



**Town of Charlton, Massachusetts**  
**Annual Town Meeting Warrant**  
*Election Portion – Saturday, May 5, 2011*  
*Town Meeting Business Session – May 21, 2011*

To either of the Constables of the Town of Charlton:

In the County of Worcester,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the **Town of Charlton** qualified to vote in elections to meet in the **Heritage School, Oxford Road** in said Charlton on **Saturday, May 5, 2012** at eight o'clock in the forenoon when the polls will be opened for the Annual Election of Officers; after action is taken on Article 1 of this warrant to meet again on **Monday, May 21, 2012** at seven o'clock in the evening at **Charlton Middle School, Oxford Road**, in said Charlton, for the purpose of taking action on the remaining articles listed on the warrant; that the polls for the Annual Election of officers on Saturday, May 5, 2012 will be closed at eight o'clock in the evening and that the remainder of this meeting on Monday, May 21, 2012 will be adjourned at eleven o'clock in the evening unless voted otherwise by the registered voters present, and that the articles in this warrant shall be deemed part of the Annual Town Meeting of the Town of Charlton for the Fiscal Year 2013.

**ARTICLE 1. ELECTION**

To choose two Selectmen for three years, one Assessor for three years, one Cemetery Commissioner for three years, one Water and Sewer Commissioners for three years, one Planning Board Member for five years, one Recreation Commissioner for three years, one Board of Health Member for three years, two Trustees of the Free Public Library for three years, one Trustee of the Free Public Library for one year (to fill vacancy), one Dudley-Charlton Regional School Committee Member for three years, one Dudley-Charlton Regional School Committee Member for one year, one So. Worcester County Vocational School Committee Member for three years, one Housing Authority Member for five years, one Housing Authority Member for three years (to fill vacancy) and one Housing Authority Member for one year (to fill vacancy).

The following ballot question will appear on the ballot to be used for the election portion of the Annual Town Meeting on May 5, 2012:

**QUESTION 1: (BALLOT QUESTION)**

Shall the Town of Charlton be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town's allocable share of the bond issued by the Southern Worcester County Regional Vocational School District for the purpose of paying costs of designing, constructing, originally equipping and furnishing an addition to and renovation of the Bay Path Regional Vocational Technical High School, located at 57 Old Muggett Hill Road, Charlton, including the payment of all costs incidental or related thereto?

Yes \_\_\_\_\_ No \_\_\_\_\_

SPONSOR: TOWN CLERK (Election portion); SOUTHERN WORCESTER COUNTY REGIONAL VOCATIONAL SCHOOL DISTRICT (Ballot Question)

**ARTICLE 2. TOWN REPORTS**

To see if the Town will vote to accept the reports of its officers for the past year, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

**ARTICLE 3. NOTICE OF TOWN MEETINGS**

To see if the Town will direct the Town Meeting to be warned during the ensuing years as follows: by posting attested copies of the Town Warrant calling the meeting at each of the Post Offices and posting like attested copies of the Warrant, one in Dexter Memorial Hall and one in the Charlton Municipal Offices (George C. McKinstry, III Building), in said Town seven days at least before the time of holding the Annual Town Meeting and fourteen days at least before the time of holding a Special Town Meeting, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

**ARTICLE 4. LITIGATION**

To see what action the Town will take in relation to prosecuting and defending actions or suits for and against the Town, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

**ARTICLE 5. SALE OF TAX TITLE LAND**

To see if the Town will vote to authorize the Selectmen to sell by public sale or sales from time to time and convey by good and sufficient deed or deeds, in the name and on behalf of the Town and in accordance with the provisions of General Laws Chapter 40, Section 3, and Chapter 30B, Section 16 if otherwise applicable, severally or in groups of two or more, the lots, tracts, or parcels of land title to which was acquired by the Town by deed of any individual or organization or by deeds to it by the Treasurer of the Town pursuant to the provisions of General Laws, Chapter 60, Sections 79 and 80 or by foreclosure of tax lien pursuant to the provisions of General Laws, Chapter 60, Section 65, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

