



**Town of Charlton, Massachusetts**

**WARRANT FOR SPECIAL TOWN MEETING  
Tuesday, October 27, 2009**

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 Charlton Middle School, Oxford Road in said Charlton, on **Tuesday, October 27, 2009** at seven o'clock in the evening, for the purpose of taking action on the following articles:

**ARTICLE 1. 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 other reasons, or take any action relative thereto or thereon.

**SPONSOR:** Various Town departments and Officials

**Motion and second made that the following prior year bills, not previously paid due to insufficiency of appropriation or late billing, be paid as printed below:**

<u>Unpaid Bills</u>	<u>For</u>	<u>Amount</u>	<u>From</u>
Masterman's, LLP	Supplies	\$ 135.68	Highway Expense & Equipment
Weston and Samson	Design Services	\$ 260.51	Sewer-Maint and Equip
BT Copy & Print Center	Printing	\$ 5.00	Sewer-Maint and Equip

**FinCom supports this motion.**

**RECOMMENDATION OF THE BOARD OF SELECTMEN: BOS supports this motion. 9/10THS VOTE NEEDED.**

**Motion passes by Unanimous Voice Vote.**

**ARTICLE 2. AMENDMENT TO THE FY2010 BUDGET**

To see if the Town will vote to amend the funding sources and department line items for the Fiscal 2010 town budget, or take any action relative thereto or thereon.

**Motion and second made: (a) that the funding sources for the Fiscal 2010 budget voted at the May 2009 annual town meeting be amended as follows: by reducing the amount to be raised and**

appropriated from taxation from \$19,347,176.00 to \$19,104,752.00, transferring and/or appropriating the sum of \$400,000 from the Stabilization Fund to the General Fund, and transferring the sum of \$57,880 from the Overlay Surplus Account to the General Fund; and (b) further, to adopt the adjustments to the FY10 line items as proposed and set forth in detail in the Special Town Meeting booklet- Appendix A, a copy of which was available to each registered voter in attendance this meeting, and is still available now to anyone who did not pick one up on her or his way into the meeting, and to incorporate such Appendix as part of the Town Clerk's minutes of this meeting to be kept on file therewith in the Town Clerk's office.

SPONSOR: Board of Selectmen

FinCom supports this motion.  
 BOS supports this motion.  
 Two-Thirds Vote Needed.  
 Motion passes by Unanimous Voice Vote.

**ARTICLE 3. INTER/INTRA DEPARTMENTAL TRANSFERS AND/OR APPROPRIATIONS FOR FY2010 BUDGET**

To see if the Town will vote to raise by taxation, borrow or transfer, and appropriate from available funds, including so called "free cash" and /or funds previously appropriated to other uses, a sum or sums of money to accounts and for purposes to be specified at the Special Town Meeting, or take any action relative thereto or thereon.

SPONSOR: Board of Selectmen, Town Administrator and Various Town Departments

Motion and second made that the following sums be raised by taxation or transferred, whichever is indicated below, and appropriated to the following accounts for any purpose for which funds may be expended from the latter 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>
Police Department Salaries	\$17,160	Appropriated from General Fund
Library Salaries	\$744	Library Expense & Equipment

FinCom supports this motion.  
 Majority Vote Needed.  
 Motion passes by Unanimous Voice Vote.

**ARTICLE 4. 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/or 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 and second made that the town vote to transfer and appropriate the sum of \$150.00 from the Selectmen's Procurement Account to the Cell Tower RFP Advertising Account for the purpose of funding advertising in connection with a proposed lease of a such portion of town-owned land located southerly of Colburn and Daniels Roads, shown on Assessors' Maps 74, Parcels D-2, 9, 11, and 15, as the Board of Selectmen deem to be in the best interests of the town and have determined is no longer, presently needed for the municipal purposes for which such land is presently being held, for the purpose of a lease for a wireless telecommunications tower and facilities, with an initial ten (10)-year term, with an option to extend for one additional five (5)-year term at the Town's sole option, and to authorize the Board of Selectmen and/or the Town Administrator as Chief Procurement Officer to enter into such a lease and to take such further action as it or she deems necessary or desirable for the purpose of effectuating the foregoing vote.**

FinCom supports this motion.

BOS supports this motion.

Majority Vote Needed.

Motion passes by Majority Voice Vote as determined by the Moderator.

#### **ARTICLE 5. NEW HIGHWAY OPERATIONS FACILITY**

To see if the Town will vote to appropriate a sum of money to design, construct and equip a new highway operations facility; to determine whether this appropriation shall be raised by borrowing or otherwise; and to authorize the Board of Selectmen, Chief Procurement Officer, or other appropriate town official, to enter into such contract(s), and to take other such action, as may be necessary to effectuate the purposes of such vote, or take any action relative thereto or thereon.

SPONSOR: Board of Selectmen

**Motion and second made that the Town vote to appropriate \$ 2,700,000 for design, construction and equipping of a new highway operations facility, the acquisition of land or interests therein for same, and related engineering, legal, accounting and other expenses; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$2,700,000 under Section 7 or 8 of Chapter 44 of the General Laws and/or any other applicable general or special law; that such bonds or notes shall be general