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Submitted by med

Date 12/5/12

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TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
Tuesday – November 13, 2012

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

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 and a moment of silence for Paul Daoust who passed away last week.

II. Consent Agenda:

1. Minutes of Regular Meeting – October 2, 2012. **Motion by Mr. Singer to accept the minutes of October 2, 2012, seconded by Mr. Swensen, motion carries unanimously.**
2. Minutes of Special Meeting – October 16, 2012. **Motion by Mr. Swensen to accept the minutes of October 16, 2012, seconded by Mr. Singer, motion carries unanimously.**

III. Community Relations, Announcements and Open Forum:

- Chairman Boria read the announcements
- Mr. Singer thanked Mrs. Craver for helping him with the Charlton Middle School sixth graders to answer all their questions regarding local government for the upcoming MMA essay.
- Jeanette Casey, Veterans Agent thanked all the residents of Charlton for honoring the veterans this past week.
- Chief Pervier stated that the Toys for Tots boxes are located at Ted's, the Library, Police Department and the Town Hall.

IV. Appointments/Resignations:

1. Appointment – Full time patrolman. Mrs. Craver stated that as you know, Special Town Meeting approved the hiring of a full time police officer for the Charlton Police Department. Attached is a letter from Chief Pervier stating that there was only one eligible candidate who signed the official Certified Civil Service List – Certification #00314 dated October 23, 2012 prior to the November 2, 2012 deadline. Chief Pervier and Lt. Carl G. Ekman interviewed candidate Brandon M. Starkus for forty-five minutes and the respective decision made by both is to recommend and request that the Board of Selectmen appoint to the Charlton Police Department, Brandon M. Starkus of 147 Richardson Corner Road, Charlton MA as a full time patrolman contingent upon his successful completion of a physical, drug testing, psychological exam, firearms qualification and approval by the Massachusetts Human Resource Division. Mr. Starkus has a clean background, is a 2007 graduate of the full time M.P.T.C. Police Academy and has been gainfully employed as a full time patrolman with the Hopedale, MA Police Department since January 22, 2008, has a Bachelor of Science Degree in Criminal

Justice from Fitchburg State College, is certified as a E911 Administrator and serves as the Assistant Computer Maintenance Officer at his current agency. **Motion by Mr. Singer to appoint Brandon M. Starkus of 147 Richardson Corner Road as a Charlton full time patrolman contingent upon his successful completion of a physical, drug testing, psychological exam, firearms qualification and approval by the Massachusetts Human Resource Division, seconded by Mr. Swensen, motion carries unanimously.**

2. Appointment – Lakes & Ponds Committee. Mrs. Craver stated that as directed, Todd Girard – Conservation Agent, held a meeting for citizens interested in the lakes and ponds in Charlton. Attached are minutes from the first meeting with a list of citizens interested in being appointed to this committee. They are:

Frank Zappulla	Glen Echo
Tim Moran	Baker Pond
John Santos	Prindle Pond
Lori Fontaine	South Charlton Reservoir
Andrew McMohou	Glen Echo
Ziggy Waraszkiecz	South Charlton Reservoir
Jackie Nowak	Glen Echo
Lisa Westwell	Charlton Heritage Preservation Land Trust

Currently the Board has appointed the following to the Lakes & Ponds Task Force:

Jonathan Brooks	South Charlton Reservoir
Serafino DeFranco	Prindle Pond
Stanley Lewandowski	Pierpont Pond

Mrs. Craver would ask the Board to make the appointments as listed. For information, per the current town's bylaws, there is no limit to the amount of members that can be appointed. She also thanked Todd Girard for his work on this. **Motion by Mr. Singer to appoint the following people to the Lakes and Ponds task force:**

Frank Zappulla	Glen Echo
Tim Moran	Baker Pond
John Santos	Prindle Pond
Lori Fontaine	South Charlton Reservoir
Andrew McMohou	Glen Echo
Ziggy Waraszkiecz	South Charlton Reservoir
Jackie Nowak	Glen Echo
Lisa Westwell	Charlton Heritage Preservation Land Trust

seconded by Mr. Swensen, motion carries unanimously.

3. Appointment – Wiring Inspector. Mrs. Craver stated that as you are aware, our previous Wiring Inspector resigned due to moving out of town. Personnel Board Chairman Rachel Hartwig and Mrs. Craver interviewed the five (5) candidates that applied for the open position. They would recommend the Board appoint Joseph J. Ostrowski of 33 Smith Road as the Wiring Inspector for the Town of Charlton. He holds all the proper licenses needed to perform this work and has the necessary qualifications to do the job. He interviewed well and stressed his desire to work with the community. Charlton has a tradition of appointing inspectors who are available to meet with contractors and the public during the day and especially in case of daytime emergencies. Mr. Ostrowski has a position that gives him the ability to inspect during the day. He has no limits on how many hours he can work or be paid. We anticipate that the position will answer over 600 calls for inspection next year. The Town Accountant reports that in 2012, there were 511 inspections performed. His certifications are current and we found his personality to be a good match for working with the community. This position is appointed annually therefore this appointment would expire on June 30, 2013 where he would be up for

re-appointment as with all other re-appointments. Mrs. Craver would like to thank all the candidates for taking the time to meet and interview for this position. She also stated that there is a letter attached received from candidate Todd Chalupka. **Motion by Mr. Swensen to appoint Joseph Ostrowski as our Wiring Inspector, seconded by Chairman Boria.** Chairman Boria read Mr. Chalupka's letter. (attached) Mr. Singer stated that he has read all the information regarding Mr. Chalupka and Mr. Ostrowski and after reviewing it, he said they are both qualified candidates. **Vote on motion: motion carries 3 for, with Mr. Sellew abstaining.**

V. Scheduled Appointments:

6:45pm – Charlton Dudley Youth Football & Cheer. Mrs. Craver stated that the Charlton Dudley Youth Football and Cheer are seeking permission to hold a boot drive on one or more of the following dates: Saturday – November 24, 2012 and Saturday – December 1, 2012 from 9am – 12:00noon at the corner of Main Street and Masonic Home Road. They have two cheer teams and one football team with the possibility of going to Florida the first week of December. They will not be sure until the weekend of November 24, 2012. This request was forwarded to Chief Pervier for his recommendation. Chief Pervier is in support of the boot drive contingent upon the following safety precautions:

- All volunteers must wear bright colored vests;
- Orange traffic cones must be set out on Main St. and Masonic Home Road for a distance of not less than 50 feet on each respective way prior to reaching the boot drive location. A minimum of 5 traffic cones on each roadway should be put in place at a distance no greater than 10 ft. apart; and
- Signs warning “Voluntary Boot Drive Ahead” must be erected on both Masonic Home Road and Main St. not less than 75 feet from the toll station.

Should the Board approve the request, Mrs. Craver would ask them to consider adding the recommendations from Chief Pervier to the motion. Sue Gelb stated that this year there are three teams and it will be harder to raise the money that's why they are asking for two dates. **Motion by Mr. Swensen to approve the requests for boot drives for November 24th and December 1, 2012, seconded by Mr. Sellew, motion carries unanimously.**

7:00pm - Public Hearing – Tomski Trading – Alteration of Premises. Mrs. Craver stated that attached is a request from Tomski Trading Corp. asking for the following:

1. To alter the premises for their location at 27 Worcester Road which is to construct a new building as shown on the attached plans. It will have a sale area with a small storage area on the first floor, storage area in the basement and office space on the third floor, and
2. To change the corporate name/DBA from Tomski Trading Corp. to Tomski Trading Corp., d/b/a Ted's.