**ARTICLE 6. SALE OF SURPLUS PROPERTY**

To see if the Town will vote to authorize the Selectmen or their designee to sell or otherwise dispose of surplus or obsolete personal property of the Town (a) after first having advertised the same for sale in a daily newspaper of general circulation in the town at least seven (7) days before the date of such sale and by posting a notice thereof in the Charlton Municipal Offices (George C. McKinstry, III Building), or (b) where the estimated net value is \$5,000.00 or more by following the procedures required by Mass General Laws, Chapter 30B, Section 15, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

**ARTICLE 7. APPOINTMENT OF COMMITTEES AND FILLING OF VACANCIES**

To see if the Town will authorize the Selectmen to appoint any committee or committees for the ensuing year and fill any vacancies that may occur on said committees, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

**ARTICLE 8. GRANT APPLICATIONS**

To see if the Town will vote to authorize the Board of Selectmen to apply for any state and federal grant programs that become available and expend any monies received, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

**ARTICLE 9. APPROPRIATION OF FUNDS FOR UNPAID BILLS OF A PRIOR FISCAL YEAR**

To see if the Town will vote to raise by taxation, transfer or borrow and appropriate a sum or sums to Accounts to be specified at the town meeting for payment of one or more prior fiscal year's bills not paid due to an insufficiency of appropriation or for any other reason, or take any action relative thereto or thereon.

SPONSOR: VARIOUS TOWN DEPARTMENTS AND OFFICIALS

**ARTICLE 10. INTER/INTRA DEPARTMENTAL TRANSFERS FOR FY12**

To see if the Town will vote to transfer and appropriate sums to be specified at the Annual Town Meeting within departmental accounts, from one line item of such accounts to another line item or line items of such accounts, for the fiscal year ending June 30, 2012, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

**ARTICLE 11. TOWN BUDGET**

To see if the Town will vote to raise, borrow or transfer and appropriate such sums of money as may be necessary to defray the expenses of the fiscal year beginning July 1, 2012, and, as provided by General Laws, Chapter 41, Section 108, to fix the salaries and compensation of all elected officers of the Town as set forth in the budget voted under this Article or as separately voted by the Town under other articles of the Warrant for this meeting, or take any action relative thereto or thereon.

SPONSOR: FINANCE COMMITTEE

**ARTICLE 12. WATER DEPARTMENT BUDGET (ENTERPRISE FUND)**

To see if the Town will vote to raise by taxation, borrow or transfer from available funds and appropriate to the Water Enterprise Fund, such sums of money as may be necessary, together with revenue from Water Department operations, to defray the expenses of the Water Department for the fiscal year beginning July 1, 2012, or take any action relative thereto or thereon.

SPONSOR: WATER & SEWER COMMISSION

**ARTICLE 13. SEWER DEPARTMENT BUDGET (ENTERPRISE FUND)**

To see if the Town will vote to raise by taxation, borrow or transfer from available funds and appropriate to the Sewer Enterprise Fund, such sums of money as may be necessary, together with revenue from Sewer Department operations, to defray the expenses of the Sewer Department for the fiscal year beginning July 1, 2012, or take any action relative thereto or thereon.

SPONSOR: WATER & SEWER COMMISSION

**ARTICLE 14. NEW & RE-AUTHORIZATION OF REVOLVING FUNDS**

To see if the Town, upon recommendation of the Board of Selectmen, will vote, as authorized by Mass. General Laws Chapter 44, Section 53E ½, to establish/reestablish the following Revolving Funds, and to authorize the official, commission, board or committee specified in the first column below to expend funds from the specified account, without further appropriation, provided that the amount to be expended from such account in the fiscal year commencing this coming July 1 shall not exceed the amount set forth in the fourth column unless an additional amount or amounts are recommended by both the Board of Selectmen and the Finance Committee:

