



COPY

Submitted by UCJ
Date 10/3/12
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TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
Tuesday – September 18, 2012

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

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 – September 4, 2012. **Motion by Mr. Sellew that we accept the minutes, seconded by Ms. Walker, motion carries 3 for with Mr. Singer abstaining.**

III. Community Relations, Announcements and Open Forum:

- Chairman Boria read the announcements
- Ms. Walker stated that the MMA represents the whole state. There will be a legislative breakfast on October 19, 2012 at 8:30am here in Charlton.
- Chief Pervier stated that on September 29, 2012 there will be a prescription drug take back. The one they did in early April was very successful.
- Danielle Robertson from the Fire Department came forward to invite the community to Family Fun Day which will be held on Sunday, October 14, 2012 from 11am – 3:30pm. It will be held at the Fire Station on Power Station Road.

IV. Appointments/Resignations:

1. Resignation – Charlton Police Auxiliary Officer. Mrs. Craver stated that attached, please find a letter of resignation from Kevin L. Arena as a Charlton Police Auxiliary Officer effective September 24, 2012. Due to Mr. Arena's schedule, he is not able to dedicate the required time for the Auxiliary. **Motion by Mr. Sellew to accept Mr. Arena's resignation from the Auxiliary Police Department, seconded by Ms. Walker, motion carries unanimously.**
2. Resignation – Inspector of Wires. Mrs. Craver stated to please find attached a letter of resignation from James Jones, Inspector of Wires for the Town of Charlton as he is moving out of state effective September 15, 2012. As with all openings and as the policy of the Board states, this opening will be posted on cable and the town's website and letters from interested candidates will be provided to you for consideration at your next meeting. Currently, we have an Assistant Wiring Inspector that can be called if there is a need for inspections. Mr. Sellew said he is sad to see Mr. Jones go and would thank him for all his years to the town. **Motion by Mr. Sellew to accept Mr. Jones resignation, seconded by Ms. Walker, motion carries unanimously.**

V. Scheduled Appointments:

7:00pm – Community Preservation Act – discussion. Mrs. Craver stated that at the Board’s last meeting, you voted to add a warrant article to the upcoming Special Town Meeting to ask the Town to accept the Community Preservation Act. She was directed to invite Department’s to tonight’s meeting to discuss the impact the Community Preservation Act might have on their department. Deborah Ceccarini and Trish Gill from the Assessors office came forward. Ms. Ceccarini asked the Board to give their opinion of what they think of how this will impact the town. Chairman Boria stated that just because this was asked to be placed on the warrant doesn’t mean that the Board supports it. Mrs. Gill stated that this is a tax on everyone not just new property owners. It is an extremely complicated formula that would really require a tremendous amount of work. Ms. Ceccarini stated that most towns take 3 to 9 months to lay the ground out for information before it goes to town meeting. She also stated that it’s an expense on the software and the departments it would impact. Mrs. Gill stated that the money can only be used for three purposes. She also doesn’t think this is a wise move at this time and the Board of Assessors would not support it. Mr. Singer would ask which Selectman put this on the warrant and ask if they would consider removing it at this time. Ms. Walker stated it was probably her because she has always been supportive of the CPA but also realizes that there are wealthier towns that have more of a need to protect open space than we do. She also realizes that this is not a good time to add this to town meeting. Lisa Westwell came forward as a citizen. She feels that she would agree that this is not a good time for this even though she supports CPA. Mrs. Westwell asked if there is a good list of what the town is targeting. The citizens should know if we do have a list. Ms. Ceccarini stated that it might be helpful if the board formed an ad hoc committee to do research on this for more information. The Board thanked everyone for coming forward with their input.

