

 **COPY**



TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
Tuesday – May 1, 2012

Submitted by mea
Date 5/16/12
Received by [Signature]
Date 5-16-12

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

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:

III. Community Relations, Announcements and Open Forum:

- Chairman Singer read the announcements
- Ms. Walker reported that the 4th annual Earth Day Festival was held last Saturday and was very well attended. Everyone pitched in and cleaned up the town. The committee is very grateful for everyone that worked on that.
- Chief Pervier stated that this Sunday at 10:00am will be the Colon Cancer walk. It's a 5K walk from the Middle School to the Joslin Camp.
- Todd Girard, Conservation Agent came forward to remind everyone that this Saturday is the First Family Fishing Day from 10am – 2pm. He also brought a wood duck nesting box that the kids will be able to make that day. The children will be able to go out and learn how to place these in the wetlands. The State of Massachusetts stocked Snow's pond on Fay Mountain Farm. Ben Wilson, current operator of Fay Mountain Farm will also be open so that residents can go in and see what he's done so far.
- Peter Cooper, Sr. came forward and wanted to talk about the road in front of the town hall. He would recommend making it a one way street. Two cars cannot pass on this road when the employees are parked in front. Mrs. Craver will talk with Chief Pervier and this item will be placed on the Board's next agenda. Ms. Walker stated that this was talked about a little bit by the Municipal Building Committee.
- Representative Peter Durant came forward and said he has been getting a lot of questions regarding the budget that's been passed last week. This budget is for the House Ways and Means committee. The bottom budget was \$32,469,000. (see attached) He would encourage everyone to lobby Senator Brewer as the next step is to send this budget to the Senate.

IV. Appointments/Resignations:

1. Appointment to Old Home Day Committee – Mrs. Craver stated that attached please find a talent bank form from Rob Thomas of 18 King Road seeking to be appointed to the Old Home Day Committee. This request was forwarded to the Old Home Day Committee and they would recommend the appointment. Mr. Thomas came forward. Ms. Walker asked him to tell us a little bit about the race and what he does. Mr. Thomas stated that he coordinates the race and has also been in the race for the last 12 years. **Motion by Ms. Walker to approve his request to be appointed to the Old Home Day Committee, seconded by Mr. Sellew, motion**

carries unanimously.

V. Scheduled Appointments:

VI. New Business:

1. Highway Materials Bid recommendation. Mrs. Craver stated that Highway Materials Bids were received and opened on April 25, 2012. After review of the bids, Highway Superintendent Foskett is recommending the awards as follows:
Item 1: Bituminous Concrete, Type I in place at \$68.24 per ton to Massachusetts Broken Stone Company, 332 Sawyer Hill Road, Berlin MA, 01503. Last years bid was awarded at \$61.45 per ton.
Item 2: Full-Depth Pavement Reclamation using a Caterpillar RR-250, with liquid calcium chloride and vibratory compaction at a cost of \$1.385 per square yard to Murray Paving and Reclamation, Inc., 55 Whitney St., Holliston, MA 01746. Last years bid was awarded at \$1.378 per square yard.
Item 3: Treated Stone Seal for 30,000 square yards @ \$2.09/sy, Double Stone Seal for \$15,000 square yards @ \$3.94/sy and Asphalt – Rubber Surface Treatment for 5,000 square yards @ \$3.00/sy, totaling \$136,800 awarded to All States Asphalt, Inc., P.O. Box 91, Sunderland MA 01375.
Mrs. Craver would agree with Mr. Foskett's recommendations and ask the Board to award them as recommended. **Motion by Mr. Boria to award the bids as recommended, seconded by Mr. Sellew, motion carries unanimously.**
2. Special Permit & Site Plan Application Revision – AT&T. Mrs. Craver stated to please find attached a site plan application submitted by AT&T (New Cingular Wireless PCS, LLC) requesting amendment to the active special permit and site plan approvals for three (3) existing wireless telecommunication facilities located at 227 Carpenter Hill Road, J. Hammond Road and 130 Sturbridge Road in order to install three (3) new LTE antennas on each of the existing arrays. The Planning Board will be holding a special permit/site plan revision public hearing for this application at their May 16, 2012 Board meeting. You are asked to review and provide any comments or concerns that you may have to the Planning Board no later than Thursday, May 10, 2012. No comments.
3. Site Plan Application – Patriot Buick GMC, Inc. Mrs. Craver stated to please find attached a site plan application submitted by Associated Builders, Inc. on behalf of Patriot Buick, GMC, Inc. requesting site plan approval to redevelop the existing automobile dealership located at 104 Sturbridge Road (Route 20) (assessors Map 30 Block D, Parcels 4.1 & 4.2) by demolishing the existing building and constructing a new 16,531 square foot showroom/service building with an accompanying 253 space parking lot for customers, employees, service and inventory storage. The property is zoned Industrial-General (IG). The Planning Board will be holding a public hearing for this application at their meeting of May 16, 2012. You are asked to review and provide any comments or concerns that you may have to the Planning Board no later than Thursday, May 10, 2012. No comments.