Department	Revenue	Purpose	Amount
WIRE INSPECTOR REVOLVING FUND	Fees charged for the Wire Inspector's services	Wire Inspector's fee per inspection. Unencumbered balance at the end of the fiscal year reverts to general fund	\$20,000.00
GAS INSPECTOR REVOLVING FUND	Fees charged for the Gas Inspector's services	Gas Inspector's fee per inspection. Unencumbered balance at the end of the fiscal year reverts to general fund	\$15,000.00
PLUMBING INSPECTOR REVOLVING FUND	Fees charged for the Plumbing Inspector's services	Plumbing Inspector's fee per inspection, Unencumbered balance at the end of the fiscal year reverts to general fund.	\$15,000.00
CEMETERY COMMISSION REVOLVING FUND	Interment fee equal to cost of grave opening	Grave opening fee. Unencumbered balance at the end of the fiscal year in excess of \$5,000.00 reverts to the general fund	\$25,000.00
RECREATION COMMISSION REVOLVING FUND	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	\$15,000.00
HAZARDOUS WASTE REVOLVING FUND	Fees charged for Hazardous waste coordinator services and supplies	Payments for Hazardous Waste Coordinator and for replacement supplies	\$15,000.00

PLANNING BOARD REVOLVING FUND	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 at the end of the fiscal year in excess of \$20,000 reverts to general fund.	\$60,000.00
RECYCLING REVOLVING FUND	Fees from sales of rain barrels and/or compost units	Purchase additional rain barrels and/or compost bins. Unencumbered balance at the end of the fiscal year in excess of \$1,000 reverts to general fund.	\$1,000.00
CONSERVATION COMMISSION- DANIELS/COLBURN RD FUND	Fees from existing timber products and wildlife improvement incentive programs.	<ol style="list-style-type: none"> <li>1) Timber Improvement</li> <li>2) Wildlife Habitat Improvement</li> <li>3) Ecological Education &amp; Studies</li> <li>4) Passive Recreation I.E. establish trails / access/ parking</li> <li>5) Site Evaluation &amp; Planning</li> </ol> Unencumbered balance at the end of the fiscal year in excess of \$10,000 reverts to general fund.	\$10,000.00

; or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

**ARTICLE 15. TRANSFER OF FUNDS TO AND FROM STABILIZATION FUND ACCOUNT**

To see if the Town will vote to add funds to and/or transfer and appropriate sums from the Stabilization Fund Account to an account or accounts to be determined at the Town Meeting, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

**ARTICLE 16. CAPITAL ITEMS AND RELATED CONTRACTS**

To see if the Town will vote to raise by taxation, borrow or transfer from available funds, including so called "free cash" and funds previously appropriated to other uses, and appropriate a sum or sums to purchase capital items and for service, repair, improvement, architectural, construction, renovation, improvement and/or other contracts relating to town buildings, facilities and other property, and to authorize the Board of Selectmen, Chief Procurement Officer, or other appropriate town official, board, commission or committee to enter into such contracts or leases, and to take other such action, as may be necessary to effectuate the purposes of such votes, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN/VARIOUS DEPARTMENTS

**ARTICLE 17. CEMETERY PERPETUAL CARE**

To see if the Town will vote to accept the sum of \$10,230 as trust funds from individual persons, the income from each such sum to be used for the perpetual care of the Charlton cemeteries, or take any action relative thereto or thereon.

SPONSOR: CEMETERY COMMISSION

**ARTICLE 18.            DESIGNING, CONSTRUCTING, ORIGINALLY EQUIPPING  
AND ADDITION TO AND RENOVATION OF SOUTHERN  
WORCESTER COUNTY REGIONAL VOCATIONAL SCHOOL  
DISTRICT BUILDING PROJECT**

To see if the Town will approve the \$73,722,405 borrowing authorized by the Southern Worcester County Regional Vocational School District, for the purpose of paying costs of designing, constructing, originally equipping and furnishing an addition to and renovation of the Bay Path Regional Vocational Technical High School, located at 57 Old Muggett Hill Road, Charlton, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) sixty-seven and forty-one hundredths percent (67.41%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, or take any action relative thereto or thereon.

