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TOWN OF CHARLTON  
Minutes of Regular Selectmen's Meeting  
Tuesday, April 25, 2023, 6:30pm  
Selectmen's Meeting Room/Meeting Room 1  
Town Hall, 37 Main St., Charlton, MA  
ZOOM Webinar: <https://us02web.zoom.us/j/87489442885>;  
Passcode: 061416; Phone Access +1-646-558-8656

Present: Chairman – Stephen Koronis, Vice-Chairman – Patsy Rydlak, Members – William Borowski and David Singer, Town Administrator – Andrew Golas and Student Selectperson – Harry Kennan. Absent: Clerk – Barbara Zurawski

I. Call to Order:

Chairman Koronis called the meeting to order at 6:30pm with the pledge of allegiance.

II. Consent Agenda / Warrant Approval as Needed

- a. Minutes of Regular Meeting – April 11, 2023 – 6:30pm. **Motion by Mr. Borowski to approve as submitted, seconded by Ms. Rydlak, unanimous.**

III. Community Relations, Announcements and Open Forum

- Selectman Rydlak read the announcements.

IV. Appointments/Resignation:

1. Appointment – Special Police Officer & Traffic Constable. Mr. Golas stated that Chief Dowd is asking the board to appoint the following as Special Police Officers pending a background completion: Jonathan Swift, James O'Neil, Corey Giguere and Gladys Matos. The board is also being asked to appoint John Jakubowski as a Traffic Constable. He would recommend the board make the appointments. **Motion by Mr. Borowski to make the appointments, seconded by Ms. Rydlak, unanimous.**
2. Resignation – Conservation Commission. Mr. Golas stated that attached is a letter from Arthur (Skip) Bellerive resigning his position from the Conservation Commission after serving over 30 years on the Commission. Mr. Bellerive has served the town for the past 60 years in different positions. Besides the Conservation Commission, he has served on the Board of Health, Dam Monitor, Assistant Building Commissioner and the Fay Mountain Farm Committee. He also joined the volunteer Fire Department in 1961 and served 20 years. He would like to thank Mr. Bellerive for his service to the town. A letter thanking him for his 60 years of dedicated service to the town is in the board's folder. Mr. Borowski feels that Mr. Bellerive would fit one of the honorees at Old Home Day. **Motion by Mr. Borowski to accept the resignation with deep regret, seconded by Ms. Rydlak, unanimous.**

V. Scheduled Appointments:

VI. New Business:

1. Request for B.Y.O.B. (bring your own bottle) – GLL, Inc., d/b/a Bellies. Mr. Golas stated that attached is a request from GLL, Inc., d/b/a Bellies located at 109 Masonic Home Road, Unit 2 for a B.Y.O.B. The Board has a policy for B.Y.O.B. which is limited to Thursday, Friday and Saturday evenings between the hours of 5:00pm

and 10:00pm. He would recommend the board approve the request. **Motion by Mr. Borowski to approve the request, seconded by Ms. Rydlak.** Lori Hazen was present from Bellies. She said they are looking to expand their hours and get some more evening hours. Mr. Singer asked if their staff is TIP certified and the answer was yes. **Vote on motion: unanimous.**

VII. Old Business:

1. Annual Town Meeting – Finalize Annual Town Meeting motions with Finance Committee. Mr. Golas stated that the Board is scheduled to review and finalize motions for the Annual Town Meeting Warrant with the Finance Committee.

Present for discussion: Hank Camosse, Jr., Kristin Kustigian, Jason Julian, Kristen Lemire, Mike Jacobs, Ruth Beringer, Finance Director – Ashley Obrzut and Assistant Town Accountant – Jaclyn Bonner.

