

 **COPY**



TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
Tuesday – September 4, 2012

Submitted by MCJ
Date 9/19/12
Received by dlw
Date 9-19-12

Present: Chairman – Peter J. Boria, Vice-Chairman – Frederick C. Swensen, Clerk – Brent Sellew and Member – Kathleen W. Walker. Also present: Town Administrator - Robin L. Craver. Absent: Member – 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 6:30pm with the pledge to the flag.

II. Consent Agenda:

1. Minutes of Regular Meeting – August 21, 2012. **Motion by Mr. Swensen to approve the minutes of the regular meeting of August 21, 2012, seconded by Ms. Walker, motion carries unanimously.**

III. Community Relations, Announcements and Open Forum:

- Chairman Boria read the announcements
- Ms. Walker stated that Old Home Day was yesterday. She announced who the community recipients were and thanked Cathy Kuehl, Heather Clemmens, Ron Wilmot, Rick Swensen and Brent Sellew. Mr. Sellew thanked everyone as well. He thanked the Charlton Auxiliary officers for all their help and for volunteering. Mrs. Craver also thanked our cable access coordinator for taping it.

IV. Appointments/Resignations:

1. Resignation – Charlton Police Auxiliary Officer. Mrs. Craver stated to please find attached a letter of resignation from Andrew M. Parke as a Charlton Police Auxiliary Officer effective immediately. **Motion by Mr. Swensen that we accept the resignation of Andrew Parke, seconded by Ms. Walker, motion carries unanimously.**

V. Scheduled Appointments:

6:45pm – Encroachment on Town Property – Mooring Boat/Dock. Mrs. Craver stated that attached is an email from Chief Pervier stating that the Police Department received a complaint regarding a dock that had been installed at the end of a town owned public access area that is located between 83 Sunset Drive and 77 Sunset Drive on Glen Echo Lake. Also, noted was a 21 foot boat that was secured to a mooring in this same public access area. The Charlton Police Department contacted Conservation Agent Todd Girard who visited the site with Chief Pervier. (see photos attached) They then went to the Assessors office to ascertain the particulars about this location. The property in question belongs to the Town of Charlton but said area also has deeded access as a right of way to Glen Echo Lake for several property owners who reside in that area. Most of the area deeds protect the “right and easement to pass and repass, in common with others

over Lot #22". A deed recorded in 1969 says the purpose of the access to and from Glen Echo Lake. It is my understanding that the Town's taking did not extinguish the rights given by deed. The Massachusetts Environmental Police were contacted regarding this complaint and they advised us that Glen Echo Lake does not fall under their jurisdiction with respect to this matter and that the Town must decide how it wants to address this complaint. Chief Pervier has stated in his opinion, the mooring of this boat is improper and should not be allowed due to the fact that the Town of Charlton owns the land under Glen Echo Lake and that the owner of the boat never sought permission from the Charlton Board of Selectmen to install said mooring. There is no specific language in any of the Town's bylaws that specifically address the subject of moorings but something of this nature if allowed, might set a bad precedent if we allow the public to install moorings for watercraft on the lakes in Charlton. Also attached is information provided by Chief Pervier and Conservation Agent Todd Girard from the Town of Webster's regulations for moorings and floats that might be useful. I would ask the Board what you wish to do about this complaint of an unauthorized dock on to Town Property and the mooring of a boat in front of the access way. Chairman Boria asked if the Board members have any questions. Ms. Walker stated that she would like to ask why this was done. Mr. William Woodard from 8 Westview Drive came forward. He moved to town three years ago and was told by the previous owner and several neighbors that there was a dock there before. He didn't feel the little dock section he put in the lake needed permission. Andrew Ethier from 83 Sunset Drive came forward. Mr. Ethier provided the board with 4 pages of information regarding mooring. He is very much against this as it's a safety hazard. The owner from 70 Sunset Drive came forward and stated that he would like to see if we (the town) could put a dock in the water. He stated that he just built a house as well as two other residents and they would like to see a dock there. Mr. Woodard said he doesn't have a problem moving his mooring, he just wants to keep his boat in the water. He said he basically put it there because there is evidence that an old one was there. He also stated that he would donate the dock to the town and would even let anyone use the dock. Mr. Swensen asked just to clarify that Mr. Woodard does not have any property on the water and that is correct. Chairman Boria stated that there are two issues. One is the dock and the other is the mooring. Chief Pervier came forward and reiterated what took place. The Chief's issues are what type of precedent. He also asked if this is on town property is it a liability to the town? The bigger issue is the mooring. This could affect the area where other people that might want to moor their boat will. Mr. Swensen asked if Mr. Woodard could meet with the Lake Association and it was noted that the Lake Association doesn't have any authority for this. Todd Girard came forward with a map and explained what takes place and stated that seasonal docks under chapter 91a are allowed. The mooring falls under a 10a permit which falls under a harbor master which we don't have so it would fall under Chief Pervier and the Board of Selectmen. He would recommend that we look as a town for a standard operating procedure. Mr. Girard would recommend the board review 91a and 10a to come up with standard operating procedures. Ms. Devlin asked if the insurance company can answer this and Chairman Boria said that all the boats are on town property so we need to take time to figure this out. Ms. Walker stated that we have been trying to reestablish the lakes and ponds committee and this would be a good place for them. **Motion by Ms. Walker to have our Conservation Agent set up a meeting with all the lakes and ponds committee members as this needs to be resolved before next summer, seconded by Mr. Swensen for discussion.** Mr. Swensen doesn't feel that Mr. Woodard is in any violation more than anyone else on the lake but based on the pictures he does believe he is infringing on the homeowners right to enjoy the view. Chairman Boria asked Mr. Woodard if he could tie his boat on both areas so it can't move and Mr. Woodard agreed. **Vote on motion carries unanimously.** Mr. Ethier came back and said that when he first moved in, there were a lot of issues to get to that access such as partying, drinking and such. Mr. Sellev stated that with all the discussions and people start putting the docks and moorings on the

