

 **COPY**



TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
Tuesday – July 10, 2012

Submitted by NCD
Date 7/25/12
Received by LL
Date 7-26-12

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

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 Boria called the meeting to order at 6:33pm with the pledge to the flag.

II. Consent Agenda:

1. Minutes of Regular Meeting – June 26, 2012. **Motion by Mr. Swensen to approve the minutes of our regular Meeting of June 26, 2012, seconded by Mr. Sellew, motion carries unanimously.**

III. Community Relations, Announcements and Open Forum:

- Chairman Boria read the announcements
- Stefan Sage came forward on behalf of the Library and thanked the citizens of Charlton for helping getting the water turned on in the Library. He also thanked the DEP and Curtis Meskus who has helped repeatedly to get it done.
- Rob Lemansky addressed the board regarding the Annual vote giving Town Counsel authority to settle litigation and defend the town under Article 4. He questioned, in general terms, whether Town Counsel is supposed to defend the laws without influence from other officials. It was agreed that the discussion in general times was difficult since Mr. Lemansky has an active legal action against the town on this matter. It was also agreed that open forum was not the correct forum for this discussion. Mr. Lemansky said he looked forward to a further conversation in another forum. Chairman Boria stated that the Board of Selectmen generally follows Town Counsel recommendations.

IV. Appointments/Resignations:

V. Scheduled Appointments:

1. **6:45pm** – Chairman Boria stated that we have a Dog Hearing scheduled. Because it is a hearing, this must be done as formally as possible. Chairman Boria stated that under M.G.L. Chapter 140, Section 157, once a complaint is received that a dog is a nuisance by reason of vicious disposition or excessive barking or other disturbance, the selectmen shall investigate or cause to be investigated such complaint, including an examination on oath of the complainant and may make such order concerning the restraint or disposal of such dog as may be deemed necessary. It is that “order” that the owner may then appeal to the district court. He declared a quorum of the Selectmen and opened the hearing at 6:45pm. He asked all that will be speaking on the issue to stand and swore them in. Teresa St. Germain came to the table and stated that she filed a complaint against her neighbor's dog who keeps coming after her. She explained a few instances.

Ms. St. Germain would just like to see the dog tied up or something done to keep the dog in her own yard. Ann Sellew, Animal Control Officer came forward. She read her response to this complaint and would recommend that Ms. Anderson construct a heavy wire fencing that the dog could not possibly escape from. Ms. Sellew feels that the fence she has now, is not adequate and she would recommend putting in a heavy duty fence so the dog cannot get out. Ms. Cynthia Anderson came forward and stated that she heard about some of the incidents that the Animal Control Officer stated in her letter. She stated that the dog is a herding dog. She has hired a company to put up a fence and it's supposed to start next week. Mr. Swensen asked what type of fence is being put in. Ms. Anderson provided Mr. Swensen with the quote she had. Ann Sellew came forward to ask how high the fence is. Ms. Anderson will call the fence company to find out what size the fence is and let the Animal Control Officer know. Ms. Sellew would recommend the fence be 4feet. Chairman Boria closed the discussion part of the meeting and thanked all for their input and stated that the Board will do the deliberation now. Mr. Swensen stated that he feels people have a right to walk the street or be in their yard without having a dog go on their property or chase them. He would agree with the Animal Control Officer to contact the fence company so that Ms. Anderson and the fence company will agree on what's been discussed. Mr. Swensen would have no problem with it. **Motion by Mr. Swensen to instruct Ms. Anderson to construct a fence on her property of adequate size to contain the dog, seconded by Mr. Sellew.** Mrs. Craver stated that the board might want to add in to "follow the leash law" to the motion. Mr. Swensen stated that as the governing body, we have a leash law it has to be followed. After discussion, **vote on motion: 2 ayes, Mr. Sellew abstained.** Mr. Sellew stated so everyone is aware of the law, if an animal comes into your yard and worries you, you can put that animal down.

VI. New Business:

1. Site Plan Application – Forrestal Charlton LLC & Flair One LLC. Mrs. Craver stated that the Planning Board has scheduled a public hearing for their meeting on July 18, 2012 for a site plan application submitted by Forrestal Charlton LLC and Flair One LLC requesting site plan approval to install and operate a commercial ground mounted solar array and associated utility connection on a 9.72 acre site located southerly off of Route 20, easterly of Richardson Corner Road and northerly of Bay Path Road (Assessors Map 30, Block D, Parcel 2). The property is zoned Community Business and Agricultural. Should the Board wish to provide a comment on the application, we must notify the Planning Board no later than Thursday, July 12, 2012. No comments by the Board.
2. Community Development Advisory Committee – Mrs. Craver stated that as you are aware, we are in the process of working on a grant with the Town of Leicester with Pioneer Valley Regional Planning Agency for housing rehab and architecture barrier removal (elevator, handicapped bathrooms, signage, etc.). The grantwriter has suggested that we form a Community Development Advisory Committee in order to gain points and to help with the outreach. I would ask the Board to consider forming a seven (7) member committee to help facilitate the process. If voted. We will put on cable and, hopefully bring you back a recommendation for your next meeting. **Motion by Mr. Swensen that we authorize the formation of a seven member committee called the Community Development Advisory Committee, seconded by Mr. Sellew, motion carries unanimously.**

