

**TOWN OF CHARLTON
BY-LAW APPROVAL**

TOWN BULLETIN

**BY-LAWS VOTED AT
May 15, 2017
ANNUAL TOWN MEETING**

**WARRANT ARTICLES
21, 22 & 23 (Zoning)
13 & 18 (General)**

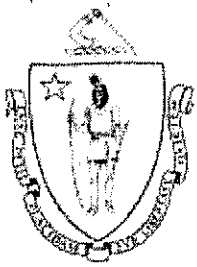
POSTED: July 20, 2017

BY:

Karen M. LaCroix

Town Clerk

**TOWN HALL
LIBRARY
POST OFFICE -01507
POST OFFICE-01508**



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

July 19, 2017

Karen M. LaCroix, Town Clerk
Town of Charlton
37 Main Street
Charlton, MA 01507

Re: Charlton Annual Town Meeting of May 15, 2017 - Case # 8462
Warrant Articles # 21, 22, and 23 (Zoning)
Warrant Articles # 13 and 18 (General)

Dear Ms. LaCroix:

Articles 13, 18, 21, 22, and 23 - We approve Articles 13, 18, 21, 22, and 23 from the Charlton May 15, 2017, Annual Town Meeting. Our comments on Article 13 are provided below.

Article 13 - Article 13 amends the Town's general by-laws by adding new sections to Chapter 5, "Finances," that authorizes revolving funds pursuant to G.L. c. 44, § 53E ½. General Laws Chapter 44, Section 53E ½, requires revolving funds to be established by by-law. Section 53 E ½ authorizes municipalities to establish revolving funds for "any fees, charges or other receipts from the departmental programs or activities supported by the revolving fund," to be accounted for separately from other monies in the town, and authorizes expenditures from such fund without further appropriation, subject to the provisions of Section 53 E ½. Further, G.L. c. 44, § 53E ½, requires the establishment of any revolving fund to be "made not later than the beginning of the fiscal year in which the fund shall begin." The Town established these revolving funds by by-law at a vote of Town Meeting on May 15, 2017, apparently with the intention that these funds be used during Fiscal Year 2018 (beginning July 1, 2017). According to DOR/DLS, all receipts collected during Fiscal Year 2018 can be credited to the revolving funds created under Article 13. The Town should consult with Town Counsel and/or DOR/DLS with any questions on this issue.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments

are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,
MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan

by: Kelli E. Gunagan, Assistant Attorney General
Municipal Law Unit
Office of the Attorney General
Ten Mechanic Street, Suite 301
Worcester, MA 01608
508-792-7600

cc: Town Counsel James Cosgrove



Town of Charlton
OFFICE OF THE TOWN CLERK
CHARLTON, MASSACHUSETTS 01507

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held
Monday, 15, 2017, the following business was transacted under
Article 13.

ARTICLE 13. GENERAL BYLAW - REVOLVING FUNDS

To see if the Town will vote to amend its General Bylaws, "Chapter 5 FINANCES" by adding the following Article at the end of the present Chapter so as to establish and authorize revolving funds for the use by certain town departments, boards, committees or officers under the Mass. General Laws Chapter 44, Section 53E ½ (as amended by Mass. Acts 2016, Chapter 218, Sec. 86, effective Nov. 7, 2016), which allows a town by bylaw to eliminate the need to re-establish each revolving fund annually but still subjects each such fund to the protective limitations and requirements in that statute and any such bylaw:

_____ ; or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

Motion: I move that wherever the words "Fiscal Year 2019" appear in Section 5-9 of the bylaw proposed under Article 13, as appearing in the posted warrant for this meeting, be deleted, that the words, "Fiscal Year 2018" be substituted therefor, and that in all other respects the article be accepted as printed.

RECOMMENDATION OF THE FINANCE COMMITTEE: Finance Committee approves this motion.

RECOMMENDATION OF THE BOARD OF SELECTMEN: BOS approves this motion.

Majority Vote Needed.

Motion passed by Unanimous Voice vote

A True copy, Attest

Karen M. LaCroix
Town Clerk

Town Seal

A TRUE COPY ATTEST

TOWN CLERK

"ARTICLE V

DEPARTMENTAL REVOLVING FUNDS

§ 5-5. Purpose.

This by-law establishes and authorizes revolving funds for use by town, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

§ 5-6. Expenditure Limitations.

A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without further appropriation, subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Selectboard and Finance Committee.

§ 5-7. Interest.

Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

§ 5-8. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies and procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

§ 5-9. Authorized Revolving Funds.

