

## MINUTES OF THE WEEKLY SELECTMEN'S MEETING

### TOWN OF CHARLEMONT

December 30, 2003

The meeting was convened at 7:30 P.M. by Chairman Charles Bellows. Also attending the meeting was Erwin Reynolds, Sr.. It was announced that the meeting was being tape recorded.

1. Planning Board Co-Chairs Charlotte Dewey and Bill Stephens requested the Board call an executive session to speak about pending litigation, but agreed to wait until the end of the meeting to go into executive session.
2. The warrants were signed and the minutes were approved and signed.
3. The letter giving Chairman Bellows authorization to sign MassHighway contracts was signed by Mr. Reynolds, but will need the signature of Mr. Gariepy.
4. Chairman Bellows signed the RKG Assoc. invoice.
5. Highway Super Gordon Hathaway explained to the Board that Mr. Robecki purchased several surplus equipment items at the last sale, has paid for them, but does not show for appointments made to take possession of the items. The Board requested Mr. Hathaway to write a letter to Mr. Robecki that gives him until January 15, 2004 to retrieve the items or a storage fee of \$25.00/day will be imposed.
6. The proposal for the fire alarm system from Palmeri Electric was reviewed. The proposal will be forwarded to Mr. Gariepy for review and comments before acting upon the proposal.
7. The letter from MassHighway that states Avery Brook Road is not legally posted for speed was read. Mr. Hathaway will contact the Police Administrator Mark DeJackome to proceed with the requirements to legally post the speed limit.
8. Since the opinion from Town Counsel does not recommend the Town loading private contractors with winter sand from the sand shed, the Board decided not to pursue this practice. Sand will still be left in the little sand shed for Charlemont residents only to load and use on their own drive.
9. Michael Phelps from Stillwaters at the Oxbow attended the meeting to inquire about the legal hours of operation for his liquor license. Mr. Phelps thought his license last year read that he could serve until 2:00 A.M. from Friday through Sunday. His current license reads 2:00 A.M. closing Fridays with Sundays and Holidays as restricted. It was explained that the State oversees the hours except for Saturdays which the Board is allowed to set as they see fit. Mr. Phelps was asked if he would like to start the process to change any hours allowed for serving to which he responded no.
10. The Board decided to use the \$757.00 audit credit from MIIA to off set our account.
11. The Board gave the Adm. Asst. permission to attend the FRCOG training sessions on January 27 2004.
12. Mr. Coli had sent an e-mail to the Board asking for a time frame of when the Selectmen's minutes will be posted on the Charlemont website and asking that the minutes be posted before the Board approves and signs them. Mr. Bellows stated that the minutes will be sent to the "webmaster" for posting the following Wednesday after they have been approved and signed. In the summer, when the Board meets every other week, a draft of the minutes will be sent the Friday of the same week.
13. Perry Schwarzer submitted his findings concerning the Town Hall sign and using smaller letters so more information fits. The Board will peruse the information and contact Mr. Schwarzer with their concerns/approval.
14. The Planning Board Co-Chairs requested the Board consider voting on two new Town Policies. The first is that meetings will not be held on Fridays nor Holiday weeks unless it is an emergency or approved by a higher Governmental authority. The second is that the Adm. Asst. notifies any Board if they have certified mail so that a member of that Board is able to sign for and retrieve the mail. The various Boards have always used the Selectmen's P.O. Box number with the Adm. Asst. having the only key so this may cause a problem. Mr. Bellows highly suggested that the Planning Board get their own post office box so that they may retrieve and review their mail as they see fit. Mr. Bellows also stated that he does not feel the Board of Selectmen can set a policy as to when meetings can and can not be held and suggested the Planning Board bring this issue to the Town Meeting so that the Town can vote to have this as a bylaw.
15. Mr. Reynolds reported that the Hawlemont Teachers voted to accept an across the board 3% raise instead of their step raise which would be much more than the 3%. The teachers should be thanked for their cooperation during this tough economic time.
16. Mr. Schwarzer will be placing the Town web address on the Town Hall sign in white letters that will

- permanently remain on the sign.
17. Mr. Stephens reported that the vote to join the FRCOG inspection program will be on July 1, 2004. The assessment formula has been changed which will be based on fee for service and not upon the Town population.
  18. Highway Super Mr. Hathaway reported that one of his big sanders broke down, that leaves only three big sanders in his fleet. The Highway Crew will do the best that they can with the equipment they have but ask the residents for their understanding.
  19. Mr. Coli offered his congratulations to Animal Inspectors Jared Bellows and Erwin Reynolds, Jr. for getting and submitted the Charlemont Barn Book before the end of the year.
  20. Business being concluded, the Board voted to go into executive session at 8:05 P.M. to discuss pending litigation. The roll call vote went as follows: Mr. Reynolds, Sr. - yes, Mr. Bellows - yes.
  21. The Board reconvened their regular meeting at 9:03 P.M..
  22. Mr. Bellows and Mr. Reynolds agreed to offer the position of Secretary to the Town Boards to Carlene Millett. The Adm. Asst. will contact her with this offer.
  23. Mr. Earl Bowen owner of the gravel pit located at 300 Zoar Road entered the meeting per the request of Chairman Bellows. Mr. Bellows thanked Mr. Bowen for coming and explained that he does not like the idea of anyone, Mr. Bowen and the Town, spending any more money for Counsel concerning the impasse between the Planning Board and Mr. Bowen over the permit for the gravel pit. Mr. Bellows stated that he feels an agreement is very close at hand and was hoping that both parties could air their concerns tonight and come to an agreement. Mr. Bowen was asked what exactly he would like to see on the permit to operate the gravel pit. Mr. Bowen explained that he has spend lots of money on attorney fees and has lost a great deal of money due to lack of operation during this process. His main concerns are the access road and the hours of operation for the crusher. Mr. Bowen feels that the new access road is a lot safer for traffic using Zoar Road and the only logical place for it. Mr. Bowen also stated that a natural buffer would be placed on the abutters side of the crusher which would greatly reduce the noise and dust. The Planning Board agrees that the new access road is safer and will take care of erosion. The crusher, importation of materials, and that the permit is not in Mr. Bowen's name are the Planning Boards concern. These issues were discussed. It was agreed between the Planning Board and Mr. Bowen that the crusher would be screened to reduce noise and dust, hours for operating the crusher would be stated on the permit, and importation of materials would only be accepted from the Town of Charlemont, exceptions only approved by the Planning Board. the Planning Board will write a draft permit by/on their meeting on January 8, 2004 which will then be forwarded to Mr. Bowen for his acceptance. Mr. Bowen will then apply and go through the process to be issued a new permit in Mr. Bowen's name. Mr. Bellows expressed his gratitude and appreciation to Mr. Bowen and the Planning Board for meeting and coming to an agreement.

Business being concluded, the meeting was adjourned at 10:15 P.M..

Respectfully submitted:

Approved by:  
Board of Selectmen

Kathy A. Chadwick  
Administrative Assistant

This document is to be considered a draft until approved and signed by the Board of Selectmen.