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Town of Charlton, Massachusetts
Annual Town Meeting Warrant
Election Portion - May 7, 2011
Town Meeting Business Session - May 16, 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 7, 2011** 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 16, 2010** 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 7, 2011 will be closed at eight o'clock in the evening and that the remainder of this meeting on Monday, May 16, 2011 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 2012.

ARTICLE 1. ELECTION

To choose two Selectmen for three years, one Town Clerk for three years, one Moderator for three years, one Assessor for three years, one Cemetery Commissioner for three years, two Water and Sewer Commissioners for three years, one Planning Board Member for five years, one Recreation Commissioner for three years, one Recreation Commissioner for one year (to fill vacancy), one Board of Health Member for three years, one Tree Warden for three years, two Trustees of the Free Public Library for three years, 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, and one Housing Authority Member for five years.

The following ballot question will appear on the ballot to be used for the election portion of the Annual Town Meeting on May 7, 2011:

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 for the bond issued in order to fund the Charlton Landfill closing?

Yes _____ No _____

SPONSOR: BOARD OF SELECTMEN

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

Motion: I move that the Town accept the reports of its officers for the past year as printed in the Annual Town Report.

RECOMMENDATION OF THE FINANCE COMMITTEE: N/A

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

Majority vote needed.

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

Motion: I move that Article 3 be accepted as printed.

RECOMMENDATION OF THE FINANCE COMMITTEE: N/A.

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

Majority Vote Needed

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

Motion: I move that Town Counsel be authorized to prosecute and defend actions for and against the Town.

RECOMMENDATION OF THE FINANCE COMMITTEE: N/A.

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

Majority Vote Needed.

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

Motion: I move that Article 5 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.

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

Motion: I move that Article 6 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.

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

Motion: I move that Article 7 be accepted as printed.

RECOMMENDATION OF THE FINANCE COMMITTEE: N/A.

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

Majority Vote Needed.

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

Motion: I move that Article 8 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.

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

Motion: I move that consideration of Article 9 be postponed indefinitely.

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

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

Majority Vote Needed.

ARTICLE 10. INTER/INTRA DEPARTMENTAL TRANSFERS FOR FY11

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, 2011, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

MOTION: I move that the town vote to transfer and to appropriate the following amounts from and to the following accounts for the FY2011 Budget, for any purpose for which funds may be expended from the latter accounts, each item being considered a separate appropriation:

<u>Amount</u>	<u>From</u>	<u>To</u>
\$400	Selectmen Expense	Sealer of Weights & Measurers Exp (for Seals)
\$635	Selectmen Expense	Treasurer- Certify Notes
\$26,562	Insurance Account for over \$20,000	Police Salaries (recover IOD payments)

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

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

Majority Vote Needed.

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, 2011, 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

Motion: I move: (a) that the amounts of money set forth in the columns headed FY 2012 FinCom Recommendation and rows headed for departmental totals for Personnel and Expenses, in the report prepared and voted by the Finance Committee for recommendation at the Annual Town Meeting on May 16, 2011 entitled {“Town of Charlton Article 11, FY 2012 Town Budget, Recommendation of the Finance Committee, Annual Town Meeting, May 16, 2011”}, as most recently revised except for those items which are covered by other articles, be appropriated for the several purposes therein itemized, \$698,000 to be transferred from ambulance receipts reserved; \$49,140 to be transferred from Cable Access Account; \$6,500 to be transferred from sale of cemetery lots; \$240,242 to be transferred from the Stabilization Fund; and \$20,601,475 to be raised

by taxation, each item being considered a separate appropriation; and (b) 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.

RECOMMENDATION OF THE FINANCE COMMITTEE:

RECOMMENDATION OF THE BOARD OF SELECTMEN:

2/3rds Vote Needed.

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, 2011, or take any action relative thereto or thereon.

SPONSOR: WATER & SEWER COMMISSION

Motion: I move that the sums listed in the second column below, under the heading "Revenues", be appropriated to the FY 2012 Water Department Enterprise Fund Account, to be expended under the direction of the Water and Sewer Commissioners for the respective expense purposes set forth in the first column below, each item being considered a separate appropriation:

Town of Charlton	FY2012
FY 12 BUDGET	Proposed Budget
Department Line Items:	
Water Enterprise Fund	
Salaries and Wages	13,284
Major Repairs	0
Maint and Equip	25,000
Legal Other	20,000
Engineering	35,000
Water Debt -Principal	275,341
Water Debt -Interest	60,655
Loan Admin Fee	6,104
Water Expense Total	435,384
Revenues	
Retained Earnings	
Water Stabilization Fund	435,384
Water Revenue Total	435,384

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

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

2/3rds Vote Needed.

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, 2011, or take any action relative thereto or thereon.

SPONSOR: WATER & SEWER COMMISSION

Motion: I move that the sums listed in the second column below, under the heading “Revenues”, be appropriated to the FY 2012 Sewer Department Enterprise Fund Account, to be expended under the direction of the Water and Sewer Commissioners for the respective expense purposes set forth in the first column below, each item being considered a separate appropriation:

Town of Charlton	FY2012
FY 12 BUDGET	Proposed Budget
Department Line Items:	
Sewer Enterprise Fund	
Salaries and Wages	64,764
Commissioner Salaries	6,000
Maint and Equip	876,793
Legal Other	25,000
Loan Admin Fees	16,091
Group Insurance	11,850
FICA	1,250
Pension	10,735
Engineering and Consultant Services	35,000
Capital and Replacement	53,000
new permit I & I	44,000
GIS	5,100
Sewer Debt-Principal	868,480
Sewer Debt Interest	230,463
Meter purchase	25,000
Total Expenses	2,273,526
Revenues	
User Fees	790,836
MTA Surcharge	268,300
Other Fees	1,325
Retained Earnings (\$ 1,122,227.00) 3/21/11	134,544

General Fund Transfer	554,586
Fund Bal/Privilege Fees	151,410
Betterments	372,525
Total Revenue	2,273,526

RECOMMENDATION OF THE FINANCE COMMITTEE: Finance Committee approves this motion.
RECOMMENDATION OF THE BOARD OF SELECTMEN: BOS approves this motion.
Majority Vote Needed.

ARTICLE 14. REAUTHORIZATION 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 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

; or take any action relative thereto or thereon.

SPONSOR: VARIOUS OFFICIALS, BOARDS, COMMISSIONS AND COMMITTEES

Motion: I move that Article 14 be accepted as printed.

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

RECOMMENDATION OF THE BOARD OF SELECTMEN AS REQUIRED BY G.L. C. 44, SEC. 53 E

½: BOS approves this motion.

Majority Vote Needed.

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

MOTION: I move that the following sums be transferred and appropriated to and from, as indicated below, the following accounts, for any purpose for which funds may be expended from the recipient accounts, and to authorize the Board of Selectmen or Chief Procurement Officer to enter into such contracts, including leases, and to take such other action as may be necessary or advisable to effectuate the purposes of the foregoing vote, each item being considered a separate appropriation:

<u>To The following Accounts</u>	<u>Amount</u>	<u>From the following Source or Account</u>
Stabilization Fund	\$80,000	Raise and Appropriate (Millennium Fund)
Fay Mt Farm Management Plan	\$4,000	Stabilization Fund

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

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

2/3rds Vote Needed.

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

MOTION: I move that the town vote to appropriate the following amounts to the following departments’ respective accounts, for the FY2012 Budget, to be expended for the following purposes, each item being considered a separate appropriation, and to authorize the Board of Selectmen or Chief Procurement Officer to enter into such contracts, including leases, and to take such other action as may be necessary or advisable to effectuate the purposes of the foregoing vote:

<u>Amount</u>	<u>From</u>	<u>To</u>
\$ 1,000	Stabilization Fund	Town Clerk Book Repairs
\$ 1,000	Stabilization Fund	Historic Commission-Archival
\$ 60,000	Sewer Retained Earnings	New Sewer Service Truck

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

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

2/3rds Vote Needed.

ARTICLE 17. CEMETERY PERPETUAL CARE

To see if the Town will vote to accept the sum of \$5,275 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

Motion: I move that Article 17 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.

ARTICLE 18. ACCEPTANCE OF EASEMENT FOR CITY DEPOT ROAD SEWER LINE

To see if the Town will vote: (a) to authorize the Charlton water and sewer commission, on behalf of the Town and upon such terms and conditions as the commission deems to be in the best interest of the Town, to accept conveyance to the Town of a permanent easement for the purpose of constructing, installing, maintaining, repairing and replacing a sewer system over, on, across, under and through a private way shown on a plan of land entitled, "Plan of Properties owned by ResCom Services, Inc. (#13) and Alfred R Denault and Cheryl Ann Denault Guyan (#11) City Depot Road, Charlton, MA," dated June 1, 2010, by Jalbert Engineering, Inc., and recorded in the Worcester District Registry of Deeds in Plan Book 883, Plan 65; (b) to place care, custody, management and control of such easement in the Charlton water and sewer commission; and (c) to authorize such commission to take any and all action necessary for the purpose of effectuating the foregoing vote, or take any action relative thereto or thereon.

SPONSOR: WATER AND SEWER COMMISSION

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

RECOMMENDATION OF THE FINANCE COMMITTEE: N/A.

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

Majority Vote Needed.

ARTICLE 19. APPROPRIATION OF ADDITIONAL FUNDS AND AUTHORIZATION FOR THE PURPOSE OF ESTABLISHING A SYSTEM FOR SUPPLYING THE TOWN OR FURTHER AREAS OF THE TOWN WITH WATER.

To see if the Town will vote to (i) amend its vote adopted under Article 5 of the Warrant at the Special Town Meeting held on April 13, 2005, as amended by subsequent votes of the Town adopted under Article 16 of the Warrant at the Special Town Meeting held on October 28, 2008 and under Article 8 of the Warrant at the Special Town Meeting held on October 27, 2009, to permit funds authorized to be borrowed thereunder to be expended for the additional purpose of designing and constructing a water main loop, so-called, in a southerly direction up North Main Street to Charlton Elementary School on Burlingame Road and to the Town owned building at 4 Dresser Road, and (ii) to appropriate an additional sum of money, to be raised by borrowing or otherwise, to pay additional costs of designing and constructing a water main loop, so-called, in a southerly direction up North Main Street to Charlton Elementary School on Burlingame Road and to the Town owned building at 4 Dresser Road, or (iii) take any other action relative thereto.

