



 **COPY**

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

Submitted by MCJ
Date 12/27/12
Received by KL
Date 12-27-12

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

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 6:32pm with the pledge to the flag.

II. Consent Agenda:

1. Minutes of Regular Meeting – November 13, 2012. **Motion by Mr. Swensen that we approve the minutes of November 13, 2012, seconded by Mr. Sellew, motion carries 4 in favor, Ms. Walker abstained.**

III. Community Relations, Announcements and Open Forum:

- Chairman Boria read the announcements
- Ms. Walker stated that she had the opportunity to go out to Fay Mountain Farm this week. She was just astounded at the progress made. There are all kinds of winter vegetables being sold. She also stated that the Fay Mountain Farm Committee will be meeting on January 23, 2012 at 6pm at the Farm. Everybody is invited to the meeting.
- Ms. Walker also stated that the Worcester County Regional Board of Selectmen had their third meeting in Shrewsbury. They have brought this committee back to life and are hoping that all of the Selectmen in towns would get together and share all the ideas and new initiatives.
- Chairman Boria announced that the Charlton Activities Center received a check from Millennium Power Partners, LP in the form of a donation of \$15,000.00 for the HP Restroom and gas heating renovation projects. Sandy Bacon, Chairman of the Activities Council came forward to thank Millennium Power Partners, LP. Mrs. Bacon also stated that there is a music scholarship given in the name of Fred Stewart for a child that needs it. The child must have an instrument. Letters can be sent to 4 Dresser Hill, attention of Sandy Bacon as to why they feel the child should earn the scholarship.
- Brent Sellew thanked all the people that came and helped to make the Tree Lighting a success. He also thanked the Auxiliary Officers and Curt Meskus for their assistance as well. Mr. Sellew also congratulated the football team that is in Florida now. Great job. He also asked that if anyone has time that could help out with families in need, Chip In could use the help.
- Fred Pappalardo, Chairman of the Bylaw Committee came forward to state that the Bylaw Committee is reviewing the bylaws. They are trying to get the public involved more and could use community input. They will be having a few call in meetings to get the public's questions or opinions starting tomorrow night at 6:30pm. The number to call in will zip along the bottom of the screen.

IV. Appointments/Resignations:

1. Appointment – Assistant Emergency Management Director. Mrs. Craver stated that the position of Deputy Emergency Management Director for the Town of Charlton has been vacant for quite some time. This position assists the Emergency Management Director when needed. Terri Gough has been providing these services for quite some time and she would ask the Board to appoint Ms. Gough as the Deputy Emergency Management Director for the Town of Charlton. Attached is a letter of support from Fire Chief Cloutier. **Motion by Ms. Walker to appoint Terri Gough as Deputy Emergency Management Director, seconded by Mr. Swensen, motion carries unanimously.** Mrs. Craver stated that she had sent out an email to the Board and is looking to see if the Board wants to hold on this request. Mrs. Craver read the email: Dear Board, Below is an email from Carl Ekman requesting to be considered as a stipend Emergency Management Director. He has based the request on 10 hours a week at a rate of \$15.00 per hour – thus \$150 per week; \$7,800 a year. He also wants to utilize the car that the Emergency Management Director has at this time. Tonight you are being asked to appoint Terri Gough as the Assistant Emergency Management Director. Would you consider taking up Carl's request too or do you want to wait until you discuss the Lt. duties next week? If the appointment is made tonight, next week's discussion will include eliminating the EMD duties from the Lt. position. There have been discussions to have the Emergency Management Service be under the Fire Department since in emergencies the Fire Department becomes the incident commander. Chief Cloutier, Chief Pervier and Mrs. Craver recommend this appointment. Mrs. Craver stated that under New Business, we will be talking about upcoming retirements and the Lt. is one of them. Carl Ekman's last day will be tomorrow as he will be using comp time and vacation time. Ms. Walker would like to move forward with this. Carl Ekman has so much knowledge for this position and would like to see him continue. **Mr. Singer would move that we appoint Carl Ekman at the recommended rate of \$15.00 per hr stipend based for 10 hours a week as the Emergency Management Director. Any discussion of the vehicle or anything else, to be discussed at a later time and that he simply be appointed in that role, seconded by Ms. Walker for discussion.** Ms. Walker feels the issue of the car is important as it only gets used for town business and emergencies. It makes sense to let him use the car. **Mr. Singer amended his motion, to include having the vehicle available for the Emergency Management Director when needed, Ms. Walker amended her second.** Mr. Swensen asked if the pay for the Lt. position includes pay for the Emergency Management as well? Chairman Boria asked why is this imperative to get done tonight. He feels that there are a few things that need to be identified and answered before it happens. Who is going to oversee this new Emergency Management Position, how do we justify the 10 hours a week? His technical date of retirement is in January. Ms. Walker was under the impression that the Lt. would not be serving in this position after tomorrow but in reality he does not retire until January 2013. **Mr. Singer withdrew his motion, Ms. Walker withdrew her second.** Mr. Sellev asked if Carl Ekman had the authority to be the Emergency Management Director until he retires if an emergency comes up and the answer was yes.