VI. New Business:

1. Glen Echo Lake Drawdown – Mrs. Craver stated that we received a copy of the attached letter from Lycott Environmental Inc. to the MA Division of Fisheries and Wildlife. They are requesting to drawdown the lake 4 feet. This has come before the Board before and our office is making you aware of it. Four feet is the regular drawdown. No action needed, information only.
2. Set Trick or Treat date and time – Mrs. Craver stated that our office has received calls regarding when Charlton will be celebrating Trick or Treating. Staff has contacted Chief Pervier and he recommends that we celebrate Trick or Treating in the Town of Charlton on Wednesday, October 31, 2012 from 5:30 to 7:30pm. Mrs. Craver would ask the board to consider this recommendation and if approved, it will be placed on the cable channel and the town’s website. **Motion by Ms. Walker to approve that we celebrate Halloween on Halloween from 5:30pm – 7:30pm, seconded by Mr. Sellew, motion carries unanimously.**
3. Disclosure form for an elected worker – Mrs. Craver stated that Town Clerk Darlene Tully is notifying you that an election worker who also has a part time job with the Regional School District needs to take the proper steps to comply with Section 20 of the conflict law by filing a disclosure form that needs to be signed by the Chairman of the Board of Selectmen as advised by Counsel Deirdre Roney, State Ethics Commission. If the Board has no problem with this, it is in your sign folder. The disclosure form will remain on file in the Town Clerk’s office. **Motion by Ms. Walker to accept the disclosure and approve, seconded by Mr. Sellew, motion carries unanimously.**
4. One Day Special License request – Mrs. Craver stated that attached is a request from Joshua J. Walsh for a one day special wine and malt license to be used on October 6, 2012 from 3:00pm – 10:00pm at Camp Joslin, 150 Richardson Corner Road for a wedding. This request has been forwarded to the Police and Fire Chiefs and also the Building Commissioner for

their approval. Chief Pervier has given his approval but would ask the Board to include the stipulations that 1 – all persons serving alcoholic beverages be TIP certified and 2 – that no person under the age of 21 years of age be allowed to purchase or consume alcoholic beverages. Fire Chief Cloutier and Building Commissioner Meskus have both approved the request pending the property owner provide documentation of the weekly fire pump testing and maintenance in accordance with NFPA 25 and user testing of the fire alarm system in accordance with NFPA 72. Mrs. Craver would ask the Board to approve this request with the stipulations from Chief Pervier and pending the requirements needed by Fire Chief Cloutier and Building Commissioner Meskus. Staff has made them aware that an outside vendor must be used for purchasing the alcohol to be served. This is for a profit organization therefore the fee would be \$25.00. **Motion by Ms. Walker to approve the special license subject to the stipulations by the Chiefs and Building Commissioner Meskus, seconded by Mr. Sellew, motion carries unanimously.**

5. Mosquito spraying – Mrs. Craver stated that Member David M. Singer asked for this item to be placed on the agenda. It should be noted that at the Board's meeting of August 11, 2009, it was discussed to add the Mosquito Control Project as a line item on the Special Town Meeting that was scheduled for October 27, 2009. At the Board's meeting of September 22, 2009, a motion was made and passed to remove the article from the Special Town Meeting warrant because of some concerns some of the Selectmen had at the time. Selectmen Singer stated that he is aware that we elected not to participate in the mosquito program but that's not why he asked for this to be on the agenda. He asked for this item to be placed on the agenda because of the mosquito issues going on so that we may at least consider spraying and treating the school and the associated athletic fields that are used by the children. He feels that this would enable to allow the children to be safe and still play sports. Right now, games by our student athletes are being postponed. He stated that we only have the Elementary, Middle, Heritage and he would like to see if Dudley will share the cost of Shepherd Hill. He stated it is a very limited scope to spray. Mrs. Craver asked if we have the jurisdiction to spray the schools if they are under the control of the school district? **Motion by Mr. Singer that if we have the authority, to go ahead and proceed and find a cost to spray and if we don't, have the Town Administrator seek permission from the school committee and notify the board.** Mrs. Craver asked if there might be an option that parents might object to the spraying. Mr. Singer stated that you are not spraying the fields but you are spraying the areas around the field. Ms. Walker asked if we received a recommendation from the Board of Health. Mrs. Craver isn't sure if they have even been asked. Chairman Boria asked if we have any cost estimates and where would the money come from. Mr. Singer does not have any cost estimates, he was hoping Mrs. Craver could get that and as far as where the money would come from, he would suggest stabilization. Chairman Boria stated that we can't use money from stabilization unless it's approved at town meeting. Mr. Singer would ask Mrs. Craver if there is a manner where she can find funds. Chairman Boria thinks it's a good idea but feels it might be too late this year. Mr. Singer feels it's worth investigating. Discussion of areas to be sprayed included the fields owned by the town. **Motion seconded by Chairman Boria with the inclusion that we send this out to the Board of Health and the Recreation Commission to let them know we are considering this and get their opinion, motion carries unanimously.**
6. Charlton Lions Club – request to move bottle recyclable bins – Mrs. Craver stated that a member from the Charlton Lions Club has asked to come before the board seeking permission to move their recyclable bins to an area on town property on Main St. Don Fortin came forward and said that this group has been doing this for five years. The proceeds from the box goes to organizations in town such as the boy scouts, girl scouts, FOCUS, etc. They are

seeking permission because the area where the box is now was sold by the owner that gave them permission and the new owner would like it moved. **Motion by Ms. Walker to allow them to move the box, seconded by Mr. Sellew. Chairman Boria would ask that it be subject to the Water/Sewer Commission approval, motion carries unanimously.**