Mrs. Craver stated that all paperwork has been completed. A public notice was placed in the paper and the abutters have been notified by certified mail of the public hearing. Should the Board approve the request, it will be forwarded to the ABCC for final approval. Chairman Boria opened the hearing by reading the notice as placed in the paper. Attorney Caplette was present to answer any questions. With no questions or comments heard, **motion by Mr. Swensen to close the hearing at 7:03pm, seconded by Mr. Sellew, motion carries unanimously. Motion by Mr. Singer to approve the request of Tomski Trading Corp. located at 27 Worcester Road to alter the premises as shown on the attached plans and change the corporate name/dba to Tomski Trading Corp., d/b/a Ted's, seconded by Mr. Sellew.** Mr. Swensen stated that Tomski

Trading, Corp. has been very generous to our town and he would like to thank them and wish them well with moving forward. **Vote on motion: carries unanimously.**

VII. New Business:

1. Housing Production Plans – Mrs. Craver stated to please find attached an email from Alan Gordon – Town Planner and Trish Settles from CMRPC. Ms. Settles states that CMRPC is considering developing a grant application that would help communities develop a housing production plan. If successful, the primary cost to the community would be committee and staff time to guide the process from the municipal side. CMRPC would draft the plan for the town in accordance with DHCD regulations. The purpose of the Housing Production Plan is threefold:
 - * To provide guidance to the Town of Charlton with regard to the development of housing, particularly affordable housing;
 - * To fulfill the requirements of 760 CMR 56.03(4): Housing Production Plans;
 - * To be eligible for “Certified Community” status if the required number of housing units (0.5% of the towns housing units) are produced. “Certified” status would provide the town with more control over proposed Chapter 40B comprehensive permit housing development projects. Town Planner Gordon states that the proposed Housing Production Plan is a Planning Board project that they have been communicating with Ms. Settles during the past month. The Planning Board is interested in being considered as one of the recipients of the grant award for developing a local Housing Production Plan. The Planning Board will administer the housing plan project if we receive funding and would appreciate the Board’s routine application signature and support of the project for Ms. Settles to include in her overall submittal packet to the state. What is the Board’s wishes? Mr. Singer stated that he is aware that this is just to ask for a grant for consultation services with no commitment, before they can implement any policy or plans, what recourse do the people in Charlton have if they have concerns on the direction this takes? Mrs. Craver stated that there would have to be a public hearing where they would be able to state what their concerns are. Mr. Singer also asked if this would just go through the Planning Board or will it come to the Selectmen as well. Mrs. Craver isn’t sure. She stated that right now this is just for a plan. **Motion by Mr. Singer that we authorize the Town Administrator to endorse the Community Innovation Challenge Grant application by CMRPC to assist communities in the region with the cost effective development of housing production plans (HPPs) that will satisfy the requirement of such plans as stipulated in 760 CMR 56.03(4). Development of these plans in a coordinated manner across the region will be cost effective and will provide our town with a document that will guide our activities with regard to affordable housing production for a period of 5 years, seconded by Mr. Sellew, motion carries unanimously.**
2. Site plan application – Alexandro Santos. Mrs. Craver stated that we received a copy of a site plan application submitted to the Planning Board by Bertin Engineering on behalf of Alexandro Santos for approval to redevelop an approximately 2,500 square foot vacant industrial building and construct an accompanying 11 space parking lot to utilize for wholesale/light manufacturing usage. Said property is zoned Business Enterprise Park and is located northerly off of Route 2 and 299 Worcester Road. The Planning Board is asking the Board to review the plans and should you have any comments, that we notify them no later than Wednesday, November 21, 2012. No concerns.
3. FY14 Annual Town Meeting Calendar. Mrs. Craver stated that attached is a proposed FY14 draft ATM calendar for the Board’s consideration. Over the last 6 years, we have moved the budget process later and later due to the lack of funding and cuts. She would propose that we

look at returning to the extended process which begins with a month for departments to prepare their budget, then a month and a half for the TA to work with the departments, then the TA provides budget recommendations to the BOS in February then deliberation by BOS and Fin Com. The warrant used to be open from January until the beginning of March giving Boards and Committees additional time. Mrs. Craver stated that given that we are adding new personnel and this month's Beacon has a quote from the Administration and Finance Secretary Jay Gonzales saying that this year could end below the State's forecast. She would recommend a longer review period for the Finance Team to create the projections and an extended time for departments to quantify their budget requests. This is the schedule that was in place in 2006. According to the schedule, we will send out the paperwork for departmental budget requests at the end of the month and the Board would open the warrant at your January 8th regular meeting. **Motion by Mr. Swensen that we adopt the submitted budget calendar for FY14, seconded by Mr. Sellew, motion carries unanimously.**

4. Commonwealth Fueling Program Universal Card. Mrs. Craver stated that as you know, we have been researching to see if there was a valid warranty on the gas and diesel tank located at the landfill on Flint Road. A previous Town Meeting approved a sum of money to install a gas tank but we have been exploring other options before making that purchase. Since the tank on Flint Road failed, we have installed a diesel tank, but have been using local gas stations for regular gas. With this process, we have been paying taxes that we are exempt from. Another drawback is that the checks and balances are limited. Mrs. Craver is proposing utilizing a fuel card system for all gasoline purchases. This program is on the state bid list under Commonwealth Fueling Program, thus no formal procurement is required. This is the same program the State Police uses. Some of the components include:

- * Valuable rebates of up to 2-3 cents per gallon at more than 400 Gulf and Cumberland Farm locations throughout the state of Massachusetts. Plus an additional 1% volume rebate. That is a savings of about 6 cents per gallon;
- * Online account access to control and manage fleet purchases;
- * Tax exemption and reporting to qualified fleets to significantly reduce administrative time;
- * No set up fees or monthly card fees;
- * Universal Fuel Card that is accepted at 90% of all gas stations;
- * Fuel only restrictions – allows drivers to only use the card for fueling purchases

Mrs. Craver is more comfortable with this program than the present one which limits purchases to one gas station. The card system will allow gas purchases anywhere. Please find in your packets the program sheet and a powerpoint presentation. Bob Everts, Regional Fleet Manager for Gulf Oil Fleet Services is here to explain the program and answer any questions. She would ask for the Board's consideration in utilizing this program. Mr. Singer asked if this would exclude us from looking into getting our own tank again and Mrs. Craver said absolutely not. We are still looking into options. Chief Pervier stated that the card would be good to have for several reasons. During the past storm, the police had to go to Worcester to fuel because of no power. The gas card can be used in other communities if this should happen again. Mr. Singer would assume that if we put this in place that we would have a policy for it where the person using the card would have to go to the station with the greatest discount. Mrs. Craver stated that the station that we are currently using will be changing over to a Gulf and we will still be able to use them and get the discount. Mr. Everts came forward and explained how the system works. Mr. Swensen still feels that this would be a good back up plan for us but still feels that we should look into our own tank. Mr. Everts stated that there is no annual fee or monthly fee. The only charge the town would get is for the gas purchased and \$2 to replace any lost cards. **Motion by Mr. Swensen that we sign up and participate in the Commonwealth Fueling Program, seconded by Mr. Sellew, motion**

carries unanimously.