The Table below establishes:

- A. Each revolving fund authorized for use by a town department, board, committee, agency or officer,
- B. The department or agency head, board, committee or officer authorized to spend from each fund,
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant,
- D. The expenses of the program or activity for which each fund may be used,
- E. Any restrictions or conditions on expenditures from each fund;
- F. Any reporting or other requirements that apply to each fund, and
- G. The fiscal years each fund shall operate under this by-law.

Revolving Fund	Department, Board, or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Fiscal Years
WIRE INSPECTOR REVOLVING FUND	Inspectional Services	Fees charged for the Wire Inspector's services	Wire Inspector's fee per inspection.	Unencumbered balance above \$20,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years
GAS INSPECTOR REVOLVING FUND	Inspectional Services	Fees charged for the Gas Inspector's services	Gas Inspector's fee per inspection.	Unencumbered balance above \$15,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years
PLUMBING INSPECTOR REVOLVING FUND	Inspectional Services	Fees charged for the Plumbing Inspector's services	Plumbing Inspector's fee per inspection.	Unencumbered balance above \$15,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years

CEMETERY COMMISSION REVOLVING FUND	Cemetery Department	Interment fee equal to cost of grave opening	Grave opening fee.	Unencumbered balance above \$5,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years
RECREATION COMMISSION REVOLVING FUND	Recreation Commission	Fees charged to individuals participating in a program, donations and gifts, private sponsorship of a program and fees charged for the use of Recreation facilities	Funds will be used in direct support of the listed programs for the following items: supplies for the programs, contractual services required to present a program, administrative expenses required to run the program, repair of equipment used in a program and the repair and maintenance of facilities used for a program	Unencumbered balance above \$15,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years
FIRE DEPARTMENT HAZARDOUS WASTE REVOLVING FUND	Fire Chief	Fees charged for Hazardous waste services and supplies	Payments for Hazardous Waste training and for replacement supplies	Unencumbered balance above \$15,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years
PLANNING BOARD REVOLVING FUND	Planning Board	Fees for engineering review and other consultants as well as advertising and mailing	Payments to engineers and other consultants, as well as advertising and mailing.	Unencumbered balance above \$20,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years
RECYCLING REVOLVING FUND	Recycling Committee	Fees from sales of rain barrels and/or compost units	Purchase additional rain barrels and/or compost bins.	Unencumbered balance above \$1,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years
ASSISTANT BUILDING INSPECTOR REVOLVING FUND	Inspectional Services	Fees charged for part-time Assistant Building Inspector's services	Part-time Assistant Building Inspector's fee per inspection,	Unencumbered balance at the end of the fiscal year reverts to general fund.	Fiscal Year 2018 and subsequent years
CONSERVATION COMMISSION-DANIELS/COLBURN RD FUND	Conservation Commission	Fees from existing timber products and wildlife improvement incentive programs.	1) Timber Improvement 2) Wildlife Habitat Improvement 3) Ecological Education & Studies 4) Passive Recreation I.E. establish trails / access/ parking 5) Site Evaluation & Planning	Unencumbered balance above \$10,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years
BUILDING DEPARTMENT-PERMITTING REVOLVING	Inspectional Services	Fees from online permits	To pay 3% fee charged by online company	Unencumbered balance above \$10,000 at the end of the fiscal year reverts to general fund	Fiscal Year 2018 and subsequent years



Town of Charlton
OFFICE OF THE TOWN CLERK
CHARLTON, MASSACHUSETTS 01507

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held
May 15, 2017 the following business was transacted under
Article 18.

ARTICLE 18. GENERAL BYLAW AMENDMENT – CONTRACTS

To see if the Town will vote to amend its General Bylaws, “Chapter 20 Contracts and Purchasing” by adding the following sections at the end of the present Chapter:

§ 20-4. Authority to Contract

Unless otherwise provided by a vote of Town Meeting, and subject to the provisions below, the Board of Selectmen (“Board”) or Procurement Officer appointed by the Board pursuant to § 50-2 of these Bylaws and Mass. Gen. Laws Chapter 30B shall have full authority to enter into and sign all contracts, leases and other agreements for the exercise of the Town’s corporate powers, on such terms and conditions as the Board or Procurement Officer deems appropriate.

, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

Motion: I move that Article 18 be accepted as printed.

RECOMMENDATION OF THE BOARD OF SELECTMEN: BOS approves this motion.

RECOMMENDATION OF THE FINANCE COMMITTEE: Finance Committee approves this motion.

Majority Vote Needed.