property, he feels we would be liable if anything happened to anyone. Ms. Walker asked if Mrs. Craver could look into the liability issues. Mr. Ethier added that this boat is 21 feet long and the area the town owns is relatively small. Ms. Walker stated that the weather is about to change and asked if we can stop all activity until next year. Mrs. Craver asked if Ms. Walker is suggesting to giving him 30 days to remove the boat and moor. She also stated that her only concern is that this is giving anyone who wants to put a boat and moor in the water, can until a policy is put in place. Chief Pervier stated that he considers this as trespassing on town property. Chairman Boria stated that if we consider this trespassing then, so is everyone else on the water. Chief Pervier would like to as well as with Mr. Girard, talk to the environmental police to give us some ideas. **Motion by Ms. Walker to give the owner 30 days to remove his boat and wait and see what comes out of our investigations, seconded by Chairman Boria for discussion.** Mr. Swensen stated that he feels we have to move ahead cautiously. He is not all that personally concerned that there will be more moorings put in at this time of year. Mr. Swensen feels that the boat is secure and it can be taken out within a couple of hours. Mr. Sellew does not agree with the 30 days. He would like the dock and the boat removed immediately. There are no lights on the boat at night and it's a liability. **Vote on motion: Ms. Walker aye, Mr. Swensen, Mr. Sellew and Chairman Boria – nay. Motion by Mr. Sellew that we ask the gentleman to remove the dock and his boat immediately until we can get this resolved, seconded by Ms. Walker for discussion.** Mr. Swensen said his concern is that if we direct him to do this, then we would have to make everyone do this. **Vote on motion: Mr. Sellew – aye, Ms. Walker, Mr. Swensen and Chairman Boria – nay.** Ms. Walker would ask Mr. Woodard because he has shown consideration for one neighbor without realizing he aggravated another neighbor, to do what he can to mitigate so Mr. Ethier would be more comfortable. The board would like to have the harbormaster accompanied into some sort of a bylaw.

7:00pm – Last Green Valley – Charlene Perkins Cutler. Mrs. Craver stated that Charlene Perkins Cutler, Executive Director and CEO of the Last Green Valley is here tonight to discuss initiatives happening at the Last Green Valley including requesting the Board's support for a name change. Ms. Cutler came forward and stated that the original name is the Quinebaug Shetucket National Heritage Corridor. They are not really known as that as people don't remember it so they have been called the Last Green Valley. Ms. Cutler is asking the Board to approve the name change request and submit a letter of support for this request. **Motion by Mr. Swensen that we direct the town administrator to prepare a letter to Ms. Cutler showing our support, seconded by Ms. Walker, motion carries unanimously.**