SPONSOR:    SOUTHERN WORCESTER COUNTY REGIONAL VOCATIONAL SCHOOL  
                  DISTRICT

**ARTICLE 19:            ACCEPTANCE OF THE "STRETCH ENERGY CODE"**

To see if the Town will vote to accept the "Stretch Energy Code" set forth in the Massachusetts Building Code and/or an appendix thereto, including amendments or modifications to such Stretch Energy Code, regulating the design and construction of buildings for the effective use of energy, a copy of which is on file with the Town Clerk, and to amend the Town of Charlton General Bylaws if necessary or advisable to give effect to the foregoing vote, or take any other action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

**ARTICLE 20.            C. 6, SEC. 172B ½ CIVIL FINGERPRINTING LICENSE BY-LAW**

To see whether the Town will vote, as authorized by Chapter 256 of the Acts of 2010, and incorporated into the Massachusetts General Laws as Chapter 6, Section 172 B 1/2, to amend the Town of Charlton General Bylaws by adding thereto the following by-law, such bylaw to be assigned such article number in the General Bylaws as the town clerk determines appropriate:

**"ARTICLE \_\_            CIVIL FINGERPRINTING LICENSE BY-LAW**

**Criminal History Check Authorization**

The Police Department shall, as authorized by Massachusetts General Laws Chapter 6, Section 172 B 1/2, conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:

- Hawking and Peddling or other Door-to- Door Salespeople (Licensing Authority: Charlton Police Department)

- Manager of Alcoholic Beverage License (Licensing Authority: Charlton Board of Selectmen)
- Owner or Operator of Public Conveyance (Licensing Authority: Charlton Board of Selectmen)
- Dealer of Second-hand Articles (Licensing Authority: Charlton Board of Selectmen)
- Pawn Dealers (Licensing Authority: Charlton Board of Selectmen)
- Scrap Metal Dealers (Licensing Authority: Charlton Board of Selectmen)
- Hackney Drivers, and (Licensing Authority: Charlton Board of Selectmen)
- Ice Cream Truck Vendors (Licensing Authority: Charlton Board of Selectmen)

At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records.

The Police Chief shall periodically check with the Executive Office of Public Safety and Security ("EOPSS") which has issued an Informational Bulletin which explains the requirements for town by-laws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance.

Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this by-law to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this by-law.

The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this by-law.

The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this by-law.

The State and FBI criminal history will not be disseminated to unauthorized entities.

Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must take appropriate action to correct said record, which action currently includes contacting the Massachusetts Department of Criminal Justice Information Services (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant that wants to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in Title 28 CFR 16.34. The Police Department shall not utilize and/or transmit the results of the fingerprint-based criminal record background check to any licensing authority pursuant to this by-law until it has taken the steps detailed in this paragraph. Municipal officials should not deny an applicant the license based on information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.

The Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town as listed. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication

for, a crime that bears upon his or her suitability, or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

The Board of Selectmen, is authorized to promulgate regulations for the implementation of the proposed by-law, but in doing so it is recommended that they consult with the Chief of Police, Town Counsel and the Massachusetts Executive Office of Public Safety and Security (or its successor agency) to ensure that such regulations are consistent with the statute, the FBI's requirements for access to the national database, and other applicable state laws.

### **Use of Criminal Record by Licensing Authorities**

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this by-law. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application, including renewals and transfers thereof, by any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this by-law.

### **Fees**

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be one hundred dollars (\$100). The Town Treasurer shall periodically consult with the Department of Revenue Division of Local Services and/or Town Counsel regarding the proper municipal accounting of those fees.

A portion of the fee, as specified in Mass. Gen. Laws Chapter 6, Section 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

### **Effective Date**

This by-law shall take effect upon approval of the Attorney General (whether express or by failure of the A.G. to seasonably act upon a request for approval) and upon publication, all as provided in Mass. Gen. Laws Chapter. 40, Sec. 32.”

, or take any action relative thereto or thereon.