Article 1 – Election

Article 2 – Town Reports

Article 3 – Litigation

Article 4 – Appropriation of Funds for Unpaid Bills of a Prior Fiscal Year

Article 5 – Inter/Intra Departmental Transfers for FY23

Article 6 – Capital Items and Related Contracts

**Motion by Mr. Borowski that the Board of Selectmen support Articles 1 – 6, seconded by Mr. Singer, unanimous. Motion by Ms. Kustigian that the Finance Committee support Articles 1 – 6, seconded by Ms. Lemire, unanimous.**

Article 7 – DCRSD – Shepherd Hill Feasibility Study. **Motion by Mr. Borowski that the Board of Selectmen support Article 7, seconded by Ms. Rydlak.** Mr. Singer asked if there is any requirement from Dudley’s side and Mr. Golas stated that Dudley would have to pass their equivalent. Mr. Singer asked if Charlton passes this and Dudley fails it, what happens. Mr. Golas said it would sit in the operational budget unexpended. Ms. Orzbut said we can’t spend it because in the motion it specifically says ARPA, it would just stay in ARPA. **Vote on motion: unanimous. Motion by Ms. Kustigian that the Finance Committee support Article 7, seconded by Mr. Julian, unanimous.**

Article 8 – Town Budget. **Motion by Mr. Borowski that the Board of Selectmen support Article 8, seconded by Ms. Rydlak.** Mr. Camosse asked if there was any feedback regarding the stipends. Chairman Koronis said he has heard some comments, nothing negative. Mr. Camosse asked if we were going to keep the budget as is if Dudley’s vote doesn’t pass? Mr. Singer said if it’s something that simple, we could always amend the budget at town meeting and put the stipends back in. Mr. Golas said that a failed vote in Dudley wouldn’t be the end of this. If they bring back a revised budget, we want to make sure we can cover that. Mr. Camosse would prefer not to amend the town budget at town meeting but would prefer we do it before then. Mr. Borowski would recommend we keep everything as is. **Vote on motion: unanimous. Motion by Mr. Julian that the Finance Committee support Article 8, seconded by Ms. Kustigian.** Ms. Lemire pointed out that the spelling of Shepherd Hill is incorrect in the motion. **Vote on motion: unanimous.**

Article 9 - Water Department Budget (Enterprise Fund)

Article 10 – Sewer Department Budget (Enterprise Fund)

Article 11 – Transfer of Funds to and from Stabilization Fund Account

Article 12 – Cemetery Perpetual Care

**Motion by Mr. Borowski that the Board of Selectmen endorse Articles 9 – 12, seconded by Ms. Rydlak, unanimous. Motion by Ms. Kustigian that the Finance Committee support Articles 9 – 12 as presented, seconded by Ms. Lemire, unanimous.**

Article 13 – Revolving Funds. Mr. Borowski asked if any changes were made to this and Ms. Obrzut said we removed the Daniels/Coburn one. **Motion by Mr. Borowski that the Board of Selectmen support Article 13, seconded by Ms. Rydlak, unanimous. Motion by Ms. Kustigian that the Finance Committee support Article 13 as presented, seconded by Ms. Lemire.** Mr. Camosse said the Finance Committee made a recommendation to the Board of Selectmen to review the Building Inspector fees and asked if that was put on the board’s agenda. Mr. Golas said that will be on the next agenda. Mr. Singer asked Mr. Golas to find out how much they make in those fees a year. **Vote on motion: unanimous.**

Article 14 – Municipal Charges Lien By-Law. **Motion by Mr. Borowski that the Board of Selectmen support Article 14 in its entirety, seconded by Ms. Rydlak, unanimous. Motion by Ms. Kustigian that the Finance Commission supports Article 14 as presented in the warrant, seconded by Mr. Julian, unanimous.**

Article 15 – Rescind Ch. 155 – License & Permits, Article II – Fingerprinting, Sec. 155-6 through 155-13. **Motion by Mr. Borowski that the Board of Selectmen support Article 15, seconded by Ms. Rydlak, unanimous.**

Articles 15 – 19 are not applicable to the Finance Committee.

Article 16 – Charlton General Bylaws Amendment – Ch. 160 – Peddling & Soliciting. **Motion by Mr. Borowski to approve Article 16, seconded by Ms. Rydlak, unanimous.**

Article 17 – Zoning Bylaw Amendment – Amend Section 2 of the Zoning Bylaw

Article 18 – Zoning Bylaw Amendment – Amend Section 6 of the Zoning Bylaw

Article 19 – Zoning Bylaw Amendment – Sidewalks in Village District Regulations

Article 17 – 19 are not applicable to the Board of Selectmen.