Motion passes by Majority Voice Vote

A True copy, Attest

Town Seal

Karen M. LaCroix
Town Clerk

A TRUE COPY ATTEST

TOWN CLERK

§ 20-5. Duration of Contracts

The term of any such contract, lease or other agreement which the Procurement Officer enters into may exceed three years, including renewals, extensions or options, provided any such contract exceeding said three years duration is approved in advance by the Board.

§ 20-6. Adherence to Law

Any such contract, lease or other agreement and the procedure followed in awarding same must be consistent in all respects with applicable provisions of Massachusetts General Laws and other applicable statutes and town bylaws.

§ 20-7. Procurement Officer Responsibility & Authority; Board Approval

The Procurement Officer, consistent with Mass. General Laws Chapter 30B, shall be responsible for and exercise full authority as to procurement and purchase of all supplies, materials, services and equipment, and the Procurement Officer shall have authority to award and sign all contracts up to \$50,000, in addition to all MassHighway contracts and state and federal grants. Any contract exceeding \$50,000 shall require approval of the Board, and the Procurement Officer shall have the authority to sign any contract approved by the Board. The Procurement Officer shall report in writing to the Board, no later than its next regular meeting, each contract and grant signed by the Procurement Officer.

§ 20-8. Signing of Deeds, Contracts, Etc. Requiring Notarization/Recording

All deeds, conveyances, leases, discharges of mortgages, bonds, agreements, contracts or other instruments, which shall be given by the Town and which by law in order to be valid must be sealed or notarized and acknowledged in addition to being signed, unless otherwise provided by law or by vote of Town Meeting shall be signed and acknowledged by a majority of a quorum of the Board or by the Procurement Officer on behalf of the Town, provided that in the case of any such instrument to be recorded at a registry of deeds a majority of the Board must sign same unless a majority of a quorum votes to authorize the Procurement Officer or another town official, board or commission to do so and a certificate of such vote is recorded along with the instrument.

§ 20-9. Contracts by Other Town Boards, Commissions, Committees

If the Procurement Officer has handled the procurement process and has confirmed in writing, in advance, that a contract, lease or other agreement in the Procurement Officer's opinion satisfies all legal requirements, another town board, commission or committee, provided it has legal responsibility for and authority with respect to the subject matter of the contract, lease or agreement (for example, the water and sewer commission for water and sewer contracts), may on behalf of the Town enter into and sign same. In which case the provisions above with respect to the Board of Selectmen, such as voting approval and signing, shall apply to such other board, commission or committee in all respects rather than to the Board.

§ 20-10. Contractual Obligations Subject to Funding/Appropriation

As specified in Mass. General Laws Chapter 30B, the Procurement Officer shall not enter into a contract, lease or other agreement unless funds have been appropriated and at the time of contracting are available for the first fiscal year of the term of the contract, lease or agreement. Unless full funding for the entire

contract is appropriated in advance, payment and performance obligations of each succeeding fiscal year shall depend on the availability and appropriation of funds for same, and the Procurement Officer shall cancel the contract, lease or other agreement if funds are not appropriated or otherwise made available to support continuation of performance in any fiscal year succeeding the first year.

§ 20-11. Town Clerk Custody of Contracts & Availability to Public

Except as otherwise provided by law, all bonds, contracts, leases and other agreements imposing financial obligations on the town, or on another for the town's benefit, exceeding \$25,000 shall be placed for safekeeping in the custody of the Town Clerk, who shall keep same in a locked safe or other secure arrangement to protect them from damage or loss due to flood or other natural or manmade calamity or theft. To the extent not exempt from the MA public records law, upon request the Town Clerk shall make all such available for review in accordance with that law.

§ 20-12. Procurement Officer and Town Accountant, Copies

Where the compensation to be paid pursuant to a contract, lease or other agreement exceeds twenty-five thousand dollars (\$25,000), the Procurement Officer or such Officer's designee shall furnish a true and complete copy of same to the Town Accountant within seven (7) business days of signing by the last party to such contract, provided that in the case of a construction or other contract with lengthy technical specifications the latter need not be included in such copy. Provided further that where pursuant to the above such contract, lease or other agreement is signed by a board, commission or committee other than the Board of Selectmen such board, commission or committee shall so furnish true and complete copies to the Town Accountant and to the Procurement Officer.

§ 20-13. Contracts for Public Construction, Design & Contracts Exempt from Mass. Gen. Laws Chapter 30B; Effect on Prior Contracts

Contracts for public construction shall be governed by Mass. statutes applicable to same, for example Chapter 30, Sec. 39M and Chapter 149; contracts for public architectural or design contracts shall be governed by statutes applicable to same. No provision of this Bylaw shall apply to such a contract to the extent such provision is inconsistent with a provision of any such applicable statute.