5. Community Innovation Grant – round two Stormwater Management Services application for the 2012 – 2013. Mrs. Craver stated that as the Board is aware, we are in the process of submitting a second Community Innovation Challenge grant proposal. We will be seeking \$200,000 (the maximum for existing projects) for project expansion which includes the budget task for educating/training new communities on the initial grant tasks and also budget funding for the task of implementing the services drafted in the General Consultant Services RFP. What is most important at this time, as we prepare to submit our next application on November 30, 2012, is getting each town to have their Board's of Selectmen to sign-off on the application. Please see attached the 2012 CIC Town Signature page. If you are okay with the next phase, we need a vote from this Board authorizing us to proceed with the application. Just a note, there is an additional 25 communities that are interested in joining the original 13 towns. **Motion by Mr. Swensen that we authorize the Town Administrator to move forward on the next phase of the Community Innovation Grant, seconded by Mr. Sellew, motion carries unanimously.** Mrs. Craver to sign contract as Town Administrator.
6. Window Air Conditioners – Town Hall. Mrs. Craver stated that after discussing with Chairman Boria some concerns regarding some Departments requesting that their air conditioners remain in their offices all year, he thought it best to have this item be placed on the agenda for discussion. Two major concerns are: Air conditioners that remain installed leave some offices very cold in the morning when the office opens and it wastes energy. The Council on Aging Directors office is the only office that Mrs. Craver is aware of that the air conditioning has been screwed into the window and cannot be replaced but it can be covered to stop the heat loss. Does the Board wish to have a policy for this? Mrs. Craver recommended for those offices that are still warm in the winter, that they could use fans. Chairman Boria stated that he asked Mrs. Craver to put this on the agenda. He feels that the air conditioners should be taken out of the windows to keep as much heat in the building that we can and would ask the board to create a policy or a directive that all air conditioners be removed and then see what problems arise from that. **Motion by Mr. Singer to have all air conditioners taken out and to provide an insulated cover for the Council on Aging Director's office, seconded Mr. Sellew, motion carries unanimously.** Mr. Swensen would ask the Town Administrator to work with departments that are uncomfortable with the air in their office and to make sure they are working in a comfortable area.

VIII. Old Business:

1. Agreement for residential refuse and recyclables. Mrs. Craver stated that in meeting with representatives from Casella regarding the residential refuse and recyclables clause in the current contract that we have with them, they have agreed to provide the services as stated in the original contract for refuse and recyclables with two changes that are attached for your review. The Board of Health was supposed to meet to review this as well at their meeting on October 30, 2012 but it was cancelled. They have been invited to tonight's meeting. Mrs. Craver would ask and recommend that if no Board of Health representatives can attend the Board's meeting regarding this issue, that the Board vote to approve the agreement with Casella pending approval from the Board of Health. Mrs. Craver has not heard from the Board of Health but they were aware this was on the agenda tonight. They have invited the Board of Selectmen to their next meeting. **Motion by Mr. Singer to approve the agreement pending approval from the Board of Health, seconded by Mr. Swensen for discussion.** Mr. Swensen wants to be clear that if we adopt option 2 it won't limit us if the citizens wish to go with option 1 in the future. He does not want to give up the right if the citizens wish to have a drop off center in town. Mrs. Craver read the agreement. **Motion carries**

unanimously. Mrs. Craver asked if the Board authorized either the Chairman or Town Administrator to sign and Chairman Boria stated that the Town Administrator can sign the agreement.

2. Police Department – Lt. Duties. Mrs. Craver stated that Chairman Boria asked that this item be placed on the agenda to discuss the duties of the Police Lieutenant. Attached is a copy of the portion of the police contract that deals with the Lieutenant as well as the job description for Lieutenant. Chairman Boria stated that what brought this to his attention was when we were talking to the Chief about the 19th officer and we mentioned how we negotiated in the additional duties that the Lieutenant could do that we bargained with the union and the Chief said he was not going to have him do any of those duties. Chairman Boria would like to talk to the Chief to see what duties the Lieutenant is doing and see if this board is acceptable with that and see if there is any other discussion to be had. Chairman Boria also stated that at that time the Chief stated that the Lieutenant is also working on light duty at this time. He would like to see where this goes and what the Board's wishes are. He thought with the Chief using the Lieutenant in this expanded capacity, it would be a cost benefit to his department. He asked Chief Pervier what his thoughts are and what he plans to do. Mr. Singer stated he believes that contract only passed and had the approval of this whole board because everyone was under that exact impression that the Chief would be able to use the Lieutenant to alleviate some of this problem. Chief Pervier stated that after the meeting that was held to discuss this, he met with the union president and his understanding initially was that the Lieutenant can be used for court duty which is what the chief has been having him doing when needed. In fact and Chairman Boria was correct, if he needed to use the court officer for patrol, then he can put the Lt. in that capacity and put the court officer on patrol which does save on overtime. The Lt. has been used in two different drug searches. He is also writing grants. There has been a change in software and the Lieutenant has been working on Saturdays and Sundays to get this running. These are days he's not assigned. He also serves as the town's Emergency Management Director. The town is well served by the performance of Lt. Ekman. Chairman Boria stated to the Chief that the way he is talking that we should hire him as a grant writer and get him a Lieutenant. The Chief provided the Board with a list of 22 items that he does. Chairman Boria stated that he would like to talk about the position and how it's utilized and not the person in it. Mr. Singer stated that the Chief does have the deciding power over his personnel but the last two bargaining sessions, the end result the bargaining session gave you as Chief, powers. Mr. Swensen stated that the purpose of using the Lieutenant is for saving cost on overtime. He would never question the dedication by Lt. Ekman to his job and to the services he provides to the town. Mr. Swensen does feel that we should look at the position. The hope was to be able to utilize the Lieutenant and the auxiliary's to cut down the cost of overtime. Mr. Sellew stated that knowing the Lieutenant is still on light duty, he has done an outstanding job. Mr. Singer stated that no one here would ever question what the Lieutenant has done or does for the town. The issue is not about the Lieutenant. The issue is about the Lieutenant's position, not the person in it. One thing we need to find out is that if he is on light duty, when is he going back on regular duty. Chairman Boria stated that that discussion is set for executive session. Chairman Boria asked if the Board of Selectmen's office was notified when the Lieutenant went on light duty and the Chief stated yes. Mrs. Craver stated that if we are going to be talking about light duty and any medical issues and if anyone is going to bring up the Lieutenant's personnel history outside of the actual position, you should do that in executive session. There are strict requirements for that. She just wanted to be really clear that the discussion that could be talked about right now would be strictly the Lieutenant's position and if you wish to talk about light duty as far as the person, you must go into executive session. Chairman Boria asked if someone gets hurt on duty, the Chief follows

up with this with Board in letter form correct? Chairman Boria would like to see the duties of the Lieutenant that have been outlined prioritized more. Chief Pervier stated that with the Lieutenant also being appointed by the Town as the Emergency Management Director that has requirements that come with the job. There are filing requirements and he meets those tasks at hand. This town has enjoyed the reimbursements because he takes care of all the paperwork and items needed after some of the storms. Chairman Boria stated that maybe if the job description for the Emergency Management Director is that important, then maybe it should be taken out so you can have a full time Lieutenant. Mr. Singer asked if it would be worth pursuing to have a few more exploratory meetings for discussion. Mr. Swensen would recommend looking at the job description for the Lieutenant and reviewing it with the list of duties that the board was provided with. Chairman Boria recommended setting up a sub-committee to review the job description. Mr. Sellew would volunteer as well as Mr. Swensen. Mr. Swensen stated that he is looking at this to see if we are using the Lieutenant position to the fullest. After discussion, Mr. Sellew withdrew his request to volunteer due to his position. Mr. Singer stated that he would volunteer but doesn't feel he might be the best person for this. Discussion by the Board was to have the whole board meet to discuss on an off Tuesday, December 4, 2012. The chief was asked to stay for executive session to provide an update.