Before the Finance Committee adjourns, **motion by Ms. Kustigian to approve the prior meeting minutes, seconded by Mr. Julian, unanimous. Motion by Mr. Julian to adjourn, seconded by Ms. Kustigian, unanimous.**

2. Town Administrator Review. Mr. Golas stated that as per the Board’s policies, the Board is set to perform an evaluation of the Town Administrator’s performance for the period between July 1<sup>st</sup> – June 30<sup>th</sup>. The Board has traditionally performed the evaluation at the last meeting prior to the election to cover the period from May 1<sup>st</sup> – April 30<sup>th</sup>. The rubric for review has been forwarded to the Board through Human Resources.

#### VIII. BOS Policy Review

Mr. Golas stated that attached for the Board’s review are the following policies along with recommended changes, if any, to each:

- Complete Streets Policy Statement
- Dead Animal Pick-Up
- Declaring Snow Emergency
- Designer Selection
- Direct Deposit

**Motion by Mr. Borowski to approve, seconded by Ms. Rydlak, unanimous.**

IX. Student Selectperson Report – Mr. Kennan reviewed his report. (attached)

X. Town Administrator Report – Mr. Golas reviewed his report (attached)

XI. Other Business (unknown at time of posting)

Authorization to sign Mass DOT agreement - Mr. Golas stated that Bluewater Property Group reached out to him stating that they needed approval from the town for Mass DOT for work and he is looking for the board’s approval to allow him to sign. **Motion by Mr. Borowski to approve, seconded by Ms. Rydlak, unanimous.**

Mr. Borowski would ask post election, to have a discussion of Highway Superintendent due to Mr. Foskett retirement. Mr. Golas will provide the posting to the board to review.

Ms. Rydlak asked if we could add an update on the Senior Center for the next meeting. She said that on Monday, they had 4 presentations from vendors. We can tour some of the places they mentioned.

XII. Next Meeting Announcement:

BOS Regular Meeting – May 9, 2023 – 6:30pm – Meeting Room 1

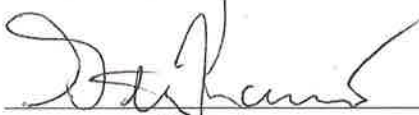
XIII. Adjourn – **Motion by Mr. Borowski to adjourn at 7:11pm, seconded by Ms. Rydlak, unanimous.**

Submitted by:

Mary C. Devlin

Executive Assistant

Accepted by:



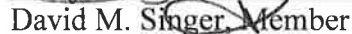
Stephen G. Koronis, Chairman



Patsy Rydlak, Vice-Chairman



Barbara Zurawski, Clerk (absent)



David M. Singer, Member



William Borowski, Member

## Shepherd Hill - Student Representative Report

Harry Kennan

April 25, 2023

Students who attended the **2023 Global Awareness Trip** to Spain, Portugal, and Gibraltar returned from Europe yesterday—it was an amazing opportunity and an incredible experience. Sign-ups for the **2024 Global Awareness Trip** to Switzerland and Italy are available right now; see Mrs. Pierangeli at any point for additional information.

**AP Exams** at Shepherd Hill will begin taking place next week and continue through Friday, May 12th; the best of luck to all who will be taking them.

The Student Council will be hosting a **Spring Fling Dance** on Saturday, May 6th from 7-10 P.M. in the Shepherd Hill cafeteria. Tickets are \$10 and will be on sale at all lunches from April 24th to April 28th. Any questions should be directed to Ms. Dubey.

The Shepherd Hill Drama Club will be performing **“Just Another High School Play”** this Friday and Saturday at 7 P.M. Tickets can be purchased online or by scanning the QR code on the posters all around the school.

The **Shepherd Hill Softball Team** beat Baypath in a game over vacation, with a score of 5-2. We congratulate them on one of many victories this season!