SPONSOR: Water/Sewer Commission and Town Treasurer

Motion: I move that the Town votes to (i) amend its vote adopted under Article 5 of the Warrant at the Special Town Meeting held on April 13, 2005, as amended by subsequent votes of the Town adopted under Article 16 of the Warrant at the Special Town Meeting held on October 28, 2008 and under Article 8 of the Warrant at the Special Town Meeting held on October 27, 2009, to permit funds authorized to be borrowed thereunder to be expended for the additional purpose of designing and constructing a water main loop, so-called, in a southerly direction up North Main Street to Charlton Elementary School on Burlingame Road and to the Town owned building at 4 Dresser Road, (ii) appropriate \$350,000 to pay additional costs of designing and constructing a water main loop, so-called, in a southerly direction up North Main Street to Charlton Elementary School on Burlingame Road and to the Town owned building at 4 Dresser Road, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8(5) of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor, (iii) authorize the water and sewer commission to take such action as in its judgment is necessary or appropriate to effectuate the purposes set forth in Article 19, including but not limited to entering into contracts on behalf of the Town and expending available funds previously appropriated for other water department capital purposes therefor so long as total expenditures do not exceed the aforementioned \$350,000 appropriation, and (iv) to accept Article 19 in all other respects as printed.

RECOMMENDATION OF THE FINANCE COMMITTEE: FinCom supports this motion.

**RECOMMENDATION OF THE BOARD OF SELECTMEN: BOS supports this motion.
2/3rds Vote Needed.**

ARTICLE 20. PROPOSED STORMWATER & EROSION CONTROL AND ILLICIT DISCHARGE BYLAWS

To see if the Town will vote to amend the Town of Charlton General Bylaws by adding thereto two, additional, related bylaws concerning stormwater, one entitled, "Stormwater Management & Erosion Control Bylaw" and the other "Illicit Discharge Bylaw", each to be administered by the Charlton conservation commission, the purpose of each of same being to protect the Town's water bodies and

groundwater resources and to safeguard the public health, safety, and welfare and the natural resources of the Town, the full text of each such proposed bylaw being available for review in the town clerk's office during normal business hours, and such bylaws to be assigned such article numbers in the General Bylaws as the town clerk determines appropriate, or take any action relative thereto or thereon.

SPONSOR: CONSERVATION COMMISSION

Motion: I move that the Town vote to adopt the two bylaws referenced in the article, as on file with the town clerk since the warrant for this meeting was posted, copies of which were made available to the registered voters attending the meeting this evening as they entered the meeting, and that Article 20 in all other respects 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.

No vote shall be taken on any motion relating to Article 21 thru 25 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).

**ARTICLE 21. COMMERCIAL SOLAR ENERGY FACILITY ZONING BY-LAW
REVISION**

To see if the Town will vote to revise the Charlton Zoning By-law as follows:

1. Amend Section 2-Definitions by adding the following definition to Section 2.1 Uses and Structures:

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

2. Amend Section 3.2 Use Regulations by adding "Large-Scale Ground-Mounted Solar Photovoltaic Installation" as Principal Use #15 in sub-section 3.2.2.6, allowable in all zoning districts subject to use designation "P," requiring Planning Board site plan review and approval.

SPONSOR: PLANNING BOARD

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

RECOMMENDATION OF THE PLANNING BOARD:

2/3rds Vote Needed.

ARTICLE 22. SITE PLAN REVIEW ZONING BY-LAW REVISION

To see if the Town will vote to amend Section 7.1.4 (Site Plan Review) of the Charlton Zoning By-Law by revising and reformatting parts of sub-sections 7.1.4.1 through 7.1.4.3 as highlighted in bold below, replace sub-sections 7.1.4.4 through 7.1.4.9 in their entirety with new language as detailed in bold below, and to add a new sub-section designated as 7.1.4.10 (Post-Site Plan Approval) as detailed in bold below:

7.1.4 Site Plan Review and Approval

7.1.4.1. Purposes and Thresholds: For the purpose of ensuring adequate storm water management, wastewater disposal, screening, parking and loading spaces, utilities, water supply and pressure, landscaping, protection of significant natural and manmade features, lighting, and erosion and sedimentation control, compatible site design, safe pedestrian and vehicular access, protection of the natural environment, and compliance with the provisions of this Bylaw, a Site Plan shall be submitted for review and approval to the Planning Board, for the following uses:

- a. New construction of all uses identified with the symbol “P” (“P” Use) on the “Use Regulation Schedule” of Section 3.2.2 of this Bylaw.
- b. **Expansion of any “P” Use existing to increase floor space by at least twenty-five percent(25%) or five thousand (5,000) square feet, whichever is less;**
- c. Any change in a P Use if (1) the change is from one major category of use listed in the Use Regulation Schedule to another major category of use (for example, a change from any use listed under Business Uses to a use listed under Industrial and Warehouse Uses), or (2) such change would result in a more intensive use, as measured by the need for more than **five (5)** additional parking spaces (as required by **Section 4.2.2 of this Bylaw**) or an increase in traffic generation (as measured by the Institute of Transportation Engineers Trip Generation Manual or another source standard in the industry).
- d. Resumption, subject to the other requirements and proscriptions of this Bylaw, of any “P” Use described above discontinued for more than two (2) years.
- e. **All uses in those districts where Site Plan Approval is required.**

7.1.4.2 General Requirements:

- a. **All site plans required under this Bylaw shall be prepared by a registered professional architect, registered professional landscape architect, or registered professional engineer, unless the Planning Board waives this requirement because of unusually simple circumstances and specifically exempted herein. Ten (10) copies of site plans and other plans required by Section 7.1.4.3 below, shall be submitted to the Planning Board or its designee.**

Applicant shall submit a narrative with the plan if necessary for a layperson to understand the plan or any detail thereof. Each page of the submitted plans shall have a Planning Board signature block at

approximately the same location. At the written request of the applicant, the Planning Board may waive any information requirements it judges to be unnecessary to the review of a particular plan.

- b. For those uses/structures referenced in Section 7.1.4.1 (a) through (d) of this Bylaw as Site Plan Approval pursuant to this Section 7.1 is a prerequisite the grant of a building permit.**

7.1.4.3 Submission Requirements

- a. A site plan at a scale of one inch equals forty feet (1" = 40') or such other scale as the Planning Board may accept so long as the plan shows all details clearly and accurately. For convenience and clarity, this information may be shown on one or more separate drawings. The site plan shall show the following information and in all cases distinguish clearly between existing and proposed features:**
- 1. Name, address, and phone number of the person or persons submitting the application. If other than the owner, a notarized statement authorizing the applicant to act on the owner's behalf and disclosing his interest shall be submitted.**
 - 2. Name, address, and phone number of the owner or owners.**
 - 3. Property address and Charlton Assessors' Map, Block, and Lot Number.**
 - 4. Name of project, date and scale of plan.**
 - 5. Dimensions of lot, building coverage percentage (See Section 3.2.4) and unoccupied space percentage (See Section 4.2.4.6)**
 - 6. Description (including location) of existing land use(s) and building(s), if any.**
 - 7. Description (including location and dimensions) of proposed use(s) and buildings.**
 - 8. Location of required setback lines.**
 - 9. Location and dimensions of all driveway(s).**
 - 10. Location and dimensions of all driveway opening(s). Road construction and drainage details, curb cuts, and all required state and local highway access authorizations.**
 - 11. Location, dimensions, and detail of surfacing materials of parking and loading space(s). The plan should also indicate the total number of parking spaces provided and the total required number of parking spaces (See Section 4.2.2, Off-Street Parking Schedule).**
 - 12. Service area(s), exterior storage areas, fences, and screening.**
 - 13. Lighting (see Section 4.2.4.7 for commercial lighting plans). For projects located in BEP districts, sufficient detail should be provided to demonstrate compliance with Section 5.8.3.**
 - 14. The location, dimensions, height, illumination and characteristics of proposed signs, in sufficient detail to demonstrate compliance with Section 5.6, Signs.**

15. The location and description of all existing and proposed sewage disposal systems, stormwater management systems and other required waste disposal systems. All related easements **shall** be shown.
 16. Existing and proposed well or public water supply system.
 17. Location and description of all other existing and proposed utilities, their exterior appurtenances, and related easements.
 18. Zoning district(s) in which the property is located and location of any zoning district boundaries that divide or abut the property.
 19. Ownership of the abutting land as indicated on the most recent Town Assessors' records and location of buildings thereon within three hundred (300) feet of the project boundaries.
 20. Existing topography and proposed finished grading at two (2) foot elevation intervals and existing easements, if any.
 21. Significant natural and manmade features such as stone walls, public or private burial grounds, and water courses.
 - 22. Erosion and sedimentation control plan including during and after construction.**
 23. Location of wetlands as well as calculation of percentage of lot free of wetlands (to determine compliance with Section 3.3.2.5).
 24. Proposed emergency vehicle routing around building(s) and any and all emergency entrances and/or exits.
- b. A landscaping plan at the same scale as the site plan that shows landscaping features including the location and description of screening, fencing, and plantings, including the size and type of planting material. **Landscaping plans for projects that include no more than 12,000 square feet of gross building area shall be prepared by a registered engineer or by a landscape designer. Landscaping plans for projects that include more than 12,000 square feet of gross building area, shall be prepared by a licensed landscape architect.**
 - c. A locus plan at a scale of one inch equals one hundred feet (1" = 100') or other such scale as may be approved by the Planning Board, showing the entire project site and its relation to surrounding properties, buildings and roadways, and zoning district boundaries within one thousand (1,000) feet of the project boundaries or such other distance as may be approved by the Planning Board.
 - d. Building elevation plans at a scale of one-quarter inch equals one foot (1/4" = 1') or one-half inch equals one foot (1/2" = 1') or other such scale as may be approved by the Planning Board, showing all elevations of all proposed buildings and structures and indicating type and color of materials to be used on all facades.
 - e. **Payment of required administrative and peer review fees.**
 - f. **Copies of all easements, covenants and restrictions shown on plans and text to be provided.**
 - g. **Additional information required by the Planning Board to determine compliance with the criteria set forth in Section 7.1.4.7 including but not limited to soil suitability tests and analysis, a phasing plan, if applicable, a construction mitigation plan and a landscape maintenance plan.**

7.1.4.4 Filing the Application: The applicant shall submit the application for Site Plan Approval to the Town Clerk and a date and time-stamped copy thereof to the Planning Board or its designee. The date of filing shall be the date after which the application was received by the Clerk and the Planning Board or its designee.