V. Scheduled Appointments:

6:45pm – Chapter 61 – Estate of Pauline Kindler. Chairman Boria opened the meeting by reading the hearing notice. The request is submitted by Attorney Philip D. O'Connell, Jr. on behalf of the Estate of Pauline E. Kindler who intends to sell the land located at 41 Blood Road, Charlton MA further shown on Assessors Map 40, Block B, Lot 1 and Block C, Lot 17. As the Board's policy states, this notice was sent to the Board of Assessors, Conservation Commission, Planning Board and Town Counsel for review. Mrs. Craver stated that the Board of Assessors, Conservation Commission and Planning Board have no objections to the removal of said property. Attorney

Cosgrove has also indicated that the information provided was correct. Chairman Boria asked if anyone was present on this matter and no one came forward. Chairman Boria asked the Board if anyone had any questions, and there were none. **Motion by Mr. Swensen to close the hearing, seconded by Ms. Walker, motion carries unanimously. Motion by Mr. Swensen to approve the request to remove the property from Chapter 61, seconded by Mr. Sellew, motion carries unanimously.**

VI. New Business:

1. Representative Paul Frost – Could not make it
2. Heritage Corridor Forest Legacy Program. Mrs. Craver stated to please find a letter from the Opacum Land Trust to the Board of Selectmen on behalf of the MassConn sustainable Forestry Partnership (MassConn) dated October 31, 2012 requesting our support for establishing a new Heritage Corridor Forest Legacy Area. If approved, this Forest Legacy Area will expand eligibility for land protection funds through the US Forest Service's National Forest Legacy Program to include twenty-six towns in south central Massachusetts. Designation as a legacy area has no regulatory aspect, it simply would enable this area to tap into funding that neighboring legacy areas are already using. Mrs. Craver forwarded this letter to the Conservation Commission and the Planning Board for their comments. The Planning Board has reviewed and agreed to support this request and have asked that if the Board of Selectmen vote to support this request as well, to attach the Planning Board's letter to the support letter by the Board. **Motion by Mr. Swensen that we show our support for the establishment of the Heritage Corridor Forest Legacy area pending support from the Conservation Agent, seconded by Ms. Walker.** It was stated that Conservation Agent Todd Girard has no knowledge of this at all. **Vote on motion: motion carries, 4 in favor, Mr. Singer opposed.**
3. Site Plan Application – Nature's Classroom, Inc. Mrs. Craver stated that attached is a copy of a site plan application submitted to the Planning Board by Bertin Engineering on behalf of Nature's Classroom, Inc. for approval to construct an additional dormitory totaling approximately 3,240 square feet with an accompanying ten space parking lot. Said property is zoned Agricultural (A) and is located easterly off of Harrington Road (Assessors Map 61, Block A, Parcel 5, 6.1 7) The Planning Board is asking the Board to review the plans and should you have any comments, that we notify them no later than Thursday, December 6, 2012. No comments or concerns.
4. Upcoming Retirements – Open positions. Mrs. Craver stated that there are two upcoming retirements planned for the first of next year. We have been informed by Lt. Carl Ekman that after 38 ½ years of service to the Charlton Police Department, he will be retiring as of January 15, 2013. He will be using his compensatory time and vacation time starting on December 5, 2012. The Treasurer's Office is working with him on the paperwork. We have been informed by our Custodian, Earl Bond that he plans to retire on February 28, 2013 after 15 years of service. Earl's last day of work will be January 29, 2013 as he will also be using up his vacation. As you already have a meeting scheduled to discuss the Lieutenant duties, perhaps this would be a good time for the Board to review both job descriptions and duties of the positions before posting. Ms. Walker would support Mrs. Craver's suggestions to review both positions next week.