SPONSOR: POLICE CHIEF

### **ARTICLE 21. BAY PATH ROAD LAND TRANSFER- AFFORDABLE HOUSING**

To see if the Town will vote to authorize the Board of Selectmen, for and on behalf of the Town and upon such terms as the Board deems advisable; (a) to solicit or request proposals for the construction of affordable housing unit(s) on an unimproved Town owned parcel at Bay Path Road in Charlton, MA

(Town Assessor's map 38-C-1); (b) to convey the property to the successful proposer for the construction of a one or two-family, affordable Residence (hereinafter, "the Residence") in return for such responder's construction of the Residence and other consideration and for the responder's sale of the Residence to a first time homebuyer; and (c) to take any and all other action the Board deems necessary or advisable, including but not limited to entering into and purchase and sale agreement or other contracts, in order to effectuate the purposes of the foregoing votes, or take any other action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

**ARTICLE 22. CDBG GRANT AUTHORIZATION- TOWN HALL ADA UPGRADES & HOUSING REHAB**

To see if the Town will vote to authorize the Board of Selectmen to apply for and administer a Community Development Block Grant in conjunction the Town of Leicester for improvements to the Town Hall and two housing rehabilitation projects in the Town of Charlton, and to raise by taxation, borrow or transfer and appropriate a sum to be used as matching funds to complete the aforementioned projects, or take any other action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

**ARTICLE 23. ACCEPTANCE OF SEWER LINE AND EASEMENT- MASONIC HOME ROAD**

To see if the Town will vote to authorize the Charlton Water and Sewer Commission, for and on behalf of the Town and upon such terms as the Commission deems advisable: (a) to accept conveyance, for nominal consideration and by bill of sale from the Overlook Masonic Health Center, Inc., formerly known as The Masonic Nursing Home, Inc., and ownership, of an 8-inch, existing sewer extension or line located wholly within the boundaries of Route 31 (also known as Masonic Home Road); and (b) to take any and all other action the Commission deems necessary or advisable in order to effectuate the purposes of the foregoing vote, or take any other action relative thereto or thereon.

SPONSOR: WATER & SEWER COMMISSION

**ARTICLE 24. ACCEPTANCE OF WATER LINE BILL OF SALE AND EASEMENT- NORTHSIDE ROAD**

To see if the Town will vote to authorize the Charlton Water and Sewer Commission, for and on behalf of the Town and upon such terms as the Commission deems advisable: (a) in accordance with the vote under Article 20 of the March 1, 1999 special town meeting authorizing the Commission, then known as the Charlton Water Commission, to establish a public water supply system and to enter into any contracts and take any and all other action which it deemed necessary or advisable for such purpose, pursuant to which the Commission entered into a May 17, 2008 Release of Claims and Agreement with Exxon Mobil Corporation ("Exxon"), to accept conveyance, for nominal consideration and by bill of sale and/or easement from Exxon and the Massachusetts Department of Transportation ("MassDOT"), and/or ownership, of a certain, now existing, 12-inch-diameter, water line and related equipment and appurtenances located over the Massachusetts Turnpike, suspended beneath the underside of Northside Road Bridge in the Town of Charlton; (b) to accept an easement in the realty in which said water line, equipment and appurtenances are located; (c) to enter into any contract or contracts as may be required for the foregoing purposes, including any provision whereby the town would indemnify MassDOT as to same; and (d) to take any and all other action the Commission deems necessary or advisable in order to

effectuate the purposes of, or relating to, the foregoing vote; or take any other action relative thereto or thereon.

SPONSOR: WATER & SEWER COMMISSION

**ARTICLE 25. WATER BETTERMENT SPECIAL LEGISLATION**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation as set forth below; provided however that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto:

**An Act Relative to Collection of Estimated Water Assessments and General Fund Reimbursement in the Town of Charlton.**

SECTION 1. Notwithstanding the provisions of section 42G through 42I and 42K of Chapter 40 and Chapter 80 of the general laws, or of any other general or special act, rule or regulation to the contrary, the town of Charlton, through its board of water and sewer commissioners, may assess estimated water assessments for the estimated costs of establishing, developing and constructing a water supply and water distributing system, or components thereof, including any design, engineering, legal, management, **accounting/financial planning** and administrative costs, whether or not included in a contract for construction of such facilities, provided that such estimated water assessments shall not exceed 50 percent of such estimated costs, and the total of such estimated assessments shall be allocated by the same method to be used for the allocation of the actual assessments upon completion of the work, and when the final costs of establishing, developing, and constructing such facilities have been determined, the Town may assess and collect actual water assessments, and the provisions of Chapter 80 of the general laws relative to the apportionment, division, interest, and collection of assessments shall apply to estimated assessments under this section, but the provisions of Chapter 80 relating to abatements shall not apply to estimated assessments under this section. Revenues from the estimated assessments made under this section shall be dedicated to the payment of the costs of establishing, developing and constructing such facilities, until all such costs and debt service obligations have been paid in full.