7.1.4.5 Pre-Application Meeting, Notice and Hearing: The Planning Board strongly encourages the applicant to present and discuss the general development concept for the proposed project at one of its posted meetings prior to filing an application. The applicant may present as many or as few of the details listed in Section 7.1.4.3 as desired.

7.1.4.6 Site Plan Review and Approval Procedures:

- a. Within seven (7) business days after the filing of an application for Site Plan Approval, the Planning Board may submit one (1) copy of the site plan each to the Board of Selectmen, the Board of Health, the Conservation Commission, the Inspector of Buildings, the Superintendent of Highways, and the Sewer Commission and ask for their comments.
- b. Within sixty-five (65) days of the filing of an application for Site Plan Approval, the Planning Board shall provide notice and hold a public hearing noticed in accordance with the requirements set forth in GL 40A §§11 and 15. A majority vote of the Planning Board is required for approval of a Site Plan.
- c. Within ninety (90) days after the initial date of the public hearing, the Planning Board shall take its final action on the application (render its decision, file its decision with the Town Clerk and notify the Applicant of its decision).
- d. At the applicant's written request, the Planning Board may extend the time period in 7.1.4.6(b) and (c) unless extended pursuant to 7.1.4.6(d) shall constitute approval of the Site Plan as provided in GL 40A Section 11.
- e. Failure of the Planning Board to act within any of the time periods listed above in 7.1.4.6(b) and (c) unless extended pursuant to 7.1.4.6(d) shall constitute approval to the Site Plan as provided in GL 40A Section 11.

7.1.4.7 Review and Approval Criteria

- a. The Planning Board shall approve a Site Plan for projects with "P" uses if the applicant demonstrates to the Planning Board that the project is properly designed in the following site design categories:
 1. The Site Plan complies with all applicable provisions of these Bylaws feasible to the site including, but not limited to §4.2, and §§5.17 A & B for projects within the Village District.
 2. The Application is complete, including payment of administrative and peer review fees (see §7.1.4.3).
 3. All drives, parking lots, loading areas, paths, sidewalks and streets are designed to provide for safe vehicular, pedestrian and bicycle travel.

4. **There is safe and adequate access and egress to the site.**
5. **Access and site circulation enables prompt fire, police, ambulance and other emergency responses.**
6. **Adequate capture and discharge of stormwater and surface water runoff is achieved in accordance with the Department of Environmental Protection Massachusetts Stormwater Handbook, as amended.**
7. **Provision for adequate utilities has been made.**
8. **Adequate water supply is available in terms of quantity, quality, and water pressure for commercial and/or domestic needs and fire protection.**
9. **Minimize glare from headlights through plantings or other screening.**
10. **Lighting intrusion on to other properties and public ways is minimized, while at the same time providing adequate lighting for security and public safety.**
11. **Adequate disposal of wastewater is provided.**
12. **Changes to the natural landscape are minimized.**
13. **Adverse impacts of construction are minimized.**
14. **There is adequate landscaping and landscaping maintenance.**

b. The Board may deny an application for Site Plan Approval if:

1. **The project does not comply with one or more of the criteria set forth in 7.1.4.7.1 and reasonable conditions cannot be imposed to ensure compliance with one or more of these criteria, or**
2. **The applicant has not provided information sufficient for the Planning Board to determine compliance with one or more of the criteria listed in 7.1.4.7.1.**

7.1.4.8 Lapse: An approved Site Plan shall lapse after a period of two (2) years (not including time required to pursue or await the determination of an appeal from Site Plan Approval) from the date of approval unless substantial use or construction has not begun. All work proposed in the Site Plan or required by conditions in the Site Plan Approval decision, shall be completed within two (2) years from the date the Planning Board voted to approve the Site Plan unless the Planning Board provides in the Site Plan Approval for a longer period of time or the Applicant requests an extension and it is granted by the Planning Board.

7.1.4.9 Conditions

- a. **The Planning Board may impose conditions on Site Plan Approval to ensure compliance with the Review and Approval Criteria listed above including, but not limited to, requiring:**

1. A performance guarantee, in a form and amount acceptable to the Planning Board, to guarantee completion of all public improvements required by the approved Site Plan and land restoration not having to do with the construction of public improvements.

The Planning Board shall establish the amount of security required after reviewing an estimate from the applicant's engineer and determining whether the proposed amount is sufficient or whether it needs to be increased.

2. That any project easements and restrictions are subject to review and approval by legal counsel to the Planning Board.
3. That condominium and homeowners documents are subject to review and approval by legal counsel to the Planning Board to ensure compliance with the Review and Approval Criteria listed above.
4. Other conditions the Planning Board determines are necessary to ensure compliance with the Review and Approval Criteria listed above.

7.1.4.10 Post-Site Plan Approval

- a. Upon completion of construction, and before the release of the performance guarantee, the applicant shall have prepared and submitted to the Planning Board As-Built Plans. The Board shall receive six (6) paper copies of the As-Built Plans and the Plans shall also be submitted in AutoCad (*.dwg) format or such other digitized file format as specified by the Planning Board.
- b. An applicant shall submit proposed changes to an approved Site Plan to the Planning Board so that it can determine whether the changes are field adjustments or amendments to the approved Site Plan. The Planning Board shall convene a public hearing in accordance with MGL. 40A Section 11 to consider and vote upon proposed amendments.
- c. Appeals from a Planning Board decision to grant, grant with conditions or deny Site Plan Approval shall be made to Superior Court in accordance with MGL. 40A Section 17.

SPONSOR: PLANNING BOARD

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

RECOMMENDATION OF THE PLANNING BOARD:

2/3rds Vote Needed.

ARTICLE 23. FLOOD PLAIN DISTRICT ZONING BY-LAW REVISION

To see if the Town will vote to revise Section 6.2 (District Delineation) and Section 6.3 (Regulations) within Section 6-Flood Plain District of the Charlton Zoning By-Law, said revised language highlighted in bold as follows:

6.2 District Delineation

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Charlton designated as Zones A and AE, on the Worcester County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRM that are wholly or partially within the Town of Charlton are panel

numbers 25027C0767E, 25027C0768E, 25027C0769E, 25027C0780E, 25027C0783E, 25027C0786E, 25027C0787E, 25027C0788E, 25027C0789E, 25027C0791E, 25027C0792E, 25027C0793E, 25027C0794E, 25027C0931E, 25027C0932E, 25027C0951E, 25027C0952E, 25027C0953E, 25027C0954E, 25027C0956E, 25027C0957E and 25027C0958E, dated July 4, 2011. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.

Within Zone A, where the one hundred (100) year flood elevation is not provided on the FIRM, the developer/applicant shall obtain existing flood elevation data, and it shall be reviewed by the Town Inspector of Buildings. If the Inspector of Buildings determines that the data is sufficiently detailed and accurate, it shall be relied upon to require compliance with this Bylaw and the State Building Code. If the determination is that the land is in the Flood Plain, the Inspector of Buildings shall notify the Planning Board and the developer/applicant.

6.3 Regulations

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- **Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");**
- **Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);**
- **Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);**
- **Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);**

6.3.1 Permitted Uses

The following uses of low flood damage potential and uses which cause no or little obstruction to flood flows shall be allowed provided they are permitted in the underlying district and they do not require structures, fill or storage of material and equipment.

6.3.1.1 Agricultural uses such as farming, grazing, truck farming, horticulture, and the like.

6.3.1.2 Forestry and nursery uses.

6.3.1.3 Outdoor recreational uses, including fishing, boating, play areas, and the like.

6.3.1.4 Conservation of water.

6.3.1.5 Wildlife management areas; foot, bicycle, and/or horse paths.

6.3.1.6 Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.

6.3.1.7 Buildings lawfully existing prior to the adoption of these provisions.

6.3.2 Notification Of Watercourse Alteration

In a riverine situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

- **Adjacent Communities**
- **NFIP State Coordinator**
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- **NFIP Program Specialist**
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

SPONSOR: PLANNING BOARD

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

RECOMMENDATION OF THE PLANNING BOARD:

2/3rds Vote Needed.

ARTICLE 24. PETITION- ZONING

Moreland Realty Trust is requesting the Town meeting to amend the town zoning by-law by extending the community business (CB) zoning district northerly on property designated as assessor's map parcel ID: 38-A-8 as shown on the attached proposed zoning district revision map.

SPONSOR: Petition

Motion: TO BE SUPPLIED BY PETITIONER.

RECOMMENDATION OF THE PLANNING BOARD:

2/3rds Vote Needed.

ARTICLE 25. PETITION- ZONING

To see if the Town Meeting will vote to amend the Charlton Zoning bylaw by changing the zoning designation for property northerly of Major Hill Road, Assessors Map 31-D-5, from Industrial General (IG) to R-40 Residential zoning designation.

SPONSOR: Petition

Motion: TO BE SUPPLIED BY PETITIONER.

RECOMMENDATION OF THE PLANNING BOARD:

2/3rds Vote Needed.