VII. Old Business:

1. Elections at School. Ms. Walker asked for this item to be placed on the agenda. She was concerned with the election at Heritage School this year because the school was in session for the voting. It might be a little early but she asked if we could contact the superintendent and

have them cancel school for that day, it would be less dangerous for those coming to vote. Parking was hard and it was a long way for some people to walk. She would ask if the Superintendent could hold a teachers workshop or something for the next presidential election. Chairman Boria asked if we could ask the Town Administrator to work with the Town Clerk to put a letter together to be mailed to the school committee for consideration. The board agreed.

2. EZ ID – Molly’s Law. Mrs. Craver stated that at the Board’s last meeting, Selectmen Singer requested that the Board send a support letter for EZ ID’s – Molly’s Law, which is an act relative to license plates in the Commonwealth. In essence, this would make it easier to remember license plates if it was ever needed. Attached is what we could find from the 187th General Court of the Commonwealth of Massachusetts on this pending law. Chief Pervier was also asked to provide input for this as well. (see attached) He made an inquiry at the Central Mass Chief’s Meeting that was held in Worcester about the current position of the Central Mass Chiefs and the Mass Chiefs position with respect to the EZ ID program. Chief Pervier states that he was initially informed that the chiefs had endorsed the program without any reservations, however, since the initial endorsement of the program, it has come to their attention that the creator of the EZ ID program has applied for patent rights and that he stands to make a fair profit if this program goes forward. There is also speculation that some of the data that has been provided with regards to the effectiveness of the EZ-ID program may be inflated. There may also be a patent challenge by 3M. The Mass Chiefs of Police still support the EZ ID Program but have stepped back and are monitoring the situation. In light of the Chief’s comments, Mrs. Craver would ask for direction from the Board. **Mr. Singer** would point out that whether or not any of us care that the creator could make a profit, this could still help save a life. **He would make a motion that we ask our Town Administrator to send a letter from the Board expressing our support to our Senator and State Representatives and to also ask the Town Administrator to contact other Town Administrators and Town Managers in the commonwealth that she knows to notify their legislatures to support this and get it done, seconded by Mr. Sellew.** Ms. Walker is concerned about some of the issues that the Chief brought up. She would ask if we could hold off on doing this until we get more information. Mr. Swensen feels that the program is a great idea and he thinks that he would be supportive of this to send a letter of support but would probably stop short having the Town Administrator contact other Town Administrators or Managers. Mr. Singer stated that Mrs. Craver would only be making the other towns aware of this. Mr. Swensen would be reluctant to have her send a letter asking other towns to support it. Mrs. Craver would recommend the Board send the letters to other Boards of Selectmen and not the Town Administrators and the board agreed. Ms. Walker is not in agreement that we send a letter to other Boards to support this. Mrs. Craver asked that if the board approves the letter to be sent out to clarify what towns they would want the letter to be sent to. Mr. Singer stated he would like the letter sent to all 350 towns. The Board was not comfortable with this. Mrs. Craver recommended sending a letter to the MMA asking them to notify or make this a priority. Mr. Swensen would sooner see the letter be sent to our neighboring towns. **Mr. Singer amended his motion that we send a letter to support this to our State Senator and Representatives and to ask the Town Administrator to contact the MMA and ask if they would please make sure their member communities are aware of this. Mr. Sellew amended his seconded. Vote on motion 4 in favor Ms. Walker opposed.**
3. Streaming of Meetings – Mrs. Craver stated “Good News”! The Cable Committee is here to announce that the Streaming of Meetings has been completed. There are a few items that they are working on to finalize the system but residents will now be able to watch meetings live from their computers. Drew Anderson came forward and stated that anyone outside of this

building can access the live stream and watch the video now or can also find an old video up to a year ago to review. There is an issue right now within this building for anyone here to try and get in. They are working on fixing that issue. They should go to the town's website. The Board thanked Drew for all his work. Excellent job. Mrs. Craver thanked the Technology Committee and Lisa Westwell for working with Drew on this.