7. Staffing request – Police & Fire. Mrs. Craver stated that attached are two separate requests from the Fire & Police Chief asking for support to allow them to hire additional personnel. As in the past, the Board would normally review this type of request for the Annual Town Meeting and not a Special Town Meeting and she would ask the Board to hold these requests until the Annual Town Meeting in May of 2013. Mr. Singer asked what the factor would be from this town meeting to the next town meeting. **Motion by Ms. Walker to move forward with this for the Police as she feels it is justifiable, seconded by Mr. Sellew.** Mr. Singer is concerned about where the money is going to come from to pay for the 19th officer. Chief Pervier stated that not recurring money but money from this fiscal year, there is \$10,000 in the Insurance recovery fund. There will be another \$24,000 coming in as well. In the larger picture, he has moved all different positions around to fill up the spots needed. Mr. Singer asked what the officer's salary would be for a year. It would be between \$75,000 - \$100,000 for a year. Mr. Singer does not object to the need for a 19th officer but he would want to know exactly where the money is coming from. Chief Pervier stated that we are putting the two officers that are on shift now out there at risk. Ms. Walker stated that the Chief is looking to fill this position from January to June. The budget would increase by \$75,000 from then on. It's a question of not being able to hire the officer now but how to keep the officer on the payroll. Chairman Boria stated that when negotiations were done, it gave the Chief the option to put the Lt. in a patrol car. Chairman Boria was asked to elaborate on this. He stated that it was discussed to be able to allow the Chief to use the Lt to cover shifts to decrease the overtime. Chief Pervier stated that the Lt. could be used out there as a supervisor only. Chief Pervier stated that he is advocating for his department. Mrs. Craver read the contract and the use of the Lt. The Chief stated that the Lt. is on light duty and won't be re-evaluated until December. Chairman Boria asked Chief Pervier why doesn't he ask for an intermittent employee. Chairman Boria told the Chief that it would be up to him to ask that this be kept on town meeting and the board could review it and make their decision. Chief Pevier is asking for what he feels he needs to maintain his department. He would like the voters to be able to decide. **Vote on motion: motion carries unanimously.** Chief Cloutier came forward and stated that he has spoken with Mrs. Craver and they thought it would be best to look at this now. He stated that the Fire Department and the town has reached the size where a dedicated Fire Prevention Officer must be considered to handle all the various jobs that an FPO would normally handle such as permits, inspections, pre fire planning, code compliance, order of notices and education. Mr. Singer asked if the Chief is requesting that this be on town meeting and the answer was yes. Mr. Singer stated that his response would be the same as the Chief. He would ask where the money is coming from and does it include the benefits? Ms. Walker stated that Chief Cloutier has done a wonderful job with his presentation. **Motion by Ms. Walker to move this forward to Town Meeting, seconded by Mr. Sellew.** Mrs. Craver stated that other departments have come forward to her to request additional personnel and she has asked them to hold off because the board has always taken these items up at the Annual Town Meeting. She asked because the board is doing this now, should she notify all departments to come forward if they had a request like this? Chairman Boria stated that if the Board is going to allow these two requests to be on the town meeting warrant, then we should allow a blanket article for all departments. **Vote on motion: motion carries.**

VII. Old Business:

1. Special Town Meeting Warrant – Mrs. Craver stated that the Board is scheduled to close the warrant for the FY13 Special Town Meeting tonight. The following articles are recommended:

- * Appropriation of funds for unpaid bills of a prior fiscal year;
- * Inter/Intra Departmental transfers and/or appropriations for FY2013 budget;
- * Capital Items and Related Contracts;
- * Transfer to/From stabilization funds;
- * Amendment to Town Personnel By Law Classification Plan
- * Community Preservation Act;
- * Borrowing Authorization reduction;
- * Accessory apartment zoning bylaw revision;
- * Road acceptance (Jennings Road Extension – name to be provided)

Also there has been discussions and/or written correspondence on the following matters:

- * BOH – changing the Selectmen’s Election by having it be highest vote getter;
- * Fire Department – add staff;
- * Police Department – add staff;
- * Mosquito Spraying Program;
- * Noise by law – they are waiting until May
- * Lakes and Ponds bylaw – do you want to hold a space in case a bylaw can be developed?