IX. Student Selectperson Report – Michaela Carofaniello gave her first report as Student Selectperson for the year 2012-2013. The Board welcomed her.

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

XI. Other Business:

Mr. Singer brought up Easy ID otherwise known as Molly's law. It basically changes the way license plates are designed. It makes it easier for people at a glance to recognize. It passed in the house but is still waiting in the senate. He would like to ask this board to have our Town Administrator craft a letter to our Representatives, Senator and Governor plus the leadership of both parties in the house to please get the law passed. He would also ask the Town Administrator to notify all other Town Administrator's that she knows in the MMA and other Boards of Selectmen to help get this done. Mrs. Craver stated she doesn't know much about the law and asked if Mr. Singer would like it on the next agenda. Mr. Singer would like the letter sent now. It's that simple that it's just changing the license plates system of numbering to make it easier. Chairman Boria would ask that Mr. Singer give the board a chance to review the law first and asked to put it on the next agenda. Mrs. Craver to get Police Chief's thought on this as well.

Mr. Sellew wanted to thank our Town Clerks and election staff for doing an outstanding job during the election.

XI. Next Meeting Announcement:

- Next Regular Board of Selectmen Meeting – November 27, 2012
- Special Selectmen's Meeting – November 20, 2012 – 6:30pm with Water/Sewer Commissioners

XII. Adjourn/Executive Session:

Motion by Mr. Swensen that the Board enter into executive session at 8:15pm 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 may have a detrimental effect on the bargaining or litigating position of the public body if the chair so declares, seconded by Mr. Singer. Roll call vote taken: Mr. Swensen – 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.

Motion by Mr. Singer to adjourn at 9:10pm, seconded by Mr. Sellew, motion carries unanimously.

Submitted by:
Mary C. Devlin
Administrative Assistant

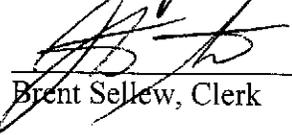
Accepted by:



Peter J. Boria, Chairman



Frederick C. Swensen, Vice-Chairperson



Brent Sellew, Clerk

David M. Singer, Member



Kathleen W. Walker, Member (absent)



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MEMORANDUM

TO: Board of Selectmen

FROM: Robin L. Craver, Town Administrator

DATE: November 7, 2012

SUBJECT: Town Administrator's Report – for Selectmen's meeting of 11/13/12

Community Innovation Grant: As you know we were part of the 2012 CIC grant award for 13 towns for stormwater management. The Department of Administration and Finance has just released the next grant round and have earmarked an additional \$200,000 for expanded projects for those communities that received a grant in the first round. Please find attached a sample of a letter that was sent to 22 other towns. Also, as you know, I presented on behalf of the group at the Annual Conference for Regionalization. It was well received and I've had many inquiries from other communities about our process.

General Code: We have been working with General Code to recodify the By-laws. I have also contacted the Bylaw Committee to help this project move along.

Bulletproof Vest Partnership FY2012 Award: We have been notified by the Bureau of Justice Assistance that the Charlton Police Department will receive an award under the Fiscal Year (2012) Bulletproof Vest Partnership solicitation in the amount of \$2,000 to purchase National Institute of Justice compliant armored vests which were ordered on or after April 1, 2012.

Wetlands Restoration - Attached is a letter from the Department of Environmental Protection who conducted a final inspection pertaining to the wetlands restoration required at the Charlton Landfill site located off Flint Road. The DEP finds that the total combination of restoration and replication of wetlands accomplished at the site was great than that which was required in the Order and that the entire site was very stable. Therefore, all the requirements of ACO-CE-10-6W003 have been complied with and there are no further obligations on the Town's part regarding that consent order.

Town Collector – We have been notified by the Board of Certification of the Massachusetts Collectors & Treasurers Association that they have renewed for an additional period expiring December 31, 2017, the certification for Lucia Blanchette, Town Collector. Congratulations to Mrs. Blanchette.

Casino Legislation: Attached are letters from Senator Brewer, Representative Durant and the Massachusetts Gaming Commission regarding the letter you requested to be sent regarding the Casino Legislation. The Gaming Commission is unable to rearrange the general boundaries but will consider the Board's other request. Commissioner Jim McHugh will be in touch with our office to discuss further.

Water Assessments – We received an update from Senator Brewer's office regarding the Water Assessments bill 4023. It has been engrossed in the house and senate.

Hurricane Sandy: I would like to thank all the staff and volunteers that came out during Hurricane Sandy to help those in need. A shelter was opened in the Senior Center. We have received one notice of a vehicle accident involving Car 1 for the Fire Department where a tree fell across the windshield of the vehicle due to the high wind. A tow truck had to be called. The insurance company has been notified and the vehicle is being assessed.



Central Massachusetts Regional Stormwater Coalition

October 16, 2012

Mr. John Lebeaux
Town Administrator
6 Town Hall Drive
Princeton, MA 01541

**RE: 2012 Community Innovation Challenge Grant
Expansion of Regional Municipal Stormwater Management in Central Massachusetts**

Dear John:

As you may know, the State's Executive Office of Administration & Finance (A & F) initiated the Community Innovation Challenge (CIC) Grant Program in 2011. The Program was designed to "incentivize innovation among local governments through regionalization and other reforms and efficiencies to maintain critical local services and stretch every tax payer dollar as far as possible."

In 2011, the Towns of Auburn, Charlton, Dudley, Holden, Leicester, Millbury, Oxford, Paxton, Shrewsbury, Spencer, Sturbridge, Webster, and West Boylston submitted a CIC application for Regionalizing Municipal Stormwater Management in Central Massachusetts through Collaborative Education, Data Management, and Policy Development. This application for \$310,000 was fully funded and has helped these communities develop stormwater management tools or expand existing stormwater management programs in order to comply with the MS4 requirements of the US EPA. This group of communities is known as the Central Massachusetts Regional Stormwater Coalition (CMRSWC).

Some of the tasks accomplished by 2011 project funding include a training DVD for Town Personnel and Volunteers, an Educational Website, an On-line Database and Integrated Regional Infrastructure Mapping, a Stormwater Pollution Prevention Plan template for municipal properties, a Best Management Practices Tool Box, and Standard Operating Procedures.

Recently, A & F announced the 2012 CIC Grant Round which allows for applications for expansion of previously approved projects. The CMRSWC is in the process of developing an application for expansion which will be seeking to add additional towns to the Coalition and also to seek funds for additional stormwater management tasks. Inclusion in the 2012 CIC Grant application will enable those new towns to access and be educated on the previous project tasks as well as benefit from the new tasks.

Members of the CMRSWC Steering Committee will be holding an information session for those communities that are interested in joining the coalition on Tuesday, October 30, 2012 at 9:00 a.m. at Union Hall at CMRPC, Union Station, Worcester, MA. If you are interested in attending



Central Massachusetts Regional Stormwater Coalition

this session or becoming part of the Coalition, please contact either Robin Craver at robin.craver@townofcharlton.net or Adam Gaudette at agaudette@spencerma.gov.