ARTICLE 26. ACCEPTANCE OF BRACKETT HILL ROAD

To see if the Town will vote (1) to accept as a public way "Brackett Hill Road", said way being shown on a plan entitled "Plan Showing Modifications To Pike's Pond Subdivision", dated February 7, 2001, prepared by Jim Kasierski, PLS, Inc., 82 Dresser Hill Road, Charlton, MA and recorded with the Worcester District Registry of Deeds in Plan Book 665, Plan 115, a copy of said plan being on file in the office of the Town Clerk, and (2) to authorize the Selectmen, in the name and on behalf of the Town, to accept such deeds of easement or fee for public way purposes and other instruments as the Selectmen shall deem advisable to accomplish such acceptance, or take any action relative thereto or thereon

SPONSOR: Landowner

Motion: I move that the Town vote to accept as a public way Brackett Hill Road, as heretofore laid out by the Board of Selectmen, a copy of which layout is on file with the Town Clerk, and that Article 26 in all other respects be accepted as printed.

RECOMMENDATION OF THE PLANNING BOARD:

Majority Vote Needed.

ARTICLE 27. ACCEPTANCE OF PIKES POND CIRCLE

To see if the Town will vote: (1) to accept as a public way "Pike's Pond Circle", said way being shown on a plan entitled "Record Drawing As-Built Survey prepared for Moriah Development Corporation Pike's Pond Circle, Charlton, Massachusetts", dated April 4, 2002, prepared by Jim Kasierski, PLS, Inc., 82 Dresser Hill Road, Charlton, MA 01507, to be recorded with the Worcester District Registry of Deeds, a copy of said plan being on file in the office of the Town Clerk, and such easements and other rights as the Planning Board deems sufficient, including the easements to the shown on said plan, e.g., (a) "Existing 20' Wide Access Easement to the Town of Charlton for Dam Maintenance Purposes", as to such easement conveyance to be confirmatory if such has already been deeded to the Town previously, (b) access easement to drain line and outlet, and (c) easement on Lot 30 for a portion of the cul-de-sac turnaround located on Lot 30; and (2) to authorize the Selectmen, in the name and on behalf of the Town, to accept such deeds of easement or fee for public way purposes and other instruments as the Selectmen shall deem advisable to accomplish such acceptance, or take any action relative thereto or thereon

SPONSOR: Landowner

Motion: I move that the Town vote to accept as a public way Pikes Pond Circle, as heretofore laid out by the Board of Selectmen, a copy of which layout is on file with the Town Clerk, and that Article 27 in all other respects be accepted as printed.

RECOMMENDATION OF THE PLANNING BOARD:

Majority Vote Needed.

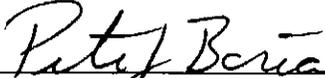
* * * * *

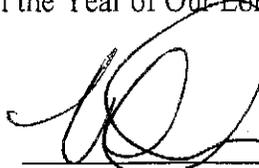
And you are directed to serve this Warrant by posting attested copies thereof, one at each of the Post Offices, one in Dexter Memorial Hall and one in the Charlton Municipal Offices (George C. McKinstry, III Building) in said Town, seven days at least before the time and place of holding meeting.

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.

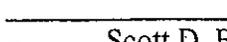
Given under our hands this 29th day of April in the Year of Our Lord Two Thousand and Eleven (2011).

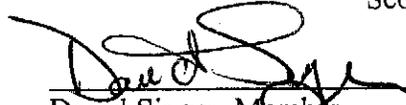
Board of Selectmen


Peter J. Boria, Chairperson


Frederick C. Swensen, Vice-Chairperson


Kathleen W. Walker, Clerk


Scott D. Brown, Member


David Singer, Member

A true copy:

Attest:

Posted as directed:

Constable/Police Officer of Charlton, Massachusetts

Richard G. Fiske, Jr. 4-29-2011

	A	B	C	D
1	2012 BUDGET - REVENUES			
2		VOTED	VOTED	ESTIMATE
3		FY2010	FY2011	FY2012
4				
5	Funds Available			
6	Levy Limit	13,344,859	13,850,766	14,407,098
7	2 1/2 increase	333,621	346,269	360,177
8	New Growth	172,286	210,063	260,000
9	Levy limit	13,850,766	14,407,098	15,027,275
10				
11	Debt Exclusions			
12	Middle School	494,578	527,982	524,489
13	Sewer Project	486,425	480,366	554,586
14	Library	347,348	340,013	333,720
15	Highway Facility		261,682	260,100
16	Total Exclusion	1,328,351	1,610,043	1,672,895
17	Total Tax Levy	15,179,117	16,017,141	16,700,170
18				
19	State & Local Receipts			
20	State Receipts- Local Aid	1,276,459	1,225,401	1,136,799
21	Chapter 70		7,269	21,176
22	Other Cherry Sheet Aid	85,713	74,916	54,528
23	Meals Tax			168,000
24	Local Receipts	2,027,800	2,041,479	2,041,479
25	Millennium Funds			
26	Debt Service	360,000	360,000	320,000
27	Capital or Stabilization	90,000	90,000	80,000
28	General	450,000	450,000	400,000
29	Total State & Local	4,289,972	4,249,065	4,221,982
30				
31	Other Available			
32	Stabilization	400,000	442,625	240,242
33	Ambulance Fees	738,000	738,000	698,000
34	Sale Cemetery Lots	6,500	6,500	6,500
35	Cable Access Account		12,000	49,140
36	Transfer From Other Accounts			
37	Overlay Surplus	57,880	0	
38	Bond Premium	4,972	10,410	9,320
39	Reserved Debt Exclusion	3,001	0	0
40	Free Cash	0		
41	Sewer Indirect	43,647	79,953	82,411
42	Total Other	1,254,000	1,289,488	1,085,613
43				
44	Available For Appropriation	20,723,089	21,555,694	22,007,765
45				
46	Charges Against Revenues			
47	Overlay	120,000	150,658	130,000
48	Overlay Deficits	4,764	34	136
49	State & County	30,414	29,076	29,517
50	Snow & Ice Deficit	137,233	162,500	160,777
51	Cherry Sheet Offset	12,656	12,052	11,978
52	Millennium To Stabilization	90,000	90,000	80,000
53	Total Charges	395,067	444,320	412,408
54				
55	Available For Appropriation	20,328,022	21,111,374	21,595,357
56				
57	General Fund Budgets	-20,324,292	-21,101,392	21,595,357
58	Surplus (Deficit)	3,730	9,982	0

	A	H	I	K	M
1	Town of Charlton				
2	FY2012 BUDGET				
3		FY2010	FY2011	FY2012	FY2012
4		VOTED BUDGET	VOTED BUDGET	Dept Request	FinCom
5	Department Line Items:				
6	Moderator				
7	Moderator Stipend	150	150	150	150
8	Total Moderator	150	150	150	150
9					
10	Board of Selectmen				
11	Selectmen's Stipend	19,197	19,197	19,197	19,197
12	Town Administrator Salary	103,743	108,412	111,122	111,122
13	Town Administrator Car Allow	2,400	2,400	2,400	2,400
14	Administrative Assistant BOS/TA	42,837	45,618	46,836	46,531
15	Administrative Assistant/Grantwriter	31,533	28,725	29,128	29,128
16	Total Department Salaries	199,710	204,352	208,683	208,378
17	Selectmen's Expense & Equipment	10,000	10,000	10,000	9,800
18	Procurement Bidding	1,000	1,000	1,000	980
19	Contract Obligations	0	26,829	0	0
20	Training & Conferences	1,800	1,800	1,800	1,764
21	Environmental	50,000	50,000	50,000	49,000
22	Special Counsel	5,000	5,000	5,000	0
23	Total Department Expenses	67,800	94,629	67,800	61,544
24	Total Board of Selectmen	267,510	298,981	276,483	269,922
25					
26	Finance Committee				
27	Finance Committee Expenses	200	200	200	196
28	Finance Committee Reserve Fund	75,000	74,072	74,072	72,591
29	Total Finance Committee	75,200	74,272	74,272	72,787
30					
31	Town Accountant/Financial Services				
32	Town Acct Salary	66,306	69,124	70,508	70,508
33	Total Department Salary	66,306	69,124	70,508	70,508
34	Town Acct Dept Asst	1	1	1	1
35	Town Acct Expense & Equip.	1,500	898	898	820
36	Computer License & Repair	8,278	2,990	2,990	2,990
37	Total Department Expenses	9,779	3,889	3,889	3,811
38	Total Town Accountant	76,085	73,013	74,397	74,319
39					
40	Annual Audit	17,500	21,500	22,000	22,000
41	GASB 34 Compliance	2,500	2,500	2,500	2,500
42	GASB 45 Compliance	0	5,000	0	0

	A	H	I	K	M
3		FY2010	FY2011	FY2012	FY2012
4		VOTED BUDGET	VOTED BUDGET	Dept Request	FinCom
43					
44	<u>Board of Assessors</u>				
45	Assessors Stipend	8,813	8,813	8,813	8,813
46	Director of Assessing Salary	57,004	59,427	60,616	60,616
47	Assessors Certification Comp	1,000	1,000	1,000	1,000
48	Administrative Assistant Wages	38,080	39,984	41,583	41,583
49	Department Assistant Wages	24,188	25,398	26,414	26,414
50	Prop Revaluation Clerk Wages	1	1	1	1
51	Total Department Salaries	129,086	134,623	138,427	138,427
52	Property Revaluation Expense	7,000	4,426	4,426	4,337
53	Expense & Equipment	18,000	18,000	20,970	17,640
54	Data Collector	5,000	5,000	3,000	4,900
55	Appraisal & Attorney Services	7,000	7,000	7,000	6,860
56	Total Department Expenses	37,000	34,426	35,396	33,737
57	Total Assessors	166,086	169,049	173,823	172,164
58					
59	<u>Treasurer</u>				
60	Treasurer Salary	47,159	49,164	50,148	50,148
61	Treasurer Certification	1,000	1,000	1,000	1,000
62	Assistant Treasurer	24,950	26,197	27,245	27,245
63	Total Department Salaries	73,109	76,361	78,393	78,393
64	Banking Services	7,300	7,300	7,300	7,154
65	Certification of Notes	1,800	1,800	1,800	1,764
66	Expense & Equip	3,000	3,000	3,000	2,919
67	Tax Title & Foreclosures	15,000	13,434	13,434	13,165
68	Tax Title Software Annual License	923	1,014	1,015	1,015
69	Total Department Expenses	28,023	26,548	26,549	26,017
70	Total Treasurer	101,132	102,909	104,942	104,410
71					
72	<u>Tax Collector</u>				
73	Tax Collector Salary	47,159	49,164	50,148	50,148
74	Assistant Collector	33,861	35,555	36,977	36,977
75	Department Assistant Wages	26,005	15,532	6,375	6,375
76	Collector Certification Compensation	1,000	1,000	1,000	1,000
77	Total Department Salaries	108,025	101,251	94,500	94,500
78	Expense & Equipment	32,000	24,967	24,967	24,468
79	Banking Services	250	3,513	5,313	5,243
80	Tax Taking Expense	7,800	7,800	7,800	7,644
81	Total Department Expenses	40,050	36,280	38,080	37,354
82	Total Town Collector	148,075	137,531	132,580	131,854
83					