VI. New Business:

1. Special Town Meeting – Open Warrant. Mrs. Craver stated that Special Town Meeting has come upon us. At the Board's last meeting, she reported that they were scheduled to open the warrant tonight. The departments have been made aware and she has received some requests. Attached is the proposed calendar which has the Board opening the warrant tonight and the meeting to be held on Tuesday, October 16, 2012. The Town Clerk is fine with the date and we are confirming the date with the school. Tonight, if you have no revisions, we ask you to approve the STM calendar and open the warrant. **Motion by Ms. Walker to open the warrant, seconded by Mr. Sellew, motion carries unanimously. Motion by Mr. Swensen that we approve the calendar for the fall town meeting, seconded by Mr. Sellew, motion carries unanimously.**
2. Community Preservation Act – Mrs. Craver stated that at the Board's Goals and Objectives meeting and later approved by the Board as one of your goals is reviewing the Community Preservation Act. There was discussion about putting a warrant article to accept the act. There were new changes to the law made by the Legislature and she has attached the statute with the

revisions for the Board's review. Mrs. Craver stated that she spoke with Principal Assessor Deb Ceccarini and asks that if the board approves, to hold discussion with other departments that might be affected. **Motion by Ms. Walker to put a warrant article to accept the act, seconded by Mr. Swensen, motion carries unanimously.** Mrs. Craver to put discussion on next agenda.

3. Request for new position in Fire Department – Mrs. Craver stated that Chief Cloutier has withdrawn this request

VII. Old Business:

1. CMRPC – Multi Hazard Mitigation Plan. Mrs. Craver stated that at the Board's August 7th meeting, the Board requested that the Multi Hazard Mitigation Plan be forwarded to departments for comment and the information was sent out August 14th in which you were copied. She has received memos from Lt. Ekman our Emergency Management Director, Alan Gordon, Town Planner and Chief Pervier which are included in your packet. She also included the section that deals with the Town of Charlton in particular. The Central Mass Regional Planning Agency has asked if the Town of Charlton would like to be included in the CMRPC Region – Wide Multi Hazard Mitigation Plan. If the Board is interested, you will need to form and designate this committee to prepare the Hazard Mitigation plan for the town. You would also have to approve the CMRPC Multi Hazard Plan certificate of adoption which is attached. Lt. Carl Ekman came forward and stated that this project was started a couple of years ago. The document before you is a living document that can be changed. There are grants that will be available but we will not qualify for them unless the town accepts this. **Motion by Ms. Walker to approve the CMRPC Multi Hazard Mitigation Plan, seconded by Mr. Sellew.** Mr. Swensen asked if there was any monetary costs for the town. Mr. Ekman stated no but that there will be some grants if approved that the town will have to pay a small percentage of. **Vote on motion: motion carries unanimously.** Mr. Sellew stated that he noticed Terri Gough was here and said that he was told there is a table top exercise coming up and if the board is okay with it, he would volunteer to go. Mrs. Craver to set up the advertisement for the committee.
2. BOS Goals & Objectives – Mrs. Craver is keeping this item on the agenda and tonight the board does not have any for discussion.

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

VIII. Other Business:

X. Adjourn/Executive Session:

Motion by Mr. Swensen that the Board enter into executive session at 8:05pm 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 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, seconded by Mr. Sellew. Roll call vote taken: Ms. Walker – aye, Mr. Swensen – aye, Mr. Sellew – aye and Chairman Boria – 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.

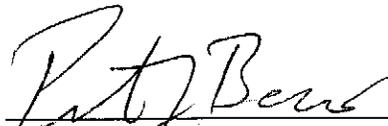
Adjourn from regular session – **Motion by Mr. Swensen to adjourn at 8:11pm, seconded by Mr. Sellew, motion carries unanimously.**

XI. Next Meeting Announcement:

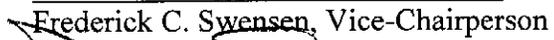
- BOS Special Meeting – September 11, 2012 @ 5:30pm
- Regular Selectmen’s Meeting – September 18, 2012 – 6:30pm
- All Boards & Committees – September 25, 2012 @ 6:30pm Senior Center

Submitted by:
Mary C. Devlin
Administrative Assistant

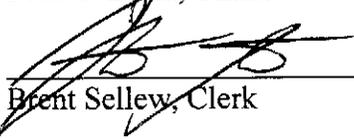
Accepted by:



Peter J. Bonta, Chairman



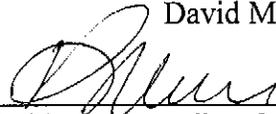
Frederick C. Swensen, Vice-Chairperson



Brent Sellew, Clerk



David M. Singer, Member (absent)



Kathleen W. Walker, 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

MEMORANDUM

TO: Board of Selectmen

FROM: Robin L. Craver, Town Administrator 

DATE: August 30, 2012

SUBJECT: Town Administrator's Report – for Selectmen's meeting of 9/4/12

Challenge Grant Application – We have applied for and received a \$50,000 grant for public shade tree removal and planting along public ways, within public parks, cemeteries and other public areas to reforest areas of the community after the 2011 weather events. We will also be able to repair damaged trees and remove dangerous ones. It will be administrated thru our office.