We will be showing a PowerPoint presentation demonstrating how the CIC funding has benefitted the project participants, which was recently presented at the State's 2012 Regionalization Conference at Holy Cross in September. We will also be discussing municipal requirements and obligations for the 2012 CIC application which is due at A & F on November 30, 2012.

Please feel free to view the Coalition's Website at www.CentralMAStormwater.org which is continuously developing as we accomplish our project goals.

If you have any questions, please do not hesitate to contact us at the emails listed above.

Best regards,

Robin Craver

Robin Craver
Charlton Town Administrator

Adam Gaudette

Adam Gaudette
Spencer Town Administrator

Cc: CMRSWC Steering Committee

Devlin, Mary

From: Craver, Robin
Sent: Tuesday, October 16, 2012 5:03 PM
To: Devlin, Mary
Subject: FW: Bulletproof Vest Partnership FY 2012 Award Announcement

Please add to TA Report- \$2,000

Sincerely,

*Robin Leal Craver, Town Administrator
Town of Charlton
37 Main Street
Charlton, MA 01507
508-248-2206 office
508-243-3905 cell*

From: owner-bvp-list@ojp.usdoj.gov [<mailto:owner-bvp-list@ojp.usdoj.gov>] **On Behalf Of** BVP
Sent: Tuesday, October 16, 2012 3:50 PM
Subject: Bulletproof Vest Partnership FY 2012 Award Announcement

The Bureau of Justice Assistance (BJA) is pleased to inform you that your agency will receive an award under the Fiscal Year (FY) 2012 Bulletproof Vest Partnership (BVP) solicitation. These funds have been posted to your account in the BVP system. For questions regarding the BVP Program or your award, please do not hesitate to contact the BVP Help Desk at vests@usdoj.gov or 1-877-758-3787.

A complete list of FY 2012 BVP awards is available at: <http://www.ojp.usdoj.gov/bvpbasi/>

The FY 2012 award funds may be used for National Institute of Justice (NIJ) compliant armored vests which were ordered on or after April 1, 2012. The deadline to request payments from the FY 2012 award funds is August 31, 2014, or until all available 2012 awards funds have been requested. Please see the following websites for a list of NIJ compliant vests:

Ballistic Vests: <http://nij.gov/nij/topics/technology/body-armor/compliant-ballistic-armor.htm>
Stab Resistant Vests: <http://nij.gov/nij/topics/technology/body-armor/compliant-stab-armor.htm>

As a reminder, all jurisdictions that applied for FY 2012 BVP funding certified during the application process that a mandatory wear policy was in place for their jurisdiction. BJA will be conducting reviews of the mandatory wear policies as funds are requested from the BVP system. For more information on the BVP mandatory wear policy, please see the FAQs here: <http://www.ojp.usdoj.gov/bvpbasi/docs/FAQsBVPMandatoryWearPolicy.pdf>

Thank You.

BVP Program Support Team



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

OCT - 2 2012

October 1, 2012

Robin L. Craver
Town Administrator
37 Main Street
Charlton, MA 01507

Re: Wetlands - Compliance Letter
Administrative Consent Order
ACO-CE-10-6W003

Dear Ms. Craver:

On August 29, 2012, on behalf of the Massachusetts Department of Environmental Protection, I met with representatives of Town of Charlton and conducted a final compliance inspection with Laura Bugay of CDM Smith Inc. pertaining to the wetlands restoration required at the Charlton Landfill site located off Flint Road in the town of Charlton.

The results of that inspection and meeting are outlined in a letter to me from CDM Smith dated September 13, 2012. In summary the Department finds that the total combination of restoration and replication of wetlands accomplished at the site was greater than that which was required in the Order and that the entire site was very stable.

Therefore all the requirements of ACO-CE-10-6W003 have been complied with and there are no further obligations on your part regarding that Consent Order.

If there are any further questions regarding this matter, please call me at (508) 767-2728.

Sincerely,

Philip Nadeau, Chief
Wetlands Protection Program
Bureau of Resource Protection

cc: CDM

James McQuade, Mass-DEP
Charlton Conservation Commission
Board of Health, Charlton

*Massachusetts
Collectors and Treasurers
Association*



Michael J. Hanlon, Jr. - Executive Director
510 King Street
Littleton, MA 01460

Phone: (978) 952-6644
Fax: (978) 952-6655
E-mail: masscta@aol.com
www.masscta.com

10/15/2012

October 15, 2012

Honorable Board of Selectmen
Town of Charlton
37 Main Street
Charlton, MA 01507

Dear Members of the Board:

We are pleased to advise you that the Board of Certification of this Association has renewed for an additional period expiring December 31, 2017, the Certification of the Collector of your town, Lucia Blanchette.

Candidates are eligible for renewal of their Certification as a Certified Massachusetts Municipal Collector every five years. Renewal is granted only to those previously Certified candidates who continue to attend the Annual School of this Association at the University of Massachusetts at Amherst in August of each year and successfully complete the required courses in municipal law, finance and administration.

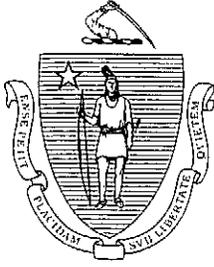
We want to congratulate and thank the good people of your town for supporting the efforts of their Collector, which culminated in this achievement and honor. We are confident they will continue to support such efforts as we are equally confident they agree, the better informed and more knowledgeable the public official, the better the community is served.

With all good wishes,

Sincerely,

Michael J. Hanlon, Jr., Executive Director
Massachusetts Collectors and Treasurers Association

MJH/dfo



The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

SENATOR STEPHEN M. BREWER

Worcester, Hampden,
Hampshire and Franklin District

STEPHEN.BREWER@MASENATE.GOV
WWW.MASENATE.GOV

OCT 22 2012

Chairman
COMMITTEE ON WAYS AND MEANS

STATE HOUSE, ROOM 212
BOSTON, MA 02133-1053

TEL. (617) 722-1540
FAX (617) 722-1078

October 18, 2012

Peter J. Boria, Chair
Board of Selectmen
37 Main Street
Charlton, MA 01507

Dear Chairman Boria:

I am writing to follow up on your concerns relative to the development of casinos in the Commonwealth.

Please find enclosed a copy of correspondence that I have received from Stephen Crosby, Chairman of the Massachusetts Gaming Commission, relative to this matter. It is my understanding from Chairman Crosby that while the Commission is unable to rearrange the general boundaries, it will consider your other requests. It is my further understanding that Commissioner Jim McHugh will contact you directly to discuss these items.

It is a pleasure to be of service to you and the residents of Charlton. If I may be of any assistance to the town in the future, please do not hesitate to contact me.