	A	H	I	K	M
3		FY2010	FY2011	FY2012	FY2012
4		VOTED BUDGET	VOTED BUDGET	Dept Request	FinCom
84	Town Counsel Expense	135,000	108,350	108,350	106,183
85					
86	Personnel Board Expense	1	1	1	0
87					
88	Town Clerk				
89	Town Clerk Salary	25,779	43,698	44,572	44,572
90	Department Assistant	23,708	28,948	30,106	30,106
91	Total Department Salaries	49,487	72,646	74,678	74,678
92	Expenses & Equipment	1,500	1,127	1,127	1,104
93	Town Clerk Book Repairs	750	0	750	0
94	Vital Statistics	322	0	0	0
95	Total Department Expenses	2,572	1,127	1,877	1,104
96	Total Town Clerk	52,059	73,773	76,555	75,782
97					
98	Election & Registration	6,500	6,500	6,500	6,370
99	Special Election	8,000	9,020	5,500	5,500
100	Town Census	5,000	4,692	4,692	4,598
101	Total Election & Registration	19,500	20,212	16,692	16,468
102	Street Listing	530	522	522	512
103	Total Registrar	530	522	522	512
104					
105	Conservation Commission				
106	Conservation Administrators Salary	31,112	32,435	32,435	22,185
107	Total Department Salaries	31,112	32,435	32,435	22,185
108	Conservation Comm. Expenses	1,500	991	991	971
109	Annual Dam Reports/Inspections		4,660	4,660	4,567
110	Wetlands Protection Fund Expense	0	0	0	0
111	Total Department Expenses	1,500	5,651	5,651	5,538
112	Total Conservation Commission	32,612	38,086	38,086	27,723
113					
114	Planning Board				
115	Planning Board Stipend	2,400	2,400	2,400	2,400
116	Director of Planning	79,179	82,544	84,196	84,196
117	Department Assistant	28,108	29,516	30,697	30,697
118	Total Department Salaries	109,687	114,460	117,293	117,293
119	Planning Studies	10,000	1,000	1,000	980
120	Expense & Equipment	7,500	7,500	7,500	7,350
121	Planning Board Computer Mapping	500	500	500	490
122	Total Department Expenses	18,000	9,000	9,000	8,820
123	Total Planning Board	127,687	123,460	126,293	126,113

	A	H	I	K	M
3		FY2010	FY2011	FY2012	FY2012
4		VOTED BUDGET	VOTED BUDGET	Dept Request	FinCom
124					
125	Board of Appeals				
126	Department Assistant Wages	5,508	5,508	5,508	5,508
127	Total Department Salaries	5,508	5,508	5,508	5,508
128	Expenses & Equipment	5,000	4,842	4,000	4,000
129	Court Appearance Reimbursement	0	0	0	0
130	Total Department Expenses	5,000	4,842	4,000	4,000
131	Total Board of Appeals	10,508	10,350	9,508	9,508
132					
133	Economic Development				
134	EDC Expense & Equipment	2,000	1,970	2,720	1,931
135	Total EDC Expenses	2,000	1,970	2,720	1,931
136					
137	Municipal Offices				
138	Senior & Part Time Custodians	33,882	35,322	36,016	36,016
139	Part Time Custodian		12,000	12,240	12,240
140	Total Department Salaries	33,882	47,322	48,256	48,256
141	Custodial services	1,500	1,500	1,500	1,470
142	Telecommunications	45,000	43,000	43,000	42,140
143	Expense & Equip	153,000	150,810	150,810	147,794
144	Repairs	26,000	26,000	26,000	25,480
145	Municipal Offices Sewage Treatment E	6,500	6,500	6,500	6,370
146	Total Department Expenses	232,000	227,810	227,810	223,254
147	Municipal Offices Expenses	265,882	275,132	276,066	271,510
148					
149	Technology				
150	Computer License/Software	7,000	7,000	12,700	12,700
151	Computer hardware	20,000	19,000	19,000	18,620
152	Computer Maintenance	40,412	40,401	40,401	39,593
153	Computer Training	0	0	0	0
154	Total Technology	67,412	66,401	72,101	70,913
155					
156	Printing Town Reports	3,700	3,645	3,645	3,572
157	Total Printing Expenses	3,700	3,645	3,645	3,572
158					
159	Insurance				
160	General Insurance	315,465	331,239	331,239	281,239
161	Group Insurance health	989,358	995,000	995,000	995,000
162	Group Insurance life	4,500	4,500	4,500	4,500
163	Medicare	65,000	65,000	65,000	65,000

	A	H	I	K	M
3		FY2010	FY2011	FY2012	FY2012
4		VOTED BUDGET	VOTED BUDGET	Dept Request	FinCom
164	Unemployment Compensation	20,000	20,000	20,000	20,000
165	Total Insurance	1,394,323	1,415,739	1,415,739	1,365,739
166					
167	Worcester County Retirement	516,833	593,097	624,057	624,057
168					
169	Grant Matching Funds	1	1	1	1
170					
171	Union Salaries- Longevity	200	600	1,000	1,000
172					
173	Municipal Gas & Diesel	160,000	125,000	125,000	122,500
174					
175	Land Damage Eminent Domain	1	1	1	1
176					
177					
178	General Government Subtotal	3,642,487	3,741,245	3,757,484	3,673,620
179					
180	Public Safety				
181					
182	Police				
183	Police Department Salaries	1,739,542	1,773,090	1,927,459	1,870,501
184	Total Department Salaries	1,739,542	1,773,090	1,927,459	1,870,501
185	Police Department Expense & Equipm	64,000	68,000	74,990	66,640
186	Police Station Utilities & Maintenance	56,000	56,000	56,000	55,340
187	Grant Matching Funds	0	0	0	0
188	Training & Special Services	20,000	20,000	20,000	19,600
189	Uniform Allowance	23,490	4,360	4,360	4,273
190	Total Department Expenses	163,490	148,360	155,350	145,853
191	Total Police Department	1,903,032	1,921,450	2,082,809	2,016,354
192					
193	Fire				
194	Salaries	1,138,645	1,157,378	1,159,920	1,159,920
195	Total Department Salaries	1,138,645	1,157,378	1,159,920	1,159,920
196	Training & Special Services	8,000	10,000	12,000	9,800
197	Expenses & Equipment	156,563	172,000	157,000	157,000
198	Uniform Allowance	14,250	14,250	14,250	13,965
199	Water Mains/Hydrants	4,348	3,348	0	0
200	Utilities & Maintenance	43,000	41,710	42,000	40,876
201	Total Department Expenses	226,161	241,308	225,250	221,641
202	Total Fire Department	1,364,806	1,398,686	1,385,170	1,381,561
203					
204	Building Department				
205	Building Comm/ZEO Wages	61,945	62,977	65,870	65,870

	A	H	I	K	M
3		FY2010	FY2011	FY2012	FY2012
4		VOTED BUDGET	VOTED BUDGET	Dept Request	FinCom
206	Assistant Building Inspector	1	1	1	1
207	Administrative Assistant Salary	35,100	36,855	38,329	38,329
208	Total Department Salaries	97,046	99,833	104,200	104,200
209	Building Department Expenses	5,300	5,300	5,300	5,194
210	Total Department Expenses	5,300	5,300	5,300	5,194
211	Total Building Department	102,346	105,133	109,500	109,394
212					
213	Sealer of Weights & Measures				
214	Sealer of Weights & Measures Stipend	2,500	2,500	2,500	2,500
215	Total Department Stipend	2,500	2,500	2,500	2,500
216	Sealer of Weights & Measures Expenses	489	444	875	444
217	Total Department Expenses	489	444	875	444
218	Total Sealer of Weights & Measures	2,989	2,944	3,375	2,944
219					
220	Inspector of Animals				
221	Inspector of Animals Stipend	3,813	3,813	3,813	3,813
222	Total Department Stipend	3,813	3,813	3,813	3,813
223	Expenses	586	520	520	510
224	Total Department Expenses	586	520	520	510
225	Total Inspector of Animals	4,399	4,333	4,333	4,323
226					
227	Emergency Mngmt. Department				
228	Expenses & Equipment	2,000	1,970	1,970	1,931
229	Total Emergency Mngmt. Dept.	2,000	1,970	1,970	1,931
230					
231	Animal Control Officer				
232	Animal Control Officer	31,245	33,562	34,234	34,234
233	Total Department Salaries	31,245	33,562	34,234	34,234
234	Expenses & Equipment	4,000	3,437	3,437	3,368
235	Utilities & Maintenance			5,000	0
236	Total Department Expense	4,000	3,437	8,437	3,368
237	Total Animal Control Expenses	35,245	36,999	42,671	37,602
238					
239	Tree Warden				
240	Tree Warden Expense	500	500	500	490
241	Removal of Dangerous Trees	10,000	9,842	9,842	9,645
242	Town Common Trees	0			
243	Total Tree Warden	10,500	10,342	10,342	10,135
244					
245	Public Safety Subtotal	3,425,317	3,481,857	3,640,170	3,564,244
246					