Section 2. This act shall be applicable to all water projects for which assessments have not yet been made.

Section 3. Notwithstanding any rule, regulation or guideline of the Department of Revenue, retained earnings in a water enterprise fund established by the Town of Charlton under section 53F ½ of Chapter 44 of the general laws may be appropriated to reimburse to the General Fund of the Town capital costs of the enterprise and administrative costs related to capital projects of the enterprise subsidized by the General Fund and not already reimbursed for the ten full, immediately prior, fiscal years.

Section 4. This act shall be effective upon passage.

or take any other action relative thereto or thereon.

**ARTICLE 26. DEED IN LIEU OF FORECLOSURE**

To see if the Town will vote to accept under M.G.L. chapter 60, section 77C a deed in lieu of foreclosure of the property described as 1.038 acres of land, more or less, with any buildings thereon, located and known as Lot 18 Brackett Hill Road and shown on the Town of Charlton Assessors records as Parcel Identifier 23-A-17.10 and being part of the premises recorded in book 15546 on page 196 in the Worcester Registry of Deeds subject to a tax taking made against Moriah Development Corporation C/O Joe Curran for unpaid 2008 real estate taxes and any subsequent taxes added thereto, dated November 6, 2008 and recorded with the Worcester Registry of Deeds Book 43536, Page 373, or take any other action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

**ARTICLE 27. SENIOR TAX WORKOFF**

To see if the Town, having earlier voted under Article 8 of the warrant for the October 3, 2001 special town meeting to accept the provisions of M.G.L. c. 59, §5K (“the statute”) and to authorize the Board of Selectmen pursuant to same to establish a program allowing persons over the age of 60 to provide volunteer service so the Town in return for a reduction of such persons’ real property tax obligations, will now vote further, as authorized by Section 43 of Chapter 188 of the Acts of 2010 amending the statute, to allow an approved representative of any person who qualifies for the aforementioned reduction, but who is physically unable to provide such volunteer services, to do so on such person’s behalf, all subject to the limitations in the statute and in accordance with the Board of Selectmen’s guidelines for the administration of this program adopted on March 10, 2008, as amended from time to time; or to take any other action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

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**No vote shall be taken on any motion relating to Article 28 and 29 below until the Planning Board has submitted a report with recommendations thereon to the Town Meeting, if 21 days have not elapsed since the public hearing before the Planning Board was held on the proposed amendment to the Zoning By-law set forth in said Article. (Gen. Laws Chapter 40A, Section 5, paragraph 3).**  
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**ARTICLE 28. ZONING BY-LAW DIAGNOSTIC REVIEW: REFORMATTING & REVISIONS**

To see if the Town will vote to amend the Charlton Zoning By-Law by reformatting and revising parts of the by-law identified by the Charlton Planning Board in its Zoning By-Law Diagnostic Review, detailed as follows:

1. Correct miscellaneous misspellings, punctuation errors and typographical errors throughout the Zoning By-Law document, as highlighted in bold in copies available at the Charlton Planning Board Office and Office of the Town Clerk.

2. Add the page number of the site plan review sub-section of the zoning by-law to the Table Of Contents.

3. Delete the current “Accessory Building or Uses” definition in Section 2-Definitions and replace it with separate “Accessory Building” and “Accessory Use” definitions, as follows:

Accessory Building: An accessory building is one which is subordinate or incidental to the main use of a building on a lot. The term “accessory building” when used in connection with a farm shall include all structures customarily used for farm purposes and they shall not be limited in size.

Accessory Use: A land use which is subordinate and incidental to a predominant or main use. See Section 3.2 (Use Regulations), Sub-Section 3.2.2.8 (Accessory Uses) for accessory use listing per zoning districts.