Sincerely,


STEPHEN M. BREWER
State Senator

SMB/kc
Enclosure



OCT 17 2012
The Commonwealth of Massachusetts
Massachusetts Gaming Commission

*84 State Street, Suite 720
Boston, Massachusetts 02109*

TEL: (617) 979-8400
FAX: (617) 725-0528
www.mass.gov/gaming

CHAIRMAN
STEPHEN P. CROSBY
COMMISSIONERS
GAYLE CAMERON
JAMES F. MCHUGH
BRUCE W. STEBBINS
ENRIQUE ZUNIGA

October 15, 2012

The Honorable Stephen M. Brewer
Chairman, Committee on Ways & Means
Massachusetts Senate
Commonwealth of Massachusetts
State House, Room 212
Boston, MA 02133-1053

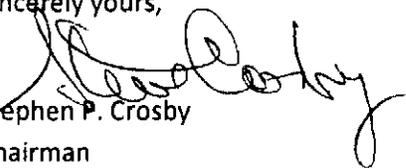
Dear Chairman Brewer:

I'm in receipt of your letter of September 26, covering the September 24 letter from the Charlton Board of Selectmen.

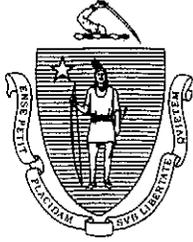
As you probably noted, the selectmen have made a request that we rearrange the general boundaries for licensing casinos which were prescribed in our enabling Legislation, a request we obviously cannot honor. The letter does make a couple of additional requests which we will discuss with the Board of Selectmen. Commissioner Jim McHugh will be in touch with Chairman Borea of the Board directly, and he will copy you on any correspondence concerning these matters.

Thank you again for your continuing attention to these important issues.

Sincerely yours,


Stephen P. Crosby
Chairman

CC: Commissioner James McHugh



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

✓ 809
TA Report

PETER J. DURANT
STATE REPRESENTATIVE
6TH WORCESTER DISTRICT

OCT 17 2012

Committees:
Transportation
Elder Affairs

STATE HOUSE, ROOM 33
TEL. (617) 722-2060
Peter.Durant@MAhouse.gov

September 28, 2012

Charlton Board of Selectmen
37 Main St.
Charlton MA, 01507

Re: Proposed Casino Legislation

Dear Board of Selectmen,

I want to thank you for writing to my office with your concerns regarding casino gaming in Massachusetts.

These are certainly valid concerns, and we need to ensure that gaming in the Commonwealth is implemented carefully with the best interests of the cities and towns of our state in mind. I will gladly pass your concerns on to Mr. Stephen Crosby, Chairman of the Massachusetts Gaming Commission, and to the commission as a whole.

I can say that efforts were made during the legislative process to address your primary concern of equitable regionalization. In fact there was an amendment filed that would have redrawn the boundaries of the gaming commission's proposal regions so that Central Mass. would have fallen into the Western Region. That amendment, however, failed along party lines.

Regarding the additional two concerns that were raised, I do believe that the gaming bill includes the significant measures that are needed to protect both the host communities as well as those surrounding communities.

Again, thank you for writing with your concerns, and I will happily pass these along to the gaming commission.

Sincerely,

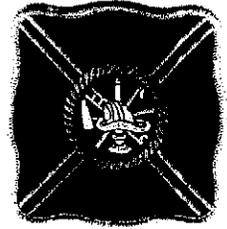
Peter Durant
State Representative,
6th Worcester District



TOWN OF CHARLTON

Fire Department

PO Box 114, Charlton City, MA 01508
Phone 508-248-2299 Fax 508-248-6190
Headquarters Located at 10 Power Station Road
Chief Charles E. Cloutier Jr.



Bo
09/20/12

October 30, 2012

Peter Boria
Chairman
Board of Selectman
37 Main Street
Charlton, MA 01507

OCT 31 2012

RE: Collision with Car 1

Dear Mr. Boria;

Please accept this letter as to the events leading up to, and involving the Town vehicle known as Car 1. On the day of the Hurricane Sandy October 29, 2012 at about 1835, returning from the Dudley Fire Department after looking at a 20 KW generator that we could possibly use at the fire station. As the fire station generator had broken due to the storm.

During the drive back to town, I was traveling north on #2 Dresser Hill Road in Dudley, MA. when a tree fell across the windshield of the vehicle, due to the high wind. I slammed on the brakes and initially stopped, but soon sped up to get out of the fall zone of other trees or wires. Moving forward to the intersection of #2 Dresser Hill Road and Baker Pond Road, I was able to exit the vehicle and assess the damage, determining that a tow truck would be the only option to bring the vehicle back to town.

After seeing the vehicle in the daylight, it is my belief that the insurance company needed to be contacted to have an appraiser look at the truck. The claim number is M12AP72302 and the contact name is Christina Katsabiris 781-939-6838.

I will continue to follow up with the insurance company.

If you need any other information please contact me at your convenience.

Sincerely,

Charles E. Cloutier Jr. – Chief of the Department

"Serving with Integrity, Honesty and Compassion"

Board of Selectmen's Meeting 11/13/12

Student Report

- First term ended November 9
- Mr. Shepherd Hill Thursday the 15th
- Music Parents Association is putting on the Festival of Crafts Saturday from 9-4
- Tuesday the 20th we have Pep Rally to celebrate the Thanksgiving football game against Tantasqua, which will be held at Tantasqua this year
- Friday the 23rd the Victory Dance will be held at Shepherd Hill to celebrate the victory of the Thanksgiving day football game
- We had a successful athletic season this fall, most of our teams made it to district playoffs
- This weekend the cheerleaders will be competing in States
- The band placed 4th on Sunday at a competition at Metlife Stadium in New Jersey

Todd Chalupka
13 Off Shore Drive
Charlton, MA 01507
(508) 735-5024

November 11, 2012

Town of Charlton
Board of Selectmen
37 Main Street
Charlton, MA 01507

To the Board of Selectmen,

As you are aware, appointment of the wiring inspector is on the Board of Selectmen agenda for Tuesday, November 13th. It is my request that copies of this letter be handed to each board member and that it is read, in its entirety, during the meeting prior to voting.

As an applicant for the position of wiring inspector, I would like to ensure that the board is informed of my history with the town and my qualifications. I have been a town resident for my entire life and operated an electrical contracting business in town for over twenty years. The business is no longer in operation due to my employment as an electrical instructor at Bay Path. I am currently the assistant wiring inspector and have handled all wiring inspections and other responsibilities since the retirement of James Jones on September 12th.

My qualifications for the position include a Massachusetts Journeyman electrical license, which I have held for 23 years and a Massachusetts Masters electrical license, which I have held for 21 years. I also hold a Massachusetts Educators license for the electrical field permitting me to teach the electrical code and trade. In addition to the licenses, I have many years of hands-on and teaching experience in residential, commercial, and industrial wiring, as well as, alternative energy sources such as solar and wind.

Lastly, I would like to address the concerns of Ms. Craver regarding my potential appointment. A conflict of interest concern has been resolved through a determination from Attorney Norah Mallam at the State Ethics Commission. Ms. Craver has received written and verbal documentation of the attorney's decision. For your reference, a summary of the law and how it is applicable to this situation is attached. Additional considerations of "teamwork, daytime availability, and commitment to community priorities" were mentioned. I believe my rapport with town officials and employees speaks of my "teamwork" skills. I had encouraged the board to contact town officials and preceding wiring inspectors for comments regarding my character. My employment at Bay Path allows for excellent availability for inspections and other position responsibilities. I am available for early morning calls and for inspections weekday afternoons and evenings, weekends, all day during summer months, and school vacations. I also have proven my "commitment to community priorities", both past and present, by my donation of over \$4000 of material and labor to the library, and most recently donating my time to the Charlton Fire Department due to a power failure. Finally, I have responded to all emergencies in a timely manner as assistant wiring inspector.