	A	H	I	K	M
3		FY2010	FY2011	FY2012	FY2012
4		VOTED BUDGET	VOTED BUDGET	Dept Request	FinCom
247	Education				
248	Bay Path Voc School	660,642	726,970	911,325	911,325
249	Dudley Charlton Operating Assess	7,956,260	8,093,738	8,331,927	8,331,927
250	Dudley Charlton Transportation	1,343,765	1,394,504	1,526,248	1,526,248
251	Dudley Charlton Capital Assess	513,923	550,953	542,473	542,473
252	Agricultural Tuition	20,677	42,594	43,926	43,872
253	Agricultural Transportation	20,280	20,280	20,280	20,280
254	Education Subtotal	10,515,547	10,829,039	11,376,179	11,376,125
255					
256					
257	Public Works & Facilities				
258					
259	Highway Department				
260	Highway Salaries	580,015	600,262	606,999	551,299
261	Total Department Salaries	580,015	600,262	606,999	551,299
262	Expenses & Equipment	99,000	94,128	94,128	92,245
263	Uniform Allowance	6,663	6,663	6,663	6,530
264	Road Machinery Maintenance	78,000	78,000	78,000	76,440
265	Construction Drainage	28,000	20,000	20,000	19,600
266	Dam Repairs	2,500	2,500	2,500	2,450
267	Storm Water Management	0	0	0	0
268	Total Department Expense	214,163	201,291	201,291	197,265
269	Total Highway Salaries and Expense	794,178	801,553	808,290	748,564
270					
271	Reconstruct, Repair, Paving roads	43,717	43,717	43,717	42,843
272	Total Highway Dept	837,895	845,270	852,007	791,407
273					
274	Snow & Ice Removal	175,000	175,000	175,000	175,000
275					
276	Street Lighting	59,500	58,608	58,608	58,608
277					
278	Cemetery Department				
279	Cemetery Commissioners Stipend	2,000	2,000	2,000	2,000
280	Cemetery Supt Salary	44,453	46,343	47,270	47,270
281	Care of Cemeteries-Temporary Person	15,000	15,000	15,000	15,000
282	Cemetery Overtime	0	0	0	0
283	Total Department Salaries	61,453	63,343	64,270	64,270
284	Cemetery Expense & Equipment	12,000	10,870	10,870	10,653
285	Total Department Expenses	12,000	10,870	10,870	10,653
286	Total Cemetery Dept. Expenses	73,453	74,213	75,140	74,923
287					

	A	H	I	K	M
3		FY2010	FY2011	FY2012	FY2012
4		VOTED BUDGET	VOTED BUDGET	Dept Request	FinCom
288					
289	Total Public Works & Facility	1,145,848	1,153,091	1,160,755	1,099,938
290					
291	Human Services				
292					
293	Board of Health				
294	Board of Health Stipends	1,535	1,535	1,535	1,535
295	Administrative Assistant Salary	27,390	20,610	21,425	21,425
296	Department Assistant Salary	13,330	13,997	14,555	14,555
297	Department Assistant 2 Salary	2,500	2,500	2,500	2,500
298	Total Department Salaries	44,755	38,642	40,015	40,015
299	Expense & Equipment	4,000	4,000	4,000	3,920
300	Health Agent Expense	10,650	10,650	10,650	10,437
301	Inspection Expense	8,000	8,000	8,000	7,840
302	Post Closure Monitoring	12,000	12,000	12,000	11,760
303	Total Department Expenses	34,650	34,650	34,650	33,957
304	Total Board of Health	79,405	73,292	74,665	73,972
305					
306	Council on Aging				
307	COA Director Salary	42,276	44,073	44,955	44,955
308	Staff Salaries	56,892	59,890	60,337	60,337
309	Total Department Salaries	99,168	103,963	105,292	105,292
310	Expenses & Equipment	11,500	10,955	10,955	10,736
311	Tri Valley Elder Services	1,600	0	0	0
312	Total Department Expenses	13,100	10,955	10,955	10,736
313	Total COA	112,268	114,918	116,247	116,028
314					
315	Veterans Department				
316	Veterans Agent Salary	8,460	8,820	8,997	8,997
317	Total Department Salaries	8,460	8,820	8,997	8,997
318	Veterans Benefits	18,000	17,586	18,000	17,234
319	Expenses & Equipment	800	800	700	700
320	Veterans War Monument	0	0	1	0
321	Total Department Expenses	18,800	18,386	18,701	17,934
322	Total Veterans Department	27,260	27,206	27,698	26,931
323					
324	American Legion Lease	3,000	3,000	3,000	3,000
325					
326	Human Services Subtotal	221,933	218,416	221,610	219,931
327					

	A	H	I	K	M
3		FY2010	FY2011	FY2012	FY2012
4		VOTED BUDGET	VOTED BUDGET	Dept Request	FinCom
328	<u>Culture & Recreation</u>				
329					
330	<u>Library Department</u>				
331	Library Director Salary	56,241	58,632	59,805	59,805
332	Youth Services/ Asst. Director	34,251	35,707	36,422	36,422
333	Library Dept. Salaries	110,922	116,102	120,527	120,527
334	Total Department Salaries	201,414	210,441	216,754	216,754
335	Library Dept. Expense & Equipment	75,000	70,718	70,718	69,303
336	Total Department Expenses	75,000	70,718	70,718	69,303
337	Total Library Department	276,414	281,159	287,472	286,057
338					
339	<u>Recreation Department</u>				
340	Recreation Commission Stipend	1,500	1,500	1,500	1,500
341	Total Department Stipend	1,500	1,500	1,500	1,500
342	Expense & Equipment	18,000	16,666	16,666	16,333
343	Field Maintenance Contract	69,466	69,466	69,466	68,077
344	Total Department Expenses	87,466	86,132	86,132	84,410
345	Total Recreation Department	88,966	87,632	87,632	85,910
346					
347	<u>Other Recreation/Events</u>				
348	Memorial Day	400	394	394	386
349	Old Home Day Expenses	1,500	1,477	1,477	1,447
350	Fourth of July Fireworks Fund	0	0	0	0
351	Total Other Recreation	1,900	1,871	1,871	1,834
352					
353	Total Recreation	90,866	89,503	89,503	87,743
354					
355	Historical Commission Expense	1,000	985	2,000	965
356					
357	Historical District Expense	200	197	197	193
358					
359	Culture & Recreation Subtotal	368,480	371,844	379,172	374,958
360					
361	<u>Long Term Debt Service</u>				
362	General Obligation Bonds - Principal	133,000	133,000	31,350	30,000
363	Library Bond Principal	240,000	240,000	240,000	240,000
364	Highway Facility Principal	0	180,000	180,000	180,000
365	Landfill Cap Principal		50,000	100,000	50,000
366	Dark Fiber Principle			35,000	35,000
367	General Obligation Bonds - Interest	13,320	7,335	1,350	1,350

	A	H	I	K	M
3		FY2010	FY2011	FY2012	FY2012
4		VOTED BUDGET	VOTED BUDGET	Dept Request	FinCom
368	Library Bond - Interest	115,320	104,520	93,720	93,720
369	Highway Facility - Interest		84,600	80,100	80,100
370	Landfill cap Interest		13,500	12,250	12,250
371	Dark Fiber Interest			1,820	1,820
372	Total Long Term Debt	501,640	812,955	775,590	724,240
373					
374	Interest on Temporary Loans	10,000	10,000	10,000	5,000
375					
376	Total Debt Service	511,640	822,955	785,590	729,240
377					
378	Assmt - Central MA Reg Planning	2,715	2,715	2,715	2,715
379	Assmt- M.O.R.E	0		0	0
380	Total - Assessments	2,715	2,715	2,715	2,715
381					
382	Sewer Ent General Fund Transfer	486,425	480,366	554,586	554,586
383	Water Ent General Fund Transfer	0	0	0	0
384					
385	Total Expenses	20,320,392	21,101,528	24,685,561	21,595,357
386	Total Revenue	20,327,812	21,101,392	21,099,667	21,595,357
387	(+/-)	7,420	-136	-3,585,894	0
388					
389	PERCENTAGE BY FUNCTION	FY10	FY11		FY12
390	General Government	18%	18%		17%
391	Public Safety	17%	17%		17%
392	Education	52%	51%		53%
393	Public Works	6%	5%		5%
394	Human Services	1%	1%		1%
395	Culture & Recreation	2%	2%		2%
396	Debt Service	3%	4%		3%

	A	B	C	D
1	Town of Charlton	FY11	FY2012	FY2012
2	FY 12 BUDGET	Voted	Proposed Budget	Warrant Article
3	Department Line Items:			Actual Appropriation
4				
5	Sewer Enterprise Fund			
6	Salaries and Wages	62,700	64,764	64,764
7	Commissioner Salaries	6,000	6,000	6,000
8	Maint and Equip	823,434	876,793	876,793
9	Legal Other	15,000	25,000	25,000
10	Loan Admin Fees	16,868	16,091	16,091
11	Group Insurance	10,825	11,850	11,850
12	FICA	1,200	1,250	1,250
13	Pension	9,627	10,735	10,735
14	New WPAT Loan Fee	19,339		
15	Indirect Costs		63,007	
16	Property Insurance		15,904	
17	Engineering and Consultant Services	30,000	35,000	35,000
18	Old Line Decommission	10,000		
19	Capital and Replacement	72,000	53,000	53,000
20	new permit I & I	77,000	44,000	44,000
21	GIS	5,100	5,100	5,100
22	ARRA Fund Single Audit		3,500	
23	Sewer Debt-Principal	843,873	868,480	868,480
24	Sewer Debt Interest	247,961	230,463	230,463
25	Meter purchase	25,000	25,000	25,000
26	Total Expenses	2,275,927	2,355,937	2,273,526
27		0		
28	Revenues			
29	User Fees	784,986	873,247	790,836
30	MTA Surcharge	161,898	268,300	268,300
31	Other Fees	1,325	1,325	1,325
32	Transfer From Fund Balance Account For Future De	66,831		
33	Retained Earnings	230,870	134,544	134,544
34	General Fund Transfer	503,769	554,586	554,586
35	Fund Bal/Privilege Fees	156,548	151,410	151,410
36	Betterments	369,700	372,525	372,525
37	Total Revenue	2,275,927	2,355,937	2,273,526
38				
39				
40	Water Enterprise Fund			
41	Salaries and Wages	12,854	13,284	13,284
42	Major Repairs	50,000	0	0
43	Maint and Equip	25,000	25,000	25,000
44	Legal Other	20,000	20,000	20,000
45	Engineering	15,000	35,000	35,000
46	Water Debt -Principal	279,547	275,341	275,341
47	Water Debt -Interest	66,735	60,655	60,655
48	Loan Admin Fee	14,959	6,104	6,104
49	Water Expense Total	484,095	435,384	435,384
50	Revenues			
51	Retained Earnings	81,337		
52	Water Stabilization Fund	409,097	505,384	435,384
53	Water Revenue Total	490,434	505,384	435,384
54				