VII. Old Business:

1. Annual Town Meeting warrant and budget – continued. Mrs. Craver stated that the Board is scheduled to review the FY13 Annual Town Meeting warrant motions and to vote whether to support the motions or not. She would ask the Board how they wish to proceed. It was decided the Board would like to go article by article.
Article 1 – Election (no action needed)
Article 2 –Town Reports. **Motion by Mr. Swensen to support Article 2, seconded by Mr. Boria, motion carries unanimously.**

Article 3 – Town Meetings. **Motion by Mr. Swensen to support Article 3, seconded by Mr. Boria, motion carries unanimously.**

Article 4 – Litigation

Article 5 – Sale of Tax Title Land

Article 6 – Sale of Surplus Property

Article 7 – Appointment of committees and filling of vacancies

Article 8 – Grant Applications

Motion by Mr. Boria to support Articles 4,5,6,7 & 8, seconded by Mr. Swensen, motion carries unanimously.

Article 9 – Appropriation of Funds for unpaid bills of a prior fiscal year

Article 10 – Inter/Intra Departmental Transfers for FY12

Article 11 – Town Budget

Motion by Mr. Boria to hold on Articles 9, 10 & 11 as they are not completed yet, seconded by Mr. Swensen, motion carries unanimously.

Article 12 – Water Department Budget (Enterprise Fund)

Article 13 – Sewer Department Budget (Enterprise Fund)

Motion by Mr. Boria to take no action on Articles 12 & 13, seconded by Mr. Swensen.

Discussion: Mrs. Craver stated that the BOS generally supports these articles. **Mr. Boria withdrew his motion, Mr. Swensen withdrew his second. Motion by Mr. Swensen to support Article 12 & 13, seconded by Mr. Boria, motion carries unanimously.**

Article 14 – New & Re-Authorization of Revolving Funds – Mrs. Craver reminded the Board that they had added one new revolving fund but there were still two from the Library that they had taken no action to date. **Motion by Mr. Boria to support Article 14 with the change as stated by Mrs. Craver, seconded by Mr. Swensen, motion carries unanimously.** No action taken on Library request.

Article 15 – Transfer of funds to and from stabilization fund account– **Motion by Mr. Swensen to support Article 15, seconded by Ms. Walker, motion carries unanimously.**

Article 16 – Capital items and related contracts– Mrs. Craver stated that we are still working on the requests. Article on hold.

Article 17 – Cemetery Perpetual Care – **Motion by Mr. Sellew to support Article 17, seconded by Mr. Swensen, motion carries unanimously.**

Article 18 – Designing, Constructing, Originally equipping and addition to and renovation of Southern Worcester County Regional Vocational School District Building Project.