I believe through the determination by the State Ethics Commission attorney and many conversations with Ms. Craver, each concern that has been brought to my attention has been addressed and resolved. I am hopeful that my history with the town and my qualifications make me a strong candidate for the position. I would like to thank you in advance for your consideration.

Sincerely,

Todd Chalupka

Conflict of Interest Law Summary

Section 20 of G.L. c. 268A, the conflict of interest law, generally prohibits a municipal employee (paid or unpaid, appointed or elected, full-time or part-time) from having a financial interest, directly or indirectly, in a contract made by an agency of the municipality in which he serves. However, the section also provides numerous exemptions from this prohibition.

I contacted Attorney Norah Mallam at the State Ethics Commission for advice in regards to the Conflict of Interest Law and how it may apply to my situation. Attorney Mallam was informed about my employment at Bay Path and my interest in the Wiring Inspectors position. She determined that a simple 20(b) disclosure form would be the only requirement to satisfy the law and prevent any conflict of interest.

Explanations of each criteria statement below were given by Attorney Mallam.

UNDER G.L. c. 268A, § 20(b)

FINANCIAL INTEREST IN A MUNICIPAL CONTRACT SUMMARY

You are a municipal employee. You wish to have a financial interest, directly or indirectly, in a contract made by a municipal agency other than the one you serve. To be eligible for an exemption under § 20(b) of the conflict of interest law, you must meet certain requirements, explained below, and you must file a § 20(b) disclosure with the city or town clerk. If the contract is for your personal services, you must get a written certification from the head of the agency that makes the contract and written approval of the exemption from the city council, board of aldermen, board of selectmen or town council.

This financial interest may be:

A **non-elected, compensated municipal position**, or

A direct financial interest in a **contract between a municipal agency and you**; or

An indirect financial interest in a municipal contract – in other words, you have a **financial stake in a contract or transaction between a municipal agency and someone else**, such as a company or organization.

You may be eligible for an **exemption under § 20(b)**, however, that will allow you to have such a financial interest in a municipal contract. To use a § 20(b) exemption, you must be able to meet the following requirements:

- 1) The municipal agency that you serve as a municipal employee ("your Municipal Agency") is **not the same municipal agency** that makes the contract in which you have a financial interest ("the contracting agency") – you are not already employed by the contracting agency;
(Bay Path is not hiring me for the Wiring Inspectors position)
- 2) Your Municipal Agency **does not regulate** the activities of the contracting agency;
(Bay Path does not regulate the activities of the Board of Selectmen)
- 3) In your position as a municipal employee, you **do not participate in or have official responsibility** for the activities of the contracting agency; and
(my Bay Path position does not participate in or have official responsibility for the Board of Selectmen)
- 4) The municipal contract was made after **public notice** (i.e., the city or town advertised the opportunity so members of the public could apply or compete for it) or through **competitive bidding**.

If you can meet all of these requirements, you must complete a **§ 20(b) disclosure** that fully discloses your interest and the interests of your immediate family in the municipal contract and file it with the city or town clerk.

PERSONAL SERVICES CONTRACTS

There are additional requirements if you have a financial interest in a **contract for personal services**, i.e., you will **work directly for a municipal agency** as an employee, independent contractor, consultant, etc. In that case, it must be true that:

- 1) the services will be provided **outside your normal working hours** as a municipal employee;
(inspections will not be performed during school hours)
- 2) the services are **not required as part of your regular duties as a municipal employee**; and
(inspections are not required as part of my regular duties as a Bay Path school teacher)
- 3) you are compensated for your services under the personal services contract for **not more than 500 hours** during a calendar year;

(It was brought to my attention that 511 wiring inspections were performed last calendar year. I contacted preceding wire inspectors for comment in regards to average time per inspection. James Jones was quoted as stating "less than 20 minutes per inspection". Clarence Bachand, the wiring inspector for 43 years prior to Mr. Jones, was quoted as stating "each inspection was 15 to 20 minutes on average". Using these averages, the 511 inspections total an approximate 250 hours. In addition, Attorney Mallam stated that the law only has restrictions for compensated hours, which are at my discretion. Attorney Mallam also stated that I may work as many hours as needed without compensation if necessary.)

For a personal services contract, you must complete a **§ 20(b) disclosure**, and

a.

the **head of the contracting agency** must make a **written certification** that no employee of that agency is available to perform those services as part of their regular duties, and

(Justifying the need to fill the position-example: the building inspector is not qualified to perform wiring inspections.)

b.

you must get **approval of the exemption from the city council, board of aldermen, board of selectmen or town council**; and

c.

your Disclosure, showing the necessary certification and approval, **must be filed with the city or town clerk.**

**DISCLOSURE BY MUNICIPAL EMPLOYEE
OF FINANCIAL INTEREST IN A MUNICIPAL CONTRACT
AS REQUIRED BY G. L. c. 268A, § 20(b)**

	MUNICIPAL EMPLOYEE INFORMATION
Name of municipal employee:	Todd Chalupka
Title/ Position	Electrical Instructor
Fill in this box if it applies to you.	If you are a municipal employee because a municipal agency has contracted with your company or organization, please provide the name and address of the company or organization.
Agency/ Department	Southern Worcester County School District / Bay Path Vocational High School
Agency Address	57 Old Muggett Hill Road Charlton, MA. 01507
Office phone:	508-248-5971
Office e-mail:	508-248-4747
	Check one: <input type="checkbox"/> Elected or <input checked="" type="checkbox"/> Non-elected
Starting date as a municipal employee.	8/30/2010
BOX # 1	ELECTED MUNICIPAL EMPLOYEE
Select either STATEMENT #1 or STATEMENT #2.	I am an elected municipal employee.
Write an X beside your financial interest.	<input type="checkbox"/> STATEMENT #1: I had one of the following financial interests in a contract made by a municipal agency before I was elected to my municipal employee position. I will continue to have this financial interest in a municipal contract. OR <input type="checkbox"/> STATEMENT #2: I will have a new financial interest in a contract made by a municipal agency.
	My financial interest in a municipal contract is:
	<input type="checkbox"/> I have a non-elected, compensated municipal employee position.
	<input type="checkbox"/> A municipal agency has a contract with me.
	<input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.
	<input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.
BOX # 2	NON-ELECTED, COMPENSATED MUNICIPAL EMPLOYEE
Select either STATEMENT #1 or STATEMENT #2.	I am a non-elected municipal employee.
	<input type="checkbox"/> STATEMENT # 1: I had one of the following financial interests in a contract made by a municipal agency before I took a position as a non-elected municipal employee. I will continue to have this financial interest in a municipal contract.