Oxford Community Center's 1st Annual Bike Marathon – the Friends of the Oxford Community Center will be holding their 1st Annual Bike Marathon to benefit the Oxford Community Center on Saturday, September 22, 2012. Part of the route they will be taking will be through Charlton. Chief Pervier is working with them on the event for traffic and safety.

School Transportation – I am meeting with the Town of Dudley in order to share transportation services for our students that go to Norfolk Aggie. It is my hope to save near \$10,000 on this partnership.

Heating Oil Regional Bid – We are in the process of bidding out the remainder of this year and next year for heating oil with 5 other towns. I will let you know when the bids come in.

New Committees – The By-Law Committee and the Community Advisory Committee met for the first time. I will assist them in there as needed.

Procurement Training – I will be attending two training workshops in order to receive my recertification MA Certified Public Purchasing Officials Program September 11th-13th and September 25-the 27th.

Mass Turnpike Charlton Service Plaza, Eastbound. – I attended with Selectman Swensen a ribbon cutting for the new E85 fueling station at the Mass Turnpike Charlton Service Plaza, Eastbound. Secretary Davey, Secretary Sullivan of Environmental Affairs and Ron Sabia, the President of Gulf Oil

also attend. It was to highlight that the service station would now carry Flex Fuel, a blend of up to 85% ethanol and 15% gasoline (E-85). The U.S. Department of Energy reports that ethanol could replace more than 30% of gasoline demand by the year 2030.

E-85 provides a number of benefits, both to motorists and the Commonwealth at large. These include:

- Reduced air quality impacts.
- Less reliance on foreign petroleum.
- Reduced energy required to produce ethanol compared to gasoline.
- Reduced generation of greenhouse gases.

From: Will Robsky [mailto:wrobsky@gmail.com]
Sent: Wednesday, August 22, 2012 11:49 AM
to: Craver, Robin
Subject: Oxford Community Center's 1st annual Bike Marathon

Dear Ms Craver,

The Friends of the Oxford Community Center (FOCC) would like to hold their 1st Annual Bike Marathon to benefit the Oxford Community Center on Saturday September 22, 2012. Although the event is based in Oxford, a significant portion of the planned route will be in Charlton. I would like to submit my plan for review before publicizing the event in case the town of Charlton has any concerns. The event will begin at 10 AM with participants entering Charlton shortly thereafter. All participants are expected to re enter Oxford no more than one hour later. The planned route does include travel on Oxford Rd from the town border to Richardson Corner but is designed so it will not be necessary for participants to cross traffic on any major street. I have attached a map and course description for your review.

FOCC volunteers will be posted at major intersections to ensure that all participants are following the correct route and are not experiencing any health trouble. Safety rules will be strictly enforced.

Participants will be required to provide the following for their safety:

- 1) An intact bicycle helmet
- 2) A minimum of one water bottle
- 3) A cell phone to be carried during the race in case of emergency
- 4) A signed disclosure stating the participant understands the physical stress involved in a 12 mile bike ride and confirmation that they are in adequate health for this event
- 5) A signed disclosure stating that all participants are aware of how traffic laws pertain to bicyclists and their agreement to follow all traffic laws

The planned route is as follows:

- 1) Starting from the rear lot of the Oxford Community Center (Main St, Oxford), follow Rawson St.
- 2) Turn right onto Charlton St
- 3) Continue onto Oxford Rd
- 4) Turn right onto Richardson Corner Rd

- 5) Turn right onto Turner Rd
- 6) Turn left, continuing on Turner Rd at the intersection with Buffum Rd
- 7) Continue on McIntyre Rd
- 8) Turn left onto Ennis Rd
- 9) Turn right onto Rt 56
- 10) Turn right onto Rt 12 S
- 11) Turn right onto Maple Rd, ending at OCC rear lot.