VII. Old Business:

1. Proposed casino legislation. Mrs. Craver stated that at the Board's last meeting, Selectmen Singer brought this item up. It was asked to be placed on tonight's meeting agenda for review. She would ask the Board what direction they wish to take. Mrs. Craver stated that she thinks Mr. Singer's intentions were to resend this letter. Mr. Sellew asked the board for permission

to look into the rumors further about casinos coming to town. He does not want to miss an opportunity if something would come our way. Chairman Boria feels in his mind it's to early for any board members to discuss with any land holders of a possible action in the future. He is not really comfortable with it. **Mr. Swensen that he would ask that this board take no action on sending this letter and would make it a motion.** He can't support anything that would bring gaming of any type to the town. Chairman Boria read the letter that Mr. Singer wanted resent. Mr. Swensen asked if we would accomplish anything if we send this letter again? Mrs. Craver asked that because Mr. Singer is not here, would the board prefer to hold this and she can ask what direction he would like. The board agreed.

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

VIII. Other Business: Mrs. Craver stated that we received a check from Back of the Pack that raised money for the tornado victims. The amount Charlton got was \$1,550. They will be forwarding a financial statement. They would like to see the town make a fund for the tornado victims but it can also be used for town trees if needed. Mrs. Craver would ask the board how they wish to proceed. **Motion by Chairman Boria to have Mrs. Craver put a policy together with guidelines and bring back to the board, seconded by Mr. Sellew, motion carries unanimously.** Mr. Swensen would like a letter of thanks sent to them. Mr. Sellew would like to use the money to plant more trees

X. Adjourn/Executive Session:

Motion by Mr. Swensen that the Board enter into executive session at 7:25pm 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 to discuss the discipline or dismissal of, or complaints or charges brought against a public officer, employee, staff member or individual if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, seconded by Mr. Sellew.** 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, Mr. Sellew – aye and Chairman Boria – aye.**

Motion by Mr. Swensen to adjourn at 8:21pm, seconded by Mr. Sellew, motion carries unanimously.

XI. Next Meeting Announcement:

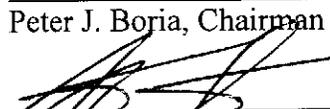
- Regular Selectmen's Meeting – July 24, 2012 – 6:30pm

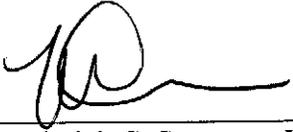
Submitted by:

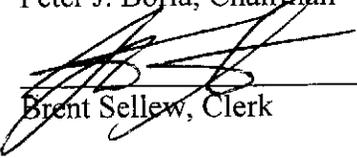
Mary C. Devlin

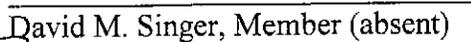
Administrative Assistant

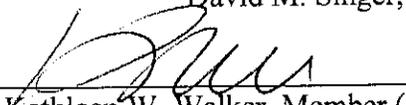
Accepted by:


Peter J. Boria, Chairman


Frederick C. Swensen, Vice-Chairperson


Brent Sellew, Clerk


David M. Singer, Member (absent)


Kathleen W. Walker, Member (absent)



TOWN OF CHARLTON
Animal Control
85 Masonic Home Road
Charlton, MA 01507
WWW.TOWNOFCHARLTON.NET
(508) 248- 2266

July 3, 2012

To: Board of Selectmen

The following is a report for the dog hearing of Teresa St. Germain vs. Cindy Anderson
Calls received:

- 10/3/11 Teresa St. Germain of 19 N. Buffumville Shore Rd. tel. (508) 248-9589 called regarding a small dog (corgi) that belongs to Cindy Anderson and lives at 25 N. Buffumville Shore Rd. She reports that when she goes outside this dog charges after her and she is on an oxygen tank and cannot run with it. I spoke to Cindy about the dog, and at that time I gave her a verbal warning. She stated that "Charley" is only a 5 month old puppy and is just playing and she will keep it contained.
- 10/7/11 I received a call from Denise Sherman of 28 N. Buffumville Shore Rd. (508) 248 7123 She stated that she was jogging down the street and the dog named "Charley" chased after her and bit her. I went to the house of Cindy Anderson and placed the dog in a ten day quarantine, dog is to be contained at her house. I also advised that he might need some training and of the leash law etc. He was released on 10/17/11.
- 12/26/11 Teresa St. Germain called to tell me that once again she was chased by this same dog "Charley" as she went to get her mail. I asked her if it were possible to get a picture of it loose in her yard, as I can't get there in time to catch it loose. I went to Cindy Anderson's house but no one was home, so I left a notice for her to call me.
- 1/5/12 I had not heard from Cindy Anderson, so I went to her house and I advised her again about the leash law etc. and also gave her a written warning.
- 5/20/12 Teresa St. Germain called again to let me know that once again the dog "Charley" had chased after her in her yard. I had advised her to take a picture if possible so I could send a fine, as the dog goes back home before I can get there. She also asked about the next step if this continues, I advised her that she had a right to file a complaint with the Selectmen for a hearing if it continued and that I would again speak to the owners on this and let them know that this could be the next step if the dog continues to be loose.
- 5/20/12 I went to the Anderson's house and spoke to Mark Anderson on the problem I looked in the yard and there was a plastic, orange, snow fence put up in back and side of the yard but I think that the dog is getting under it. He said he would speak to his wife about the dog but she was away for the weekend.