Stormwater Management &
Erosion Control Bylaw
Town of Charlton

Date: May, 2011

**This Bylaw is intended to be adopted as a General Bylaw within the Code of the
Town of Charlton, MA.**

1. Purpose

- A. The United States Environmental Protection Agency has identified sedimentation from land disturbance activities and polluted stormwater runoff from land development and redevelopment as major sources of water pollution, impacting drinking water supplies, natural habitats, and recreational resources. Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the Town of Charlton water bodies and groundwater resources, to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town.
- B. Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of:
1. impairment of water quality and decreased flow in lakes, ponds, streams, rivers, wetlands and groundwater;
 2. contamination of drinking water supplies;
 3. erosion of stream channels;
 4. alteration or destruction of aquatic and wildlife habitat;
 5. flooding; and,
 6. overloading or clogging of municipal catch basins and storm drainage systems.
- C. The **objectives** of this Bylaw are to:
1. protect water resources;
 2. require practices that eliminate soil erosion and sedimentation;
 3. control the volume and rate of stormwater runoff resulting from land disturbance activities in order to minimize potential impacts of flooding;
 4. require practices to manage and treat stormwater runoff generated from new development and redevelopment;
 5. protect groundwater and surface water from degradation or depletion;
 6. promote infiltration and the recharge of groundwater;
 7. prevent pollutants from entering the municipal storm drainage system;
 8. ensure that soil erosion and sedimentation control measures and stormwater runoff management practices are incorporated into the site planning and design process and are implemented and maintained;
 9. ensure adequate long-term operation and maintenance of stormwater best management practices;
 10. require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at construction sites that may cause adverse impacts to water quality;
 11. comply with state and federal statutes and regulations relating to stormwater discharges; and
 12. establish the Town of Charlton's legal authority to ensure compliance with the provisions of this Bylaw through inspection, monitoring and enforcement.

2. Definitions

ABUTTER: The owner(s) of land abutting the land disturbance site.

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (M.G.L. c. 131 § 40) and its implementing regulations (310 CMR 10.00).

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, or the force, quantity, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Any "person" as defined below requesting a Stormwater and Erosion Control Permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY: The Conservation Commission and its employees or agents will be in charge of enforcing the requirements of this bylaw.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or construction site materials that may adversely impact water quality, including but not limited to concrete truck washout, chemicals, litter and sanitary waste.

CLEARING: Any activity that removes the vegetative surface cover. Clearing activities generally include grubbing activity as defined below.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISTURBANCE OF LAND: Any action, including clearing and grubbing, that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

ENVIRONMENTAL SITE MONITOR: A Professional Engineer, or other trained professional selected by the Conservation Commission and retained by the holder of a Stormwater and Erosion Control Permit to periodically inspect the work and report to the Conservation Commission.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a Registered Professional Engineer (P.E.) or a Certified Professional in Erosion and Sediment Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities. If a project requires a Stormwater Pollution Prevention Plan (SWPPP) per the NDPEs General Permit for Storm Water Discharges From Construction Activities (and as amended), the applicant may submit the SWPPP for review as an equal to the Erosion and Sediment Control Plan.

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS: Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

GRADING: Changing the level or shape of the ground surface.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops. Impervious surface also includes soils, gravel driveways, and similar surfaces with a runoff coefficient (Rational Method) greater than 85.

LAND-DISTURBING ACTIVITY or LAND DISTURBANCE: Any activity, including clearing and grubbing, that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LOT: An area or parcel of land or any part thereof, in common ownership, designated on a plan filed with the administration of the Zoning Bylaw by its owner or owners as a separate lot.

MASSACHUSETTS ENDANGERED SPECIES ACT: (M.G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act MGL c. 131 s. 40 and the Massachusetts Clean Waters Act MGL c. 21, ss. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL STORM DRAINAGE SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Charlton.

NON POINT SOURCE: Diffuse sources of pollutants that affect water quality and are or may be contained in runoff that is discharged into waters of the Commonwealth.

OPERATION AND MAINTENANCE PLAN: A plan describing the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a discernible, confined point source or discrete conveyance into waters of the Commonwealth.

OUTSTANDING RESOURCE WATERS (ORWs): Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

OWNER: A person with a legal or equitable interest in property.

PERMITTEE: The person who holds a Stormwater and Erosion Control Permit and therefore bears the responsibilities and enjoys the privileges conferred thereby.

PERSON or PERSONS: Any individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRE-CONSTRUCTION: All activity in preparation for construction.

PRIORITY HABITAT OF RARE SPECIES: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface that results in no net impervious area increase.

RESPONSIBLE PARTIES: owner(s), persons with financial responsibility, and persons with operational responsibility.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Earth materials including duff, humic materials, sand, rock and gravel.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER: Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN: A document containing narrative, drawings and details prepared by a Registered Professional Engineer (P.E.), which includes structural and non-structural best management practices to manage and treat stormwater runoff generated from regulated development activity. A stormwater management plan also includes an Operation and Maintenance Plan describing the maintenance requirements for structural best management practices. The Stormwater Management Plan shall comply with all applicable Mass. DEP and Federal EPA requirements.

STORMWATER MANAGER: The Conservation Commission will serve in this capacity.

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

TSS: Total Suspended Solids. Material, including but not limited to trash, debris, soils, sediment and sand suspended in stormwater runoff.

VERNAL POOLS: Confined basin depression which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such a depression, regardless of whether the site has been certified by the Mass. Division of Fisheries and Wildlife.

WATERCOURSE: A natural or man-made channel through which water flows, including a river, brook, or stream.

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act M.G.L. c. 131, s.40.

WETLANDS: Wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provide a significant part of the supporting substrate for a plant community for at least five months of the year; emergent and submergent communities in inland waters; that portion of any bank which touches any inland water.

3. Authority

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and in accordance with the regulations of the federal Clean Water Act found at 40 CFR 122.34 and the Phase II ruling from the Environmental Protection Agency found in the December 8, 1999 Federal Register.

4. Applicability

This Bylaw shall apply to all land-disturbing activities within the jurisdiction of the Town of Charlton that results in land disturbance of 43,560 square feet (one acre) or more.

- A. Regulated Activities.** Regulated activities shall include, but not be limited to:
1. Land disturbance of greater than 43,560 square feet, associated with construction or reconstruction of structures,
 2. Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs 43,560 square feet or more of land,
 3. Paving or other change in surface material over an area of 43,560 square feet or more causing a significant reduction of permeability or increase in runoff,
 4. Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of more than 43,560 square feet,
 5. Any other activity altering the surface of an area exceeding 43,560 square feet that will, or may, result in increased stormwater runoff flowing from the property into a public way or the municipal storm drainage system.

B. Exempt Activities. The following activities are exempt from the requirements of this Bylaw:

1. Normal maintenance and improvement of Town owned public ways and appurtenances.
2. Normal maintenance and improvement of land in agricultural use.
3. Repair of septic systems when required by the Board of Health for the protection of public health.
4. The construction of fencing that will not alter existing terrain or drainage patterns.
5. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) that will not alter terrain or drainage patterns.

5. Administration

A. The Charlton Conservation Commission shall administer this bylaw. Any powers granted to or duties imposed upon the Conservation Commission may be delegated in writing to its agent.

B. The Conservation Commission and its agents shall review all applications for a Stormwater and Erosion Control Permit, conduct inspections, issue a final permit and conduct any necessary enforcement action. Following receipt of a completed application, the Conservation Commission shall seek review and comments from the Planning Board and the Highway Department. The Conservation Commission shall not make a decision on the Stormwater and Erosion Control Permit until it has received comments from the Planning Board and Highway Department or until fourteen (14) days have elapsed after receipt of the application materials without submission of comments thereon.

C. The Conservation Commission may adopt and periodically amend Stormwater Regulations relating to receipt and content of Stormwater and Erosion Control Permit applications; review time periods, permit terms, conditions, additional definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Bylaw by majority vote of the Conservation Commission, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days before the hearing date. After public notice and hearing, the Conservation Commission may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Conservation Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

D. The Conservation Commission will refer to the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Management Policy for execution of the provisions of this Bylaw.

E. The Applicant will publish a notice in the local newspaper that the Conservation Commission is accepting comments on the Stormwater and Erosion Control Permit

application. The Stormwater and Erosion Control Permit application shall be available for inspection by the public during normal business hours at the Town Hall for 5 business days from the notice. A public hearing is not required. The public may submit their comments within the time that the Stormwater and Erosion Control Permit application is available for inspection. Comments may be submitted to the Conservation Commission during business hours.

- F. Filing an application for a Stormwater and Erosion Control Permit grants the Conservation Commission or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
- G. The Conservation Commission may:
 - i. Approve the Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this Bylaw;
 - ii. Approve the Application and issue a permit with conditions, modifications, requirements for operation and maintenance requirements of permanent structural BMPs, designation of responsible party, or restrictions that the Conservation Commission determines are required to ensure that the project will protect water resources and will meet the objectives and requirements of this Bylaw; or
 - iii. Disapprove the application and deny a permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this Bylaw. If the Conservation Commission finds that the applicant has submitted insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the Conservation Commission may disapprove the application, denying a permit.
- H. The Conservation Commission shall take final action on an Application within 30 days from submission. Failure to take action shall be deemed to be approval of said Application.
- I. Appeals of Action by the Conservation Commission. A decision of the Conservation Commission shall be final. Further relief of a decision by the Conservation Commission made under this Bylaw shall be reviewable in the Superior Court in and action filed within 10 days thereof. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

6. Permits & Procedures

Permit Procedures and Requirements shall be defined and included as part of any rules and regulations promulgated as permitted under Section 4 of this Bylaw.