Motion by Ms. Walker to support Article 18, seconded by Chairman Singer. Mr. Boria stated that if this article does not pass at the election, we would have to fund it out of our budget. He would recommend that we hold and take no action until after the election. **Ms. Walker withdrew her motion, Chairman Singer withdrew his second.**

Article 19 – Acceptance of the “Stretch Energy Code” – **Motion by Ms. Walker to approve, no second. Motion by Mr. Boria to take no action, seconded by Mr. Swensen. Vote taken: 4 ayes, Ms. Walker did not vote.**

Article 20 – Fingerprint bylaw. Chief Pervier came forward and explained what this does which would allow municipalities that accept this bylaw, to allow the Police Department to be able to check certain businesses which generally need to have closer regulations on. **Motion by Mr. Boria to support the Article, seconded by Mr. Sellew, motion carries unanimously.**

Article 21 – Bay Path Road Land Transfer - postponed indefinitely

Article 22 – CDBG Grant Authorization. Mrs. Craver stated that this grant if received would allow for \$350,000. She would also need direction from the board where the rest of the money would come from and she asked if the board would wish for it to come from stabilization. **Motion by Ms. Walker to approve Article 22 subject to achieving a debt**

exclusion for the \$450,000. Mr. Boria asked if we could hold this until we have more information on the grant and the wording for the article. The Board agreed.

Article 23 – Acceptance of sewer line bill of sale – Masonic Home Road. **Motion by Mr. Boria to take no action, seconded by Mr. Swensen, motion carries unanimously.**

Article 24 – Acceptance of water line bill of sale / Easement – Northside Rd. **Motion by Mr. Boria that we take no action, seconded by Ms. Walker, motion carries unanimously.**

Article 25 – Water Betterment special legislation. Mrs. Craver stated that this article is very important to the financial stability of the town and it would allow the town to better water projects. **Motion by Ms. Walker to approve.** Mr. Swensen wanted to make sure we are just voting to support the articles and not approving them. The Board agreed. **Mr. Swensen seconded the motion to support. Vote taken 4 ayes with Mr. Boria abstaining due to having family members that own property that are affected by the betterment.**

Article 26 – Deed in lieu of foreclosure. Mrs. Craver stated that the Treasurer asked for this article. **Motion by Mr. Swensen to support, seconded by Mr. Boria, motion carries unanimously.**

Article 27 – Senior Tax Workoff. **Motion by Mr. Boria to support, seconded by Ms. Walker, motion carries unanimously.**

Article 28 – Zoning by law diagnostic review

Article 29 – Petition – Zoning

Article 30 – Petition – General Bylaw

Motion by Mr. Boria that we take no action on articles 28, 29 and 30, seconded by Mr. Swensen, motion carries unanimously.

Chief Pervier came forward and stated that he hasn't heard anything as to where the budget lies. He has provided the board with all the information that the board requested regarding his department and the 19th officer. He would ask the board what they are planning on for the 19th officer and for the Animal Control Officer budget. Chairman Singer stated that there hasn't been any discussion yet on the budget. The assumption of the Board is that they will discuss it with the Finance Committee tomorrow night.

2. Bay Path Road – Land Sale for Affordable Housing. Mrs. Craver stated that at your last meeting, Bay Path Road resident Patricia Heath addressed the Board regarding the proposed sale of a parcel of Town owned land for affordable housing. In particular, Ms. Heath had four issues of concern. A group met which included Selectman Walker, Treasurer, Building Commissioner and others to try to address the Board's objectives to date and her concerns. After that meeting, Ms. Walker placed a call to Ms. Heath to go over her concerns. The concerns, according to her statement at your last meetings included:

Item 1

- She asked the BOS why the parcel was not included in the past land sale of properties sold to abutters. The answer to this question is that the Town, at this point, has earmarked the property for sale for affordable housing.
- She informed the Board that she wishes to purchase the property. The Town is in the process of rectifying some title deficiencies at this time and had started the process before it was aware of the abutter's concern. Namely, the Town does not have clear title and we have been negotiating with 4 owners to deed over their interest in the parcel. One of those owners appears to own the road frontage and has stated he is willing to donate his land for the purpose of affordable housing. The

release of the other interested parties will be a must whether the Town sells to an abutter or for affordable housing.

- She requested that the sale process add consideration for an abutter to bid on the property, namely, the Board must decide whether it wishes to limit the sale to only affordable housing.