4. Relocate the definition of “Fast Food Restaurants” from Section 3.2.2.5-7 to Section 2-Definitions.

5. Revise land use activity description language in Sub-Section 3.2.2.2-Residential Uses, items #1, #3, #8 and #9, as follows:

#1 Change “Detached one-family dwelling” to “Dwelling one-family”

#3 Change “Detached two-family dwelling” to “Dwelling two-family”

#8 Change “Dwelling units over first floor commercial uses” to “Dwelling units over first floor business uses”

#9 Change “In one and two-family dwellings, a mix of residential and commercial uses” to “In one and two-family dwellings, a mix of residential and business uses”

6. Replace the current “Light Manufacturing establishments” land use activity description in Sub-Section 3.2.2.7-1 with the following language:

1. Light Manufacturing establishments.

Storage of goods or materials shall not be permitted on any lot except in an appropriate enclosure and also in compliance with Section 4.1.5. hereof.

7. Revise the land use activity description in Sub-Section 3.2.2.8-8, as follows:

Delete: 8. Child care facility as accessory use to serve employees of principal use.

Add: 8. Day Care Center or any child care facility-including day care and family care as accessory use to serve employees of principal use.

8. Revise Section 5.3 (Storage of Unregistered Motor Vehicles), Sub-Section 5.3.5 (Special Permit Fee) to read as follows:

5.3.5 Special Permit Fee

Each special permit application submitted under section 5.3.1 shall include an application fee in an amount established by majority vote of the special permit granting authority.

9. Add the following sentence to the end of Section 5.7 (Flexible Development), Sub-Section 5.7.3.5:

Three (3) copies of a preliminary conventional subdivision plan are required to be submitted as part of the flexible development preliminary subdivision plan application for use by the Planning Board in determining preference of either flexible or conventional subdivision design.

10. Add the following items #3 and #4 to the list of affordable housing types exempt from the Phased Growth section of the Charlton Zoning By-Law, detailed in Section 5.12 (Phased Growth), Sub-Section 5.12.6 (Exemptions), as follows:

3. Housing that is eligible for inclusion on the Mass. DHCD Subsidized Housing Inventory (SHI) listing.
4. Affordable housing created in accordance with Section 5.15 (Inclusionary Zoning Special Permit) of the Charlton Zoning Bylaw.

11. Revise the definition of “Affordable Housing Unit (AHU)” listed in Section 5.15 (Inclusionary Zoning Special Permit), Sub-Section B (Definitions) by adding the following language to the definition as highlighted in bold below:

1. Affordable Housing Unit (AHU): A dwelling unit available at a cost of no more than 30% of gross household income of those households at or below 80% of the Worcester Primary Metropolitan Statistical Area (PMSA) median household income as reported by the US Department of Housing and Urban Development, including units listed under MGL Chapter 40B and the Commonwealth’s Local Initiative Program **and qualifying for the Mass. DHCD Subsidized Housing Inventory (SHI) listing.**

12. Add to the Charlton Zoning By-Law an “Appendix B: Design Illustrations” that includes a total of nine (9) design samples to visually illustrate examples of the following zoning design concepts:

- Figure 1: Accessory Building/Structure
- Figure 2: Awnings and Canopies
- Figure 3: Buffer
- Figure 4: Building Coverage

- Figure 5: Floor Area Ratio
- Figure 6: Corner Lot & typical lots
- Figure 7: Building Height
- Figure 8: Yard & Frontage
- Figure 9: Sign Types

Please note that these samples are for illustrative example purposes only. For complete details regarding Zoning By-Law performance standards for each of these site or structural design elements, please refer to the appropriate section of the Zoning By-Law text or contact the Building Commissioner/Zoning Enforcement Officer (ZEO) or Planning Board.

SPONSOR: PLANNING BOARD

**ARTICLE 29. PETITION- ZONING**

Request that the May 2012 Annual Town Meeting vote to amend the Town of Charlton Zoning Map by re-zoning approximately 5.25 acres of the 140-acre parcel owned by Green Hill Realty Trust, located southerly of Route 20, Map 31, Block D, Parcel 4, from Low-Density Residential (R-40) zoning designation to Industrial-General (IG) zoning designation, so as to designate the entire 140-acre parcel as uniformly within the Industrial-General Zone.