Nothing in this Bylaw is intended to make any contract, lease or agreement which by the terms of Chapter 30B is exempt from Chapter 30B subject to the bidding or proposal provisions or procedures of Chapter 30B. Nor shall this Bylaw affect in any way any contract approved by Town Meeting before the effective date of this Bylaw or legally entered into before such effective date.



Town of Charlton
OFFICE OF THE TOWN CLERK
CHARLTON, MASSACHUSETTS 01507

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held
May 15, 2012 the following business was transacted under
Article 21.

ARTICLE 21. NON-CONFORMANCY ZONING BY-LAW REVISION

To see if the Town will vote to amend the Charlton Zoning Bylaw Section 200-3.4 Nonconforming Conditions; by removing the second sentence in Paragraph C-1 as underlined below:

C. Uses. Any lawful existing use of a structure or land which does not conform to the provisions of this bylaw may continue. Any change or substantial extension of such use shall be governed by the following:

- (1) Any change or substantial extension of a lawfully existing nonconforming use of a structure or land shall conform with the provisions of this bylaw and to any proposed amendment to it for which first notice of the required public hearing has been published. Such change or extension in an R-40 or an A District shall not exceed fifty percent (50%) of the land area occupied by the principal structure at the time such uses become nonconforming. Nor shall such change or extension cause the use to be more nonconforming in terms of the Intensity of Use Schedule (200-3.2D).

, or take any action relative thereto or thereon.

SPONSOR: PLANNING BOARD

Motion: I move that Article 21 be accepted as printed.

RECOMMENDATION OF THE PLANNING BOARD: Planning Board approves this motion.

2/3s Vote Needed.

Motion passes by necessary 2/3rds counted vote, YES - 188, NO - 50

A True copy, Attest

Karen M. LaCroix
Town Clerk

Town Seal

A TRUE COPY ATTEST

TOWN CLERK



Town of Charlton
OFFICE OF THE TOWN CLERK
 CHARLTON, MASSACHUSETTS 01507

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 15, 2017, the following business was transacted under Article 22.

ARTICLE 22. SITE PLAN REVIEW ZONING BY-LAW REVISION

To see if the Town will vote to amend the Charlton Zoning Bylaw Section 200-3.2. Use-Regulations, Sub-Section (5) Business Uses by changing the text from "Y" allowed by-right to "P" allowed via Site Plan Review. as noted in bold below:

Business Uses	Districts							
	A	R-40	R-SE	NB	V	CB	IG	BEP
(e) Hotels or inns	N	N	N	P	P	P	SP	SP
(f) Motel or motor courts	N	N	N	P	N	P	SP	N
(m) Business, professional and general offices with twelve thousand (12,000) or more gross square feet of floor area per structure	N	N	P	P	SP	P	P	P
(u) Schools (for profit)	N	N	P	P	P	P	SP	N

, or take any action relative thereto or thereon.

SPONSOR: PLANNING BOARD

Motion: I move that Article 22 be accepted as printed.

RECOMMENDATION OF THE PLANNING BOARD: Planning Board approves this motion.

2/3s Vote Needed.

Motion passes by Unanimous Voice Vote

A True copy, Attest

Town Seal

Karen M. LaCroix
 Town Clerk

A TRUE COPY ATTEST

TOWN CLERK



Town of Charlton
OFFICE OF THE TOWN CLERK
CHARLTON, MASSACHUSETTS 01507

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held
04/15/2017 the following business was transacted under
Article 23.

**ARTICLE 23. MEDICAL RESEARCH AND DEVELOPMENT OVERLAY DISTRICT
(MRDOD) REVISION**

To see if the Town will vote to amend the Charlton Zoning Bylaw Section 200-5.18 Medical Research and Development Overlay District (MRDOD) by adding new text in **BOLD**.

C. Overlay District

- (2) Establishment. The MRDOD is an overlay district having a land area of approximately 79.78 acres, being Assessor's Map 43, Lots A-1.10, A-1.2 and A.1.1, that is superimposed over the underlying zoning district, as shown on the map entitled "Medical Research and Development Overlay District Zoning Map," dated September 16, 2016, attached hereto. This map is hereby made a part of the Zoning Bylaw and is on file in the Office of the Town Clerk.

, or take any action relative thereto or thereon.

SPONSOR: PLANNING BOARD

Motion: I move that Article 23 be accepted as printed.

RECOMMENDATION OF THE PLANNING BOARD: Planning Board approves this motion.

2/3s Vote Needed.

Motion passes by Unanimous Voice Vote

A True copy, Attest

Town Seal

Karen M. LaCroix
Town Clerk

A TRUE COPY ATTEST

TOWN CLERK