (absent)



Peter J. Boria, Member (absent)

Frederick C. Swensen, Member

My name is Patricia Heath, I am the property owner at 60 Bay Path Rd Charlton Ma and this is my fiancé Kevin O'Donnell. I am an abutter to the parcel of town owned land identified on assessors map 38-C-1, aka 64 Bay Path Rd. I recent learned that the board of selectmen (BOS) has earmarked this parcel of land for a 2 family affordable home.

For ease of discussion I would like to provide the board with a handout of assessor map 38 that references the properties I will be discussing. On the map:

The town owned parcel is lot 38-C-1

I own properties 39-A-15.1 and 39-A-15. My house is on 39-A-15.1

I have four items that I would like to bring to the board's attention and respectfully ask that the board reconsider the actions being proposed for 64 Bay Path Road.

- Item #1 - MY INTEREST TO PURCHASE THIS TOWN OWNED PARCEL AND THE TOWN'S INTEREST IN MAXIMIZING REVENUE AND ALLOWING ABUTTERS TO PURCHASE. I have had a long time interest in this property and would like the opportunity to purchase it. Purchasing this property will provide me with frontage on Bay Path Rd. The Town recently invited bids for 16 other Town-owned parcels, but failed to include this parcel on the list. I understand the Town wants to give abutters the chance to buy adjacent Town-owned land as well as raise revenues for other Town purposes. The Town should do the same thing here by soliciting bids for the parcel.
- Item # 2 – MY EASEMENT ISSUE - I have no frontage on Bay Path Rd. As seen on the assessors map my property has frontage on a discontinued town road called Old Bay Path Rd. I have been using and maintaining my driveway on Old Bay Path Rd for 30 years and this lot has been vacant for all of those 30 years. As a result of surveying 64 Bay Path Rd a boundary marker has been placed in my existing driveway. I am at risk of losing the right of way to my property and will not be able to sell or transfer the real estate.
- This is not a last minute pitch to stop the sale of the property nor is a ploy to slow it down. I took action as soon as I found out about the proposed plans for this property and was told that it would not go out for bid like the 16 other Town-owned parcels. I am taking it very seriously and I am aggressively working to intervene and participate in the Town's process.
- This is a serious matter for all concerned. This easement issue will not disappear if the land is sold it merely complicates the situation by adding another property owner into the discussions.
- Item #3 - BEST KEPT SECRET IN TOWN - I have reached out to the planning board, the zoning board, the zoning board of appeals, the housing authority, the abutters and residents of Bay Path Road, and no one has any knowledge or information on this project. The housing authority is supposed to be responsible for planning and developing affordable housing, but it has not been made aware of this plan. I cannot find anyone that will discuss

this with me therefore I am making little progress. How can voters make an informed and educated decision if they cannot obtain any information on the subject?

- Item #4 – SINGLE FAMILY PLEASE - Bay Path Rd is a private road. Through the years the road has seen many changes with new houses being constructed and a business being built at the end of it. This development has taken a toll on the road. Residents on the road have raised concerns regarding the safety of the children and families on the street but the Town has not been willing to take steps to accept it as a public road. I ask that the board reconsider the location in favor of one that is located on a public road or that the Town take over Bay Path Rd and make it a public road.
- Bay Path Rd is not connected to town water or sewer and therefore does not have the infrastructure to support a duplex. Please consider the health and safety of the abutters to this property as well as the environment and if a house must be built on the property please make it a single family home.

I sincerely ask that the board take these items into consideration and revisit the plans for this parcel of land. Please allow me to purchase this lot in order to acquire frontage on Bay Path Road. If this article remains on the town meeting agenda I respectfully ask that the board add an item to the article that authorizes the Town, acting through the selectmen, to address and resolve the easement issue that exists with my property, the discontinued Old Bay Path Rd and the parcel of land known as 64 Bay Path Rd (specifically, to authorize the selectmen to grant an access easement to me). Also, if a house must be built on this property please reconsider and make it a single family home in keeping with the neighborhood and consistent with the parcel's carrying capacity.

Thank you for your time.



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

TO: Board of Selectmen

FROM: Robin L. Craver, Town Administrator 

DATE: April 13, 2012

SUBJECT: Town Administrator's Report – for Selectmen's meeting of 4/17/12

Chapter 90 funding – Chapter 90 local transportation aid funding for Fiscal year 2013 for the Town of Charlton is provisionally \$637,818 based on the passage of the bond bill. Once the bond bill authorizing the Chapter 90 Program is passed into law, this apportionment is automatically incorporated in our existing 10 Year C. 90 contract which was signed in FY2008.

Tropical Storm Irene Reimbursement – Staff compiled \$19,184 worth of costs associated with the August 27th, 2011 tropical storm called Irene. We have received the reimbursement of \$14,388 from FEMA and will review the department budgets for possible funding needs. I'd like to thank Cheryl Sevivas, Lena Pader, and Terri Gough for assisting EMD Carl Ekman in putting the application together. We are still compiling the application for the Halloween Storm.

Personal – I would like to take a moment to thank all of you who send cards and letters with condolences for the passing of my mother-in-law. My husband and I greatly appreciate your friendship and support.



COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE GOVERNOR

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✓ BOS
✓ Highway
✓ Accountant
✓ in Com

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

April 1, 2012

APR 2 2012

Mr. David J. Singer, Chairman
Town of Charlton
37 Main Street
Charlton, MA 01507

Dear Mr. Singer:

We are pleased to inform you that the Chapter 90 local transportation aid funding for Fiscal Year 2013 will total \$200 million statewide. The \$200 million is provisional based on the passage of the pending bond bill. As you are aware, the Fiscal Year 2012 funding represented 29 percent increase from the previous fiscal year, which represented the highest level of funding ever apportioned for local transportation aid.

We recognize the importance of this capital spending to each municipality across the Commonwealth, especially during these difficult economic times. This is why we worked with our partners in the Legislature to ensure that state funds are available to support transportation infrastructure improvements. This will not only deliver immediate economic benefits but ensure the long term viability of our infrastructure. We pledge to remain supportive of the Chapter 90 program and your local transportation needs. We expect legislative authorization for the FY 2013 Chapter 90 program within the next several weeks.

This letter certifies that the **Town of Charlton's** Chapter 90 apportionment for Fiscal 2013 is provisionally **\$637,818**, based on the passage of the bond bill. Once the bond bill authorizing the Chapter 90 Program is passed into law, this apportionment is automatically incorporated in your existing 10-Year C.90 contract which was signed in FY 2008 and is posted on the MassDOT Web site <http://www.massdot.state.ma.us/chapter90>.

We look forward to working closely with your community to ensure the continuing success of the Chapter 90 program in the years to come.

Please feel free to contact Matt Bamonte at (617) 973-7647 with any questions you may have regarding the Chapter 90 program.

Sincerely,

Governor

Lieutenant Governor