SPONSOR: Petition

*[Note: Further description provided by owner of land who initiated the petition for the above article and which he had Para Land Surveying, Inc. prepare and provide to the Town:*

Zone Change

*Suggested Description of Zone Change from Residential-Low Density (R-40) to Industrial-General (IG) at the south side of Sturbridge Road AKA Route 20, Charlton, Massachusetts.*

*BEGINNING at a point on the southerly side of Route 20 at the current Zone line between IG and R-40 Zone line west of Mayberry Road.*

*THENCE west by Route 20 and the crossing the current Residential 40 Zone to at a point at another IG Zone at or near McKinstry Brook also called Globe Brook.*

*THENCE southerly along the current IG and Residential 40 Zone line at or near said Brook through Assessor Map 31 Block D Parcel 4 to a point on the boundary line between Assessor Map B1, D4, and 31D 7.1.*

*THENCE northerly along said boundary line and through the R40 Zone to and along the current first described IG Zone line to the point of beginning. The above-described tract contains an approximate area of 5 acres.]*

**ARTICLE 30. PETITION- GENERAL BY-LAW**

We, the undersigned registered voters of the Town of Charlton, hereby petition the Board of Selectmen to place the following article within the warrant (agenda) of the Town Meeting of (date): May 21, 2012

In accordance with Chapter 39, section 10 of the Massachusetts General Laws:

Town Meeting directs the Board of Selectmen and other appropriate committees to amend the Charlton General By Law Article XXXV: Junk, Old Metal, and *Second Hand Articles* to govern the placement and maintenance of outdoor “drop boxes” in areas of public access for the purposes of maintaining safe and clean streets and sidewalks.

“Drop box” shall mean any box, container or device placed in an area of public access on a temporary or permanent basis, including devices designed to collect, distribute, or sell any item.

Section 1: Prohibition

4. No person shall keep a “drop box” designed to collect, distribute, or sell any item without a license issued by the Selectmen.

Section 3: Rules, Regulations and Restrictions

3. “Drop boxes” should be properly maintained in a clean and neat condition and in good repair at all times. Drop boxes” shall be emptied on a regular basis, at least monthly, to prevent overflow.

4. “Drop boxes” shall contain clear identification and phone number of the organization responsible. “Drop boxes” shall clearly state to donors the intended use of the donation.

5. “Drop boxes” shall only be permitted in areas zoned I-G (Industrial General) or CB (Community Business) and shall be set back from property lot lines by a minimum of 15 feet.

SPONSOR: Petition- Kristen Kustigian

\* \* \* \* \*

And you are directed to serve this Warrant by posting attested copies thereof, one at each of the Post Offices, one in Dexter Memorial Hall and one in the Charlton Municipal Offices (George C. McKinstry, III Building) in said Town, seven days at least before the time and place of holding meeting.

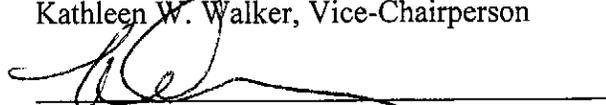
Hereof, fail not, and make due returns of the Warrant with your doings thereon to the Town Clerk at the time and place of holding meeting.

Given under our hands this 27th day of April in the Year of Our Lord Two Thousand and Twelve (2012).

Board of Selectmen

  
David Singer, Chairperson

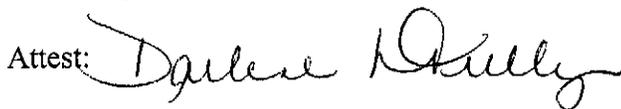
  
Kathleen W. Walker, Vice-Chairperson

  
Frederick C. Swensen, Member

  
Brent Sellow, Clerk

  
Peter J. Boria, Member

A true copy:

Attest: 

Posted as directed:

Constable/Police Officer of Charlton, Massachusetts

*Richard J. Fiske, Jr. 4-27-2012*