Ms. Walker stated that something came up at the last town meeting or so that we don’t bundle articles. Chairman Boria stated that the only way to do that is to give the 3 highest their own capital item line item for Highway, Police and Fire. **Motion by Mr. Singer that we remove the Community Preservation Act, seconded by Mr. Sellew, motion carries unanimously.** Mr. Singer asked if the Board of Health still wishes to move forward since it has to be done by a legislative act. Mrs. Craver will check with the Board of Health. Ms. Walker stated that the Board of Health informed her tonight that they wanted to move forward with it. **Motion by Ms. Walker to add the Board of Health request, seconded by Chairman Boria, motion carries 3 ayes, Mr. Singer opposed. Motion by Ms. Walker that we have one article placeholder for additional staff for whatever departments come forward, seconded by Mr. Sellew, motion carries, 3 ayes – Mr. Singer opposed.** Mosquito spraying not intended to be on warrant. **Motion by Ms. Walker to close the warrant, seconded by Mr. Sellew, motion carries unanimously.**

2. BOS Goals & Objectives – Mrs. Craver stated that in reviewing the Board’s Goals & Objectives, three items are scheduled to be discussed at tonight’s meeting:

- * BOS to hold an employee appreciation day in June;
- * Place Policy Review on Agenda and
- * Bylaw Review – update bylaws as needed

What is the Board’s pleasure? Also the Board was scheduled to have a workshop on September 11, 2012 which was cancelled due to another commitment. Would the board like to set a date to reschedule? Mrs. Craver suggested working with the Chair to move some of these items to a different date. The board during discussions was being very aggressive to try and get some of these items done before town meeting. The board agreed.

3. Hearing testing for full time Police Dispatchers – Mrs. Craver stated that Chairman Boria asked that this item be placed on the agenda for discussion. Attached is a section of the BOS meeting of 8/21/12 for information only. Chairman Boria stated that he received a call regarding this and asked the office to contact the fire department and get them added to the list. He asked if the Board would like to take a vote on this to make it official. The board had no problem with this getting done.

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

VIII. Other Business:

1. Mr. Singer stated that in the past, we sent a letter to the state regarding casinos stating that they treat all communities equal. He would ask that we send the same letter that we did before but just change the date. **Motion by Mr. Singer to send the letter again and just change the date, seconded by Mr. Sellew.** Mrs. Craver stated that what has changed now is there is a Commission now and before the letter was sent to the representatives. Mr. Singer would like the letter to be sent to the Commission, Representative and the Senate. Chairman Boria suggested sending it to all Representatives and a different letter to our Representatives. **Vote on motion: motion carries unanimously.**
2. Mr. Sellew attended the Tri Epic table top today. It's very reassuring to know that we have such great people in our town ready to work for us in an emergency situation. He thanked all those that helped put this event on.

X. Adjourn/Executive Session:

Motion by Mr. Singer that the Board enter into executive session at 8:29pm under M.G.L. c. 30A, Sec. 21, #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 Ms. Walker. Roll call vote taken: Ms. Walker – aye, Mr. Sellew – aye, Mr. Singer - 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.

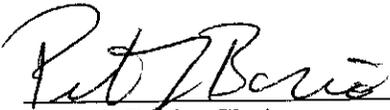
Adjourn from regular session – **Motion by Ms. Walker to adjourn at 8:44pm, seconded by Mr. Singer, motion carries unanimously.**

XI. Next Meeting Announcement:

- All Boards & Committees – September 25, 2012 @ 6:30pm Senior Center
- Next Regular Selectmen's meeting – October 2, 2012

Submitted by:
Mary C. Devlin
Administrative Assistant

Accepted by:



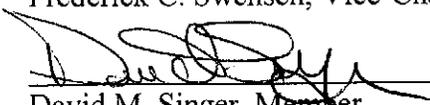
Peter J. Boria, Chairman



Frederick C. Swensen, Vice-Chairperson (absent)



Brent Sellew, Clerk



David M. Singer, Member



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: September 11, 2012
SUBJECT: Town Administrator's Report – for Selectmen's meeting of 9/18/12

Highway Department Open House – I would like to thank all those that came to the open house on September 8, 2012. A special thank you to Dunkin Donuts and Francesco's bakery for supplying the refreshments.