<p>Write an X beside your financial interest.</p>	<p>My financial interest in a municipal contract is:</p> <p><input type="checkbox"/> A municipal agency has a contract with me, but not an employment contract.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p>-- OR --</p> <p><input type="checkbox"/> STATEMENT # 2: I will have a new financial interest in a contract made by a municipal agency.</p> <p>My financial interest in a municipal contract is:</p> <p><input checked="" type="checkbox"/> I have a non-elected, compensated municipal employee position.</p> <p><input type="checkbox"/> A municipal agency has a contract with me.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p><input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.</p>
<p>FINANCIAL INTEREST IN A MUNICIPAL CONTRACT</p>	
<p>Name and address of municipal agency that made the contract</p>	<p>Town of Charlton 37 Main Street Charlton, MA. 01507</p>
<p>Please put in an X to confirm these facts.</p>	<p>"My Municipal Agency" is the municipal agency that I serve as a municipal employee.</p> <p>The "contracting agency" is the municipal agency that made the contract.</p> <p><input checked="" type="checkbox"/> My Municipal Agency is not the contracting agency.</p> <p><input checked="" type="checkbox"/> My Municipal Agency does not regulate the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> In my work for my Municipal Agency, I do not participate in or have official responsibility for any of the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> The contract was made after public notice or through competitive bidding.</p>
<p>FILL IN THIS BOX OR THE BOX BELOW</p>	<p>ANSWER THE QUESTION IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND YOU.</p> <p>- Please explain what the contract is for.</p> <p>Wiring Inspector</p>
<p>FILL IN THIS BOX OR THE BOX ABOVE</p>	<p>ANSWER THE QUESTIONS IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND ANOTHER PERSON OR ENTITY.</p> <p>- Please identify the person or entity that has the contract with the municipal agency.</p> <p>- What is your relationship to the person or entity?</p> <p>- What is the contract for?</p>

What is your financial interest in the municipal contract?	- Please explain the financial interest and include the dollar amount if you know it. I will be compensated for performing electrical inspections. Amount of compensation is dependent upon type of inspection.
Date when you acquired a financial interest	11/13/12
What is the financial interest of your immediate family?	- Please explain the financial interest and include the dollar amount if you know it. N/A
Date when your immediate family acquired a financial interest	N/A
Write an X to confirm each statement.	FOR A CONTRACT FOR PERSONAL SERVICES -- Answer the questions in this box ONLY if you will have a contract for personal services with a municipal agency (i.e., you will do work directly for the contracting agency). I will have a contract with a municipal agency to provide personal services. <input checked="" type="checkbox"/> The services will be provided outside my normal working hours as a municipal employee. <input checked="" type="checkbox"/> The services are not required as part of my regular duties as a municipal employee. <input checked="" type="checkbox"/> For these services, I will be compensated for not more than 500 hours during a calendar year.
Employee signature:	
Date:	11/12/12

Attach additional pages if necessary.

NOT A PERSONAL SERVICES CONTRACT -- File disclosure with the city or town clerk.

SEE CERTIFICATION AND APPROVAL REQUIRED FOR PERSONAL SERVICES CONTRACTS, BELOW.

FOR CONTRACTS FOR PERSONAL SERVICES ONLY:

If you are disclosing a financial interest in a contract for personal services with a municipal agency, you must file the Certification below signed by the head of the contracting agency, and you must get approval of the exemption from the city council, board of aldermen, board of selectmen or town council.

CERTIFICATION BY HEAD OF CONTRACTING AGENCY

	INFORMATION ABOUT HEAD OF CONTRACTING AGENCY
Name:	
Title/ Position	
Municipal Agency:	
Agency Address:	
Office Phone:	
	CERTIFICATION
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to my municipal agency, identified above. I certify that no employee of my agency is available to perform the services described above as part of his or her regular duties.
Signature:	
Date:	

**APPROVAL BY CITY COUNCIL, BOARD OF ALDERMEN,
BOARD OF SELECTMEN OR TOWN COUNCIL**

	INFORMATION ABOUT APPROVING BODY
Name:	
Title/ Position	
Agency Address:	
Office Phone:	
	APPROVAL
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to a municipal agency, identified above. The exemption under § 20(b) is approved.
Signature:	On behalf of the Council or Board, I sign this approval.
Date:	

Attach additional pages if necessary.
File disclosure, Certification and Approval with the city or town clerk.

Chalupka, Todd

From: Norah Mallam [nmallam@eth.state.ma.us]
Sent: Friday, October 12, 2012 11:20 AM
To: Chalupka, Todd
Subject: Your inquiry

Dear Mr. Chalupka,

It is my understanding that you are a full-time Teacher in Charlton. After becoming a Teacher you were appointed as the Assistant Wiring Inspector in Charlton. You would like to become the regular Wiring Inspector (if you do become the Wiring Inspector you will no longer serve as the Assistant Wiring Inspector). You do not intend to work more than 500 hours a year as either the Assistant Wiring Inspector or as the Wiring Inspector. The School is in the process of a renovation project. You have asked whether you may as the Wiring Inspector, inspect the work done at the School as part of the renovation project.

As we discussed, in order to serve as a Teacher and either as the Assistant Wiring Inspector or the Wiring Inspector in Charlton, you must obtain an exemption pursuant to G.L. c. 268A, section 20. During our telephone conversation yesterday we reviewed the requirements of the section 20(b) exemption. Provided you obtain a section 20(b) exemption and comply with all of the requirements within the exemption, then you will not violate the conflict of interest law by working as a Wiring Inspector on the School project. Please note, you may not work as a Wiring Inspector during time that you are paid and/or scheduled to be working as a Teacher at the school. For a summary of the section 20(b) exemption requirements, please see [Section 20 Overview](#). For a copy of the section 20(b) disclosure form, please see form 2b. [Disclosure of municipal employee's financial interest in a municipal contract required by section 20\(b\)](#). Please note, pursuant to G.L. c. 268A, section 19, you may not participate in any matter as a municipal employee (either as a Teacher and/or as a Wiring Inspector) in which you have a financial interest, unless you first obtain an exemption pursuant to section 19.

If you have any further questions regarding this issue, please do not hesitate to contact me.

Regards,

Norah K. Mallam
Staff Attorney
State Ethics Commission
One Ashburton Place, Room 619
Boston, MA 02108
617-371-9500

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To eliminate misinterpretation of the last sentence in this email, I contacted Attorney Mallam for clarification. Attorney Mallam stated that the reference of section 19 was for general knowledge and does not apply to my situation.

After reading the above email, Ms. Craver wanted clarification that the attorney's determination was based on my employment at Bay Path and not a "teacher in Charlton". Attorney Mallam then replied acknowledging my employment by the Southern Worcester County School District (Bay Path).

From: Chalupka, Todd [mailto:0300@baypath.tec.ma.us]
Sent: Wednesday, October 24, 2012 12:41 PM
To: Norah Mallam
Subject: RE: Your inquiry

Dear Attorney Mallam,

Thank you for your response to my email last week regarding the positions of both teacher and wiring inspector. It has been questioned that you believe I am employed by the town of Charlton as a school teacher as opposed to the Southern Worcester County School District (Bay Path). I know you fully understand this by our telephone conversation. However, I am asking you to clarify in an additional email for others to read. Your help in this matter is greatly appreciated.

Thank you,

Todd Chalupka

From: Norah Mallam [nmallam@eth.state.ma.us]
Sent: Wednesday, October 24, 2012 3:21 PM
To: Chalupka, Todd
Subject: RE: Your inquiry

Dear Mr. Chalupka:

For purposes of the conflict of interest law, as a Teacher in a Regional School District you are a municipal employee of every town which is a member of the district. *See McMann v. State Ethics Commission*, 32 Mass. App. Ct. 421, 428 (1992). Consequently, for purposes of the conflict of interest law, as a Teacher in the Southern Worcester County School District you are a municipal employee in: Auburn, Charlton, Dudley, N. Brookfield, Oxford, Paxton, Rutland, Spencer, Southbridge and Webster.

Regards,

Norah K. Mallam
Staff Attorney
State Ethics Commission
One Ashburton Place, Room 619
Boston, MA 02108
617-371-9500

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