A map of the route has been attached.

Attendance at this time is unknown. A minimum turnout of 10 participants is expected with a maximum likely turnout of 40. If attendance seems likely to exceed 40 participants I will gladly contact your office to discuss any policy or procedural changes that may be necessary.

If you have any questions or concerns regarding this event, I can be reached at 508 731 0604, or at wrobsky@gmail.com.

We appreciate the town's support for this event and look forward to working with you on this and future occasions.

Sincerely,

Will Robsky



**TOWN OF CHARLTON
OFFICE OF THE TOWN ADMINISTRATOR
37 Main Street
Charlton, MA 01507**

www.townofcharlton.net

Phone (508) 248-2206

Fax (508) 248-2374

Robin L. Craver, Town Administrator
robin.craver@townofcharlton.net

August 28, 2012

Massachusetts Department of Conservation and Recreation Urban Forestry
P. O. Box 484
40 Cold Storage Drive
Amherst, MA 01004

Re: Challenge Grant Application – Project Information, July 2012

Project Request:

The Town of Charlton hereby requests a \$50,000 grant for:

- *Public shade tree removal and planting along public ways, within public parks, cemeteries and other public areas to reforest areas of the community after the 2011 weather events
- *Review and development of forest management in restoration in relation to present and future natural disasters
- * Matching funds and/or loan program for private homeowners to remove dangerous trees
- *Repair / Maintenance of trees including trimming and pruning

The grant if received will be primarily managed by the Charlton Board of Selectmen's Office.

Project Summary;

The Town of Charlton lost many public shade trees and trees on public properties during the various weather events of 2011. The Town of Charlton proposes to work with the public and volunteers to replant public shade trees primarily in the 6/1/11 tornado affected areas; assist homeowners to rid their properties of dangerous trees impacted by the tornado; devise a plan for maintaining trees due to storm damage; and repair damaged trees; replace deceased and failing Town street trees.

Species Selection:

It is very important that the tree species selected will work well adjacent to public ways and will be given the chance for the longest life possible. With that in mind species such as the following will be offered:

Acer saccharum	Acer rubrum	Quercus bicolor
Betula nigra	Gymnocladus dioica	Acer griseum
Stewartia pseudocamelia	Amelanchier arborea	Cornus kousa
Metasequoia glyptostroboides		

Location Selection:

All final planting locations shall be determined by the Charlton Town Administrator after consultation with Town Departments including the Highway Department; Tree Warden, Conservation Agent and private property owners. In general, the following guidelines shall apply:

1. 10' from any paved / impervious area
2. 15' from any building or structure
3. 15' from any utility power line
4. 15' from any other tree
5. 10' from any fire hydrant or similar street furniture
6. 5' from the back of a sign
7. 20' from the front of a sign
8. < 20' of the right of way if on private property

The above applies to trees planted on grassy areas. New trees will be used to replace dead and/or previously replaced trees. At times, it will be necessary to remove a tree before replacing.

Budget:

Estimating \$750 / tree installed on average by contractor, we estimate approximately the following:

\$7,500 for park / cemetery trees

\$15,000 for public shade trees in the downtown and scenic areas

\$7,500 for public shade trees in the Tornado affected areas and the rest of the community

\$15,000 for tree removal in affected areas and the rest of the community

\$5,000 for forest management plan in affected areas and the rest of the community

Project Schedule:

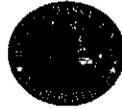
Initial public outreach will begin immediately after confirmation of grant receipt. It is our intention to perform the tornado affected area planting and other street tree planting this Fall and the remaining cemetery, parks and remaining areas around town in the Spring of 2013.

Reporting:

The Town of Charlton will work closely with DCR staff to ensure grant compliance and a successful project. Location, species, size, cost, and any other requested information by DCR staff will be provided in a timely fashion.

Sincerely,

Robin L. Craver
Town Administrator



**TOWN OF CHARLTON
OFFICE OF THE TOWN ADMINISTRATOR
37 Main Street
Charlton, MA 01507
www.townofcharlton.net**

Phone (508) 248-2206
Fax (508) 248-2374

Robin L. Craver, Town Administrator
robin.craver@townofcharlton.net

August 28, 2012

Massachusetts Department of Conservation and Recreation Urban Forestry
P. O. Box 484
40 Cold Storage Drive
Amherst, MA 01004

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Robin L. Craver
Town Administrator