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5/31/12 Teresa St. Germain called me again and advised that the dog "Charley" was loose and chasing her and that she had a couple of pictures for me and she would get them to me. She did and I issued a \$ 25.00 citation # 1514 with the pictures to Cindy Anderson.
She also would like me to mail her the complaint form for a Selectmen's hearing. I mailed it to her.

My recommendations would be to have Cindy Anderson construct a heavy wire fencing, that the dog could not possible escape from.

Respectfully submitted,

Ann Sellew
Charlton Animal Control Officer



**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

MEMORANDUM

TO: Board of Selectmen

FROM: Robin L. Craver, Town Administrator 

DATE: July 2, 2012

SUBJECT: Town Administrator's Report – for Selectmen's meeting of 7/10/12

Quonset Hut – As you are aware, Town Meeting approved funding for the removal of the Quonset Hut. I have been working with Gary Magnusson from CMG. He is working on bids and a contractor and should have them by Mid-July.

Excel Class – I have been working with Shawn Sanders, Business Technology Instructor at Bay Path Regional to provide a beginners excel class to employees who use excel on a day to day basis. The class will be held on August 15th from 9 – 11am in the Senior Center. The cost is \$250.00. This covers two hours of the instructor's time and materials. We estimate training approximately 10 employees. I am also looking into other classes that may be beneficial to employees as well. As you know, technology changes all the time and I feel it's important to have our employees have the most up to date skills when serving Charlton's residents.

Alarm Company – We will be switching alarm monitoring companies. Protech, our agent, has contracted another central station that can provide the monitoring service. This is also UL listed central Station in Milford CT named USA Central Station. He will be changing over the numbers to the alarm this week with no disruption of monitoring services. All pass codes will remain the same. Employees are being notified of the new number to call if needed.

Transfer Station – We have received a letter from Roland Jackson stating that the Recycling Committee would like to go forward with the development of a transfer station in Charlton now that the landfill is completed. I have had discussions with Casella already and have spoken to the Board of Health to see if they would like to be involved in the process. This project, pending approval would also be pending the use of the gas tanks. With that said,

Gas Tanks at the landfill – Our office has been in contact with Muni-Tech, Inc. (accident recovery specialists) who has been assisting us with the warranty on the gas tank that has been compromised. With information that we received from former Fire Chief Ralph Harris, we were able to find out that

the warranty on this pump may still be in effect. I have met with a representative from Concrete Systems, Inc. and they are reviewing the information that we have. I will keep you up dated on this matter.

BOS Workshop – Goals & Objectives – Just a reminder that the BOS Workshop for Goals and Objectives is scheduled for July 17, 2012 at 5:30pm. I forwarded you an email from Jeff Nutting who will be running the meeting who is asking each of you to fill out the Workshop Questionnaire and return it to him as soon as possible.

Open Appointments – The following is a list of open appointments that will be on the Town's website starting on July 9th. They are presently on the local cable access.

BYLAW COMMITTEE - (3) MEMBERS NEEDED

CENTRAL MASS REGIONAL PLANNING COMMISSION - (1) MEMBER NEEDED

CULTURAL COUNCIL – (1) MEMBER NEEDED

ECONOMIC DEVELOPMENT COMMITTEE – (1) MEMBER NEEDED

ENERGY COMMITTEE – (2) MEMBERS NEEDED

HISTORICAL COMMISSION - (3) MEMBERS NEEDED

NOISE BY-LAW COMMITTEE – (2) MEMBES NEEDED

PERSONNEL BOARD – (2) MEMBERS NEEDED

ZONING BOARD OF APPEALS – (1) ALTERNATE NEEDED

And just a reminder that won't be posted on cable or the web, there is still one opening for a Board of Registrar. We are waiting to hear back from the Democratic Town Committee as to who they are recommending.

I come to you this evening in a general sense and general sense only. As Selectmen you have all taken the oath to uphold the duties of the office of Selectmen in accordance the General Law of the Commonwealth of Massachusetts.

Article 4. of the 2012 Annual Town Meeting Warrant stated "that Town Counsel be authorized to prosecute and defend actions for and against the Town." This has been a long standing Article that has been voted on for many many years.

So I ask you, if you as Selectmen and or Town Counsel knows of zoning violation and chooses not to defend or take action as a strategy in what is in the best interest of the Town, is this type of conduct supported by the Charlton Board of Selectmen? Or is a way of doing business that the best interest of the Town comes first, and enforcing by-laws comes second?

NOV - 1 2012

Rob Lemansky came in. This is what he read at the Selectmens Meeting on July 10, 2012. I told him the minutes have already been approved + posted. He asked that this be attached to them. I spoke to Robin + it's OK.

Mary Devlin