Public Water Supply Declassification – We have been notified by the Department of Environmental Protection that the Charlton Town Hall Annex facility no longer meets the definition of a public water system under 310 CMR 22.00 Massachusetts Drinking Water Regulations, therefore they have declassified the facility as a public water system.



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

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Whitaker
Fjt

Department of Environmental Protection

Central Regional Office • 627 Main Street, Worcester MA 01608 • 508-792-7650

SEP - 6 2012

RICHARD K. SULLIVAN JR.
Secretary

DEVAL L. PATRICK
Governor

TIMOTHY P. MURPHY
Lieutenant Governor

KENNETH L. KIMMELL
Commissioner

Town of Charlton
37 Main Street
Charlton, MA 01507

ATTN: Robin Craver, Town Administrator

Dear Ms. Craver,

DATE: September 5, 2012

RE: PWS Town: **Charlton**
PWS Name: **Charlton Town Hall Annex**
PWSID#: **2054015**
Program: General
310 CMR 22.00

- Public Water Supply Declassification
- Well Abandonment Permit Procedures

Public Water Supply Declassification

The Department of Environmental Protection (DEP), Bureau of Resource Protection, has received notification that as of June 26, 2012 the Charlton Town Hall is now connected to and is solely receiving potable water from the Town of Southbridge municipal water system.

Since the facility no longer meets the definition of a public water system under 310 CMR 22.00 Massachusetts Drinking Water Regulations, **the Department hereby declassifies the facility as a public water system.**

Please be advised that pursuant to 310 CMR 22.03(1) use of the well(s) on the premises for supplying potable water as a public water system is prohibited.

310 CMR 22.03(1) No source of water used by a public water system, no system of water supply used by a public water system, and no treatment facilities or treatment works used by a public water system shall be deemed by the Department to be safe, fit, or pure, or in any other way approved, and shall not be used either for regular or emergency use, unless the drinking water supplied to the users of such public water system complies with 310 CMR 22.00.

Well Abandonment Procedures

Declassified facilities are required to abandon their groundwater well(s) as public water source(s). The following permit (BRP WS36), permit fee (\$60), and transmittal form must be submitted to DEP **within 60 days**. Note: Municipalities are exempt from permit transmittal fees.

Drinking Water Permit Applications

<http://mass.gov/dep/service/online/trasmfrm.shtml>

- Transmittal for Payment (\$60 application fee)
- Permitting Information

BRP WS 36 Abandonment of Water Source

<http://mass.gov/dep/water/approvals/ws36.pdf>

Instructions & Forms

In your application, you must:

- 1) Verify that the water line to the well is physically disconnected from the potable water plumbing in the facility. Cross-connections and/or continued use of the well as an alternate source of potable water is not allowed.
- 2) Clearly state whether your intention is to maintain the well for non-potable use (ex. irrigation) or decommission (fill in/remove) the well.
- 3) If the well is not to be used for irrigation purposes and/or is not otherwise approved to be used for non-public water supply uses either due to contamination or local regulations, then the well must be decommissioned (filled in/removed) according to the *well abandonment & decommissioning requirements of Section 4.21 of the Guidelines and Policies for Public Water Systems, March 2008 revised version*. In your permit application, you must include a proposal for permanent closure describing the closure method and materials to be used.

WELL ABANDONMENT AND DECOMMISSIONING (Pages 4-79 to 4-83)

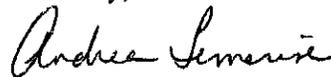
<http://www.mass.gov/dep/water/laws/gl08ch04.doc>

Section 4.21 of Guidelines and Policies for Public Water Systems, March 2008 revised version.

Upon approval of the permit, the well will be officially removed from MassDEP maps and data sources.

If you have any questions, please feel free to contact our regional Drinking Water program permit coordinator, Purnachander Rao at (508) 767-2784 or purnachander.rao@state.ma.us.

Sincerely,



Andrea Lemerise

Acting Drinking Water Program Chief
MassDEP Central Regional Office

cc: DWP/Boston Office

McClure Engineering, Inc. 5 Masonic Home Rd., Charlton, MA 01507

Local Board of Health

DEP-CERO – WS Sanitary Survey File “File Copy”

WS Regional Correspondence Copy

W:\WS\DWP Scanned Document Archive (pdf copy)

Archive File Name: Y:\DWPArchive\CERO\Charlton-2054015-General-PWS Declassification-2012-09-05