VIII. Student Selectperson Report – Not present

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

X. Other Business:

Ms. Walker stated that she attended the second regional meeting put on from CMRPC. Mike Jacobs was there from the EDC. One thing from that meeting was that the WRTA would be providing transportation to this area next year.

Chief Pervier came forward and said thank you to everyone that came out. He thanked all that performed. A special thank you to Mike Sosik for making sure Santa Claus made it. A special thank you to Mr. Sellew for getting the sleigh here along with help from Jim's Christmas Tree. Matt Gagner made sure that we had some repairs done to the lights by letting us use their bucket. Spencer Fire Department came out to help hang the lights. Curt Meskus was here on two separate weekends and ran a lot of the conduit to help with the lights. Mike Palermo helped with the trench. Mr. Sellew thanked Honey Dew Orchards for donating all the cider.

XI. Next Meeting Announcement:

- Special Selectmen's Meeting – December 11, 2012 – 6:30pm
- Next Regular Board of Selectmen Meeting – December 18, 2012 – 6:30pm

XII. Adjourn/Executive Session:

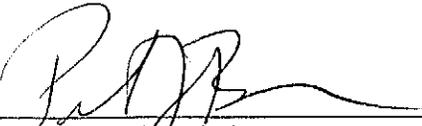
Motion by Mr. Swensen that the Board enter into executive session at 7:53pm under M.G.L. c. 30A, sec 21, #1 – to discuss the reputation, character, physical condition or mental health, rather than professional competence of an individual, or to discuss the discipline or dismissal of or complaints or charges brought against a public officer, employee, staff member or individual and #3 – to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body if the chair so declares, seconded by Mr. Singer. Roll call vote taken: Ms. Walker – aye, 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.

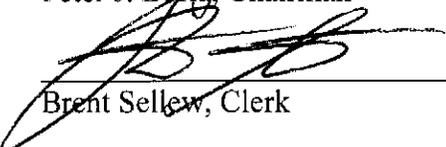
Motion by Mr. Swensen to adjourn at 8:40pm, seconded by Mr. Sellew, motion carries unanimously.

Submitted by:
Mary C. Devlin
Administrative Assistant

Accepted by:



Peter J. Boria, Chairman



Brent Sellev, Clerk



Frederick C. Swensen, Vice-Chairperson



David M. Singer, Member



Kathleen W. Walker, Member



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MEMORANDUM

TO: Board of Selectmen

FROM: Robin L. Craver, Town Administrator 

DATE: November 27, 2012

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

FY13 MIIA Risk Management Grant Award – I am happy to announce that the Town of Charlton has been awarded a Risk Management Grant for FY13 for Data Security Audit in the amount of \$5,000.

Tobacco Youth Compliance Checks in Charlton – We received an email from Chief Pervier regarding Tobacco Youth Compliance Checks in Charlton. Youth compliance checks with a minor were done at all the retail tobacco establishments except for two that were not open for business at the time they were visited. Two sales to the minor took place, the first at Citgo on Rt. 20 and the other at Charlton Food Mart. The reports will be forwarded to the Board of Health who will issue tickets to these establishments.

Legislative Breakfast – I attended a Legislative Breakfast at CMRPC last week which focused on unfunded mandates. Three main issues came up. One was the requirement that Towns pay for out of district students without Chapter 70 reimbursement or any say in the process; two was the notion that unfunded mandates are acceptable if they are “incidental”. It was discussed that these incidental addition costs add up when tabulated in whole from all state departments and multiple mandates within those department as well. Thirdly, representatives from various schools talked about mandates that, in theory, were great programs but in practice are budget busters. Namely, requirements for bullying and testing. Susan Bump, the State Auditor was in attendance and Representative Anne Golbi and Senator Brewer agreed to help with legislation for the region.