# Town of Charlton

## OFFICE OF THE TOWN ADMINISTRATOR

Andrew M. Golas, Town Administrator

TO: Board of Selectmen  
FROM: Andrew Golas, Town Administrator  
DATE: April 20, 2023  
SUBJECT: Town Administrator's Report – for Selectmen's meeting of 4/25/2023

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**New Website** – Website development continues to advance with Civic Plus. We have been reviewing a number of layout options and color palates. Just as a reminder, if anyone has any good high resolution pictures from around town, we would love to include them in the design.

**Blood Road Culvert Update** – Following up on the concern brought forward by Mr. Lemansky at your last meeting regarding Blood Road. In discussion with Conservation, it is apparent to them that the culvert is set at a higher grade than the natural stream bed resulting in a perched inlet during low flow conditions. This will be problematic in the future, as during low flows the water flows under the culvert – not through it – which in time will result in the undermining of the culvert and possible failure. During regular-high flow conditions, the culvert does transport water effectively under the road. Mr. Lemansky's request to lower the pipe and to have it evaluated by an engineer was on the basis that the height of the culvert was causing the pooling of water that was originally created by animals native to this area. Further lowering the pipe may reduce the risk of future roadway undermining, improve overall flow and provide adequate native species crossing but may not necessarily eliminate the ponding which currently exists. I will continue to work with Gerry Foskett on this issue.

**Buffum Road Tree Update** - Following the discussion with Mr. Pike regarding the questionable ownership of the Trees around his property and impact to his wall/septic, we reached out to Atty. Cosgrove to opine on the Town's liability in such a case where there is a dispute over ownership of a tree. He responded as follows:

When it comes to falling trees or tree limbs, and in my opinion the same principle likely applies to roots. Unless a property owner can prove that a town was negligent (for example, that it had advance notice that there was a problem with a tree, or in the below case its roots, such as it was decayed, already weakened or damaged) and failed to take appropriate action, the town would not be liable for alleged damage to the abutter's property. Even then there would be other issues, as to which see below.

For example, specifically with respect to tree roots, the Appeals Court affirmed a Superior Court decision, in *Jordan vs. City of Cambridge*, 85 Mass Appeals Ct. 1114 (2014), the city's motion for summary judgment when the roots of a city tree broke a

plaintiff-homeowner's lateral sewer line, causing damages for clean-up and repair, that the city had discretion on how best to maintain its trees, including root structures, and thus the city was immune from liability by virtue of the discretionary provision of MGL c. 258, §10 (b).

If in this case the property owner were to have and provide evidence that the town did in fact have advance notice and fails to take reasonable action, that would still leave other issues, factual and legal, to consider before concluding that the town had any liability for same.

If, absent evidence of negligence and causation, the town for some reason offered to provide some type of relief, a right of entry, release and indemnification would have to be required, and even then there is a question as to whether the expenditure of public funds on private property would be appropriate or legal. There is case law saying that a property owner has the right to trim branches of a neighbor's tree which overhang the property owner's boundaries, in which case that might apply also to roots, and the property owner himself/herself would be responsible for any maintenance and repair, though if a property owner were to do so in a fashion which damaged the public tree she/he could face a liability.

Understandably, many property owners are unfamiliar with the applicable legal principles, but their insurer should be able to explain same to them.

I will continue to work with Mr. Pike, Gerry Foskett and Seth Lemansky on this issue.

**Selectmen Recognition Project** – Over the past few month's Mary has been working diligently to identify all former members of the Board of Selectmen back to the Town's incorporation in 1755. She has successfully identify the terms of all 254 Selectmen that have served Charlton since that time. We are working to put together a plaque to recognize the service of each member to display in Town Hall. I'd like to thank her for her effort in pulling this together.

**Highway Recognition** – I just wanted to send a quick note of appreciation in recognition to the Highway Department for assisting in some spring cleaning around Town Hall. Over the past few weeks, they have assisted with cleaning out the basement hallway, filled in the holes in the back parking lot and moved Recreation cabinets and boxes to their facilities where they will be sharing space.