7. Fees

The Conservation Commission shall establish fees to cover expenses connected with application review and monitoring permit compliance. The fees shall be sufficient to cover Town secretarial staff and professional staff. The Conservation Commission is also authorized to retain and charge the applicant fees to cover a Registered Professional Engineer or other professional consultant to advise the Conservation Commission on any or all aspect of the project. The applicant for a Stormwater and Erosion Control Permit may be required to establish and maintain an escrow account to cover the costs of said consultants. Applicants must pay review fees to the Conservation Commission before the review process may begin.

8. Surety

The Conservation Commission may require the permittee to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the Conservation Commission to insure that the work will be completed in accordance with the permit. If the project is phased, the Conservation Commission may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Conservation Commission has received the final report as required in the Regulations and issued a certificate of completion.

9. Waivers

- A. The Conservation Commission may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where such action:
 1. is allowed by federal, state and local statutes and/or regulations,
 2. is in the public interest, and
 3. is not inconsistent with the purpose and intent of this by-law.
- B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by-law does not further the purposes or objectives of this bylaw.
- C. All waiver requests shall be discussed and a decision will be made by the Conservation Commission within 30 days of receiving the waiver request.
- D. If in the Conservation Commission opinion, additional time or information is required for review of a waiver request, the Conservation Commission may continue a consideration of the waiver request to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

10. Enforcement

- A. The Conservation Commission or its authorized agent shall enforce this Bylaw, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. Orders. The Conservation Commission or its authorized agent may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder, which may include:
 1. a requirement to cease and desist from the land-disturbing activity until there is compliance with the Bylaw or provisions of the Stormwater and Erosion Control Permit;
 2. maintenance, installation or performance of additional erosion and sediment control measures;
 3. monitoring, analyses, and reporting;
 4. remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity;
 5. compliance with the Operation and Maintenance Plan.
6. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Charlton may, at its option, undertake such work, and the property owner shall reimburse the Town's expenses.
7. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator (if different than the property owner) and the property owner shall be notified of the costs incurred by the Town of Charlton, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Conservation Commission within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Conservation Commission affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.
8. Criminal Penalty. Any person who violates any provision of this Bylaw, regulation, order or permit issued there under, shall be punished by a fine of not more than \$300.00. Each day or part thereunder that such violation occurs or continues shall constitute a separate offense.

9. **Non-Criminal Disposition.** As an alternative to criminal prosecution or civil action, the Town of Charlton may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D, which has been adopted by the Town in Sec. 19 of the general bylaws, in which case the Conservation Commission or authorized agent shall be the enforcing person. The penalty for each violation shall be not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

10. **Tax Liens.** The Town of Charlton shall require the repayment of services provided to the responsible party which the responsible party was obligated to perform as put forth in the Operation and Maintenance Plan. Such services may include but are not limited to the following: removing sediment from stormwater devices, repairing stormwater devices or revegetating stormwater devices. The Town will send the responsible party a bill for services provided. If the bill is not paid the Town may impose a tax lien on the responsible party or parties' property.

11. Severability

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

Illicit Discharge Bylaw Town of Charlton

Date: May, 2011

This Bylaw is intended to be adopted as a General Bylaw within the Code of the Town of Charlton, MA.

ILLCIT DISCHARGE BYLAW

SECTION 1. PURPOSE

- A. Increased volumes of stormwater and contaminated stormwater runoff are major causes of:
1. impairment of water quality and reduced flow in lakes, ponds, streams, rivers, wetlands and groundwater;
 2. contamination of drinking water supplies;
 3. alteration or destruction of aquatic and wildlife habitat; and
 4. flooding.

The United States Environmental Protection Agency has identified land disturbance and polluted stormwater runoff as major sources of water pollution. Regulation of illicit connections and discharges to the municipal storm drainage system is necessary for the protection of the Town of Charlton's water bodies and groundwater resources and to safeguard the public health, safety, and welfare and the natural resources of the Town.

- B. The objectives of this Bylaw are:
1. To prevent pollutants from entering the Town of Charlton's municipal storm drainage system;
 2. To prohibit illicit connections and unauthorized discharges to the municipal storm drainage system;
 3. To require the removal of all such illicit connections;
 4. To comply with state and federal statutes and regulations relating to stormwater discharges; and
 5. To establish the legal authority for the Town of Charlton to ensure its compliance with the provisions of this Bylaw through inspection, monitoring, and enforcement.

SECTION 2. DEFINITIONS

For the purposes of this Bylaw, the following definitions shall apply:

CLEAN WATER ACT: Often referred to as the CWA the Clean Water Act is founded in The Federal Water Pollution Control Amendment of 1972 (33 U.S.C. § 1251 *et seq.*) with subsequent amendments.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drainage system or into the waters of the United States or Commonwealth from any source.

GROUNDWATER: Water beneath the surface of the ground including confined or unconfined aquifers.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drainage system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this Bylaw.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drainage system that is not composed entirely of stormwater, except as exempted in Section 7. The term does not include a discharge regulated and in compliance with its own separate NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 7, subsection B, of this Bylaw.

MUNICIPAL STORM DRAINAGE SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Charlton.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drainage system not composed entirely of stormwater.

NON-POINT SOURCE: Diffuse sources of pollutants that affect water quality and are or may be contained in runoff that is discharged into waters of the Commonwealth.

PERSON or PERSONS: Any individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heat, or other matter whether originating at a point or nonpoint source, that is considered toxic to humans or the environment. Pollutants shall include, but not be limited to:

- (1) paints, varnishes, and solvents;
- (2) automotive oil and other fluids;
- (3) cleaning products and other hazardous and non-hazardous liquids
- (4) solid waste, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (5) fats and oils and grease;
- (6) yard waste, pesticides, herbicides, and fertilizers;
- (7) poisons, hazardous materials and wastes;
- (8) sewage, fecal coliform and pathogens;
- (9) dissolved and particulate metals;
- (10) pet and animal wastes;
- (11) rock; sand; salt, soils;
- (12) construction wastes and residues;
- (13) and noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

SANITARY SEWER: The system of conveyances designed or used for collecting or conveying domestic and industrial wastewater, owned or operated by the Town of Charlton.

STORMWATER: Runoff from precipitation or snow melt.

SURFACE WATER DISCHARGE PERMIT. A permit issued by the Department of Environmental Protection pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL or WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WATERCOURSE: A natural or man-made channel through which water flows, or a stream of water, including, but not limited to, a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

SECTION 3. APPLICABILITY

This Bylaw shall apply to all flows and dumping to the municipal storm drainage system, waters of the Commonwealth and adjoining land areas that drain to waters of the Commonwealth in the Town of Charlton.

SECTION 4. AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and in accordance with the regulations of the federal Clean Water Act found at 40 CFR 122.34 and the Phase II ruling from the Environmental Protection Agency found in the December 8, 1999 Federal Register.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

The Conservation Commission shall administer, implement and enforce this Bylaw. Any powers granted to the Conservation Commission may be delegated in writing to its designated agent.

SECTION 6. REGULATIONS

The Conservation Commission may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Conservation Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

SECTION 7. PROHIBITED AND EXEMPT ACTIVITIES

A. Prohibited Activities

1. **Illicit Discharges.** No person shall dump, discharge, cause, or allow to be discharged any pollutant or non-stormwater discharge into the municipal storm drainage system, into a watercourse, or into the waters of the Commonwealth.

2. Illicit Connections. No person shall construct, use, allow, maintain, or continue any illicit connection to the municipal storm drainage system, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of connection.
3. Obstruction of Municipal Storm Drainage System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drainage system without prior written approval from the Conservation Commission or its agent.

B. Exemptions

1. Discharge or flow resulting from fire fighting activities;
2. The following non-stormwater discharges or flows are exempt from this Bylaw, provided that the source is not a significant contributor of a pollutant to the municipal storm drainage system:
 - a. Waterline flushing;
 - b. Flow from potable water sources;
 - c. Springs;
 - d. Natural flow from riparian habitats and wetlands;
 - e. Diverted stream flow;
 - f. Rising groundwater;
 - g. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
 - h. Discharge from landscape irrigation or lawn watering;
 - i. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
 - j. Water from individual residential car washing;
 - k. Discharge from *dechlorinated* swimming pool water (less than one ppm chlorine). provided test data is submitted to the Town substantiating that the water meets the one ppm standard, and the pool is drained in such a way as not to cause a nuisance or public safety issue and complies with all applicable Town Bylaws;
 - l. Discharge from street sweeping;
 - m. Dye testing, provided verbal notification is given to the Conservation Commission prior to the time of the test;
 - n. Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order

SECTION 11. ENFORCEMENT

A. Authorized Agent

The Conservation Commission or its authorized agent shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Civil Relief

If a person violates the provisions of this Bylaw, regulations, permit, notice, or order issued thereunder, the Conservation Commission may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

C. Orders

The Conservation Commission or its authorized agent may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the municipal storm drainage system; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Charlton may, at its option, undertake such work, and all costs incurred by the Town shall be charged to the violator, to be recouped through all available means, including the placement of liens on the property.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Conservation Commission within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Conservation Commission affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57 after the thirty-first day at which the costs first become due.

- D. Criminal Penalty
Any person who violates any provision of this Bylaw, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- E. Non-Criminal Disposition
As an alternative to criminal prosecution or civil action, the Town of Charlton may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D, in which case the Conservation Commission or its authorized agent shall be the enforcing person. The penalty for each violation shall be not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- F. Entry to Perform Duties Under this Bylaw
To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Conservation Commission, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Conservation Commission deems reasonably necessary
- G. Appeals
The decisions or orders of the Conservation Commission shall be final. Further relief shall be to a court of competent jurisdiction.
- H. Remedies Not Exclusive
The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 11. SEVERABILITY

The provisions of this Bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

SECTION 12. TRANSITIONAL PROVISIONS

Residential property owners shall have 60 days from the effective date of the Bylaw to comply with its provisions or petition the Conservation Commission for an extension.