Item 2

- She stated she has no frontage on Bay Path Road and asks the Board to allow her to purchase the land so that she can have frontage on Bay Path Road. As seen on the Assessors map, her property has frontage on a discontinued town road called Old Bay Path Rd. She has been using and maintaining a private driveway on Old Bay Path Rd. for 30 years. When the parcel was surveyed by the Town, it appears that her driveway was installed on the Town's property. By way of explanation, when a road is discontinued, generally the abutters assume the property to the middle of the street. Ms. Heath placed her driveway on the farthest part of the road rather than hugging her own property. Whatever the town decides to do with the property, you will need to deal with this issue. The Board could consider granting a right of way to her property if it so desired to fix this problem. She asks the Board to grant her an easement if the Town Meeting warrant goes forward.

Item 3

- Ms. Heath stated that she had reached out to town departments and received no information. For the departments she mentioned, she would be correct. There has been no approval from Town Meeting to authorize the Board to enter into a land sale for affordable housing, therefore no plans are before Town Departments such as the Planning Board or Board of Health. Ms. Heath has an attorney, Peter J. Feuerbach from Rubin and Rudman, LLC from Boston, MA. Attorney Feuerbach has made a records request for all documents pertaining to the Town's property. We are in the process of fulfilling his request and have received a check for \$279.23. Mrs. Craver stated that the package was mailed out yesterday.

Item 4

- Ms. Heath raised questions regarding the number of units proposed on the property. It has come to my attention that there is already a two-family house within three lots from the Town's property.
- Ms. Heath asked whether there was an alternative site for the project. The group identified the Colburn/Daniels Road property but raised concerns on its effect on the rest of the 74 acres. That property is also the property that the Town contracted to have a cell tower built on it.
- Ms. Heath states that Bay Path Road is not connected to town water or sewer. The Town has perked the site and it passed.
- Further information includes: Assessed value of the property is \$109,300.

Ms. Walker stated that she was concerned when Ms. Heath came before the board at the last meeting with her concerns. Ms. Walker stated that she met with Ms. Heath for about 90 minutes and have most of the concerns answered. Ms. Heath's concerns about her easement and the rights about her driveway were reasonable. Ms. Heath was present and asked if we could hold this until the fall town meeting to allow everyone time to work and resolve the issues she has. **Ms. Walker asked the Board to consider holding this until the fall town meeting to work on it and made**

a motion to table the Bay Path Road article on the warrant at this time, seconded by Mr. Swensen. Chairman Singer has his own concerns regarding this and is surprised it has come as far as it has. Sandor Harmat came forward and asked that if this article is put on hold, does it change the process that they would need to do to get the road town approved? The answer was no, it will not change the process. Patricia Heath from 60 Bay Path Road thanked the board for reconsidering and allowing her time to get her questions answered. She would ask that if she is not allowed to purchase this property and the town moves forward, to please involve Bay Path Road residents so that they can get an understanding of it. Mr. Swensen stated that whatever the process is, it will all be discussed in public meetings and the best advice he could give is to watch all the agendas as they are posted on the website. With no further discussion, **Chairman Singer called for a vote, motion carries unanimously.**

VIII. Student Selectperson Report: Not present.

IX. Town Administrator Report: Mrs. Craver reviewed her report. She also gave a brief overall of where the budget is at right now. Mr. Boria just asked that it's made clear that this board did not make any cuts to the budget for the schools.

X. Other Business:

1. Request to sell poppies. Mrs. Craver stated that the American Legion Auxiliary is requesting permission to sell poppies on May 25 & 26 in front of Ted's and the Charlton Center Plaza. After reviewing the request, it was forwarded to Chief Pervier to see if they would require a Hawker's & Peddlers License. Chief Pervier stated that the Charlton American Legion Auxiliary is a non profit group and does not need a Hawker's & Peddlers License but he fully supports the request. As no other requests like this come before the board for approval as these are not sold on Town property, would the board consider allowing the Charlton American Legion Auxiliary to sell poppies every year without seeking permission from the Board. Mr. Swensen stated that if these are sold on a private property then we have no authority to approve or deny that request. He would also be comfortable with allowing the Town Administrator to coordinate these events on Town property maybe in coordination with Chief Pervier if needed.

2. Ms. Walker just wanted to remind everybody to go out and vote this Saturday from 8 to 8 and she wanted to wish all the candidates good luck.