Quonset Hut – I met with Gary Magnuson to discuss demolition of the Quonset Hut. He had assisted in procuring three bids for the work and the bids came in higher than was funded. We had funded the minimum hoping they would come in under budget. We had to seek additional funding from the Finance Committee which they did approve an advisory, so we are in the process of completing the project.



November 14, 2012

Robin Craver, Town Administrator
Town of Charlton
37 Main St.
Charlton, MA 01507

Dear Robin,

MIIA is pleased to inform you that your application for a 'MIIA Risk Management Grant' has been approved for the following items and amounts:

Data Security Audit -\$5,000

Please forward vendor /supplier invoice to MIIA for payment.

Due to fiscal year budgeting requirements, all grants must be invoiced or paid by June 15, 2013. There will be no exceptions. Vendor/supplier invoices received after June 15th cannot be paid.

MIIA staff will be checking with you periodically to inquire about the progress of your grant implementation. Prior to the end of the policy year (7/1/12-6/30/13) I will be in touch with you to discuss the impact of your grant on your department/municipality.

Sincerely,

A handwritten signature in black ink, appearing to read "Lin Chabra", is written above the typed name.

Lin Chabra
Membership/ Rewards/Training Coordinator
617-426-7272 (250)
lchabra@mma.org

Devlin, Mary

From: Pervier, James
Sent: Tuesday, November 20, 2012 12:28 PM
To: Craver, Robin
Cc: Devlin, Mary; Hmielowski.Kara
Subject: FW: Tobacco Youth Compliance Checks in Charlton

FYI

From: Criasia, Lani
Sent: Tuesday, November 20, 2012 12:12 PM
To: 'Tobacco'; Pervier, James
Cc: johnsonke@worcesterma.gov; ; Philbrook.James
Subject: RE: Tobacco Youth Compliance Checks in Charlton

Thank you.
I will forward the info to Jim Philbrook and he will issue tickets. I will copy you on those tickets.
Thank you!
Happy Thanksgiving!
Lani

From: Tobacco [<mailto:wrtcc09@phepreregion2.org>]
Sent: Friday, November 16, 2012 4:32 PM
To: Pervier, James; Criasia, Lani
Cc: johnsonke@worcesterma.gov; ,
Subject: Tobacco Youth Compliance Checks in Charlton

Good Afternoon,

Today I completed youth compliance checks with a minor in Charlton. Of all the retail tobacco establishments, two of the stores were not open for business at the time we visited (Heritage Country Club and Charlton Chinese Takeout). For all of the other establishments, two sales to the minor took place, the first at Citgo on Rt. 20 (28 Worcester Rd.) and the other at Charlton Food Mart (10 Masonic Home Rd). I have handed over the evidence to Karyn who will send it along with the reports (to accompany the tickets). A follow-up retail inspection will be done at each of these stores, followed by another youth compliance check in the upcoming months.

Please let me know if you have any questions,
Liz Foley

Craver, Robin

From: Pervier, James
Sent: Friday, November 16, 2012 7:15 PM
To: Craver, Robin
Subject: Fwd: Tobacco Youth Compliance Checks in Charlton

FYI

Sent from my iPhone

Begin forwarded message:

From: Tobacco <wrtcc09@phepreregion2.org>
Date: November 16, 2012, 4:32:23 PM EST
To: "Pervier, James" <James.Pervier@townofcharlton.net>, "Criasia, Lani" <Lani.Criasia@townofcharlton.net>
Cc: "johnsonke@worcesterma.gov" <johnsonke@worcesterma.gov>, " " <lyssajay221@gmail.com>
Subject: Tobacco Youth Compliance Checks in Charlton

Good Afternoon,

Today I completed youth compliance checks with a minor in Charlton. Of all the retail tobacco establishments, two of the stores were not open for business at the time we visited (Heritage Country Club and Charlton Chinese Takeout). For all of the other establishments, two sales to the minor took place, the first at Citgo on Rt. 20 (28 Worcester Rd.) and the other at Charlton Food Mart (10 Masonic Home Rd). I have handed over the evidence to Karyn who will send it along with the reports (to accompany the tickets). A follow-up retail inspection will be done at each of these stores, followed by another youth compliance check in the upcoming months.

Please let me know if you have any questions,
Liz Foley