3. Mr. Singer wanted to bring this item up on the next agenda. He would ask Mrs. Craver to bring an update to the next meeting for his own knowledge as far as grants and what's been started and is in process with the new position in the office. Mrs. Craver stated she would like to answer that tonight and that the person in the office to date, has been learning the basic job duties. She stated that the office has continued to be shorthanded due to personal leave. Mrs. Craver stated that the administrative assistant is scheduled for two trainings and with town meeting and the budget work, she has not been able to work with her. Mrs. Craver also stated that her presence in the office freed up Mrs. Craver to work on and receive two grants that included one for \$310,000 and \$75,000. Mrs. Craver reminded Mr. Singer that the Board also reduced the pay by a \$1.00 per hour because of the learning curve that would need to be met noting that the assistant has been in the position for 4 months and part of that time the other assistant has been out.

XI. Adjourn/Executive Session:

Motion by Mr. Boria to adjourn at 8:07pm, seconded by Ms. Walker, motion carries unanimously.

XII. Next Meeting Announcement:

- Town Election – Saturday, May 5, 2012

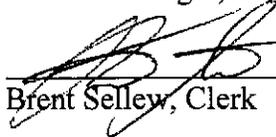
- BOS Regular Meeting – May 15, 2012

Submitted by:
Mary C. Devlin
Administrative Assistant

Accepted by:



David M. Singer, Chairman



Brent Selley, Clerk

Kathleen W. Walker, Vice-Chairperson



Peter J. Bohia, Member

Frederick C. Swensen, Member



**TOWN OF CHARLTON
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MEMORANDUM

TO: Board of Selectmen

FROM: Robin L. Craver, Town Administrator

DATE: April 27, 2012

SUBJECT: Town Administrator's Report – for Selectmen's meeting of 5/1/12

Phase II Stormwater General Permit Annual Report (MS4) – The Phase II Stormwater General Permit's annual report has been completed by our Conservation Agent, Todd Girard. This is a report that was previously performed by an outside company. Mr. Girard's work on this report has saved the Town \$5,000.00.

Town Report: The Town Report has been sent to the printers and will be ready for the Annual Town Meeting. This year, for no additional cost, the pictures will be in color. I'd like to thank Mary Devlin and Kathy Kuel for their work on this project.

Prindle Lake Dam: The PLDC met and voted to accept a design for the dam. The engineer will be submitting an application to the Conservation Commission so that its Order of Conditions may be included in the Bid package for construction.

Public Water Advancements: We completed an agreement with ExxonMobil to install the rest of the hook ups for properties on Northside Road. As you know, Charlton has additional water capacity at this time where the waterlines are presently active. In fact, we need property owners who abut active waterlines to hook up in order to enhance water quality. Also, I'm happy to inform you that the waterline that supplies Main Street has been activated. Anyone along Main, North Main or Northside road who wishes to connect to public water should contact the Charlton Water /Sewer Department. Hopefully, Charlton City and the rest of Route 20 will be activated soon.

Town Hall: Lastly, I hope you noticed the lovely dogwood trees planted in front of the Town Hall. They were donated through the efforts of the Tree Party and Department of Conservation & Recreation. Volunteers planted them. I'd like to thank Curt Meskus for assisting the organization last Saturday.



The Commonwealth of Massachusetts
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6TH WORCESTER DISTRICT
 CHARLTON – EAST BROOKFIELD
 OXFORD – SOUTHBRIDGE
 SPENCER

COMMITTEES:
 Transportation
 Elder Affairs

FY13 House Budget Wrap-Up

The Bottom Line

HWM \$32,297,314,489
 Debate \$172,321,793
 Total \$32,469,636,282

\$ Millions

FY12	GOV	HOU	Diff over GOV	Diff over FY12
\$30,867	\$32,310	32,469	\$159	\$1,602
			0.49%	5.19%

Spending Offsets

Debate Spending \$172,321,793
 GIC Reimbursements (\$95,000,000)
 FFP (\$22,650,000)
 Net Spending Added \$54,671,793

Additional offsets:

\$32M Reprocurement of services in Commonwealth Care
 \$20M Actuarial update to the Retiree Trust Fund

Note: Figures are preliminary. Updated figures, if applicable, will be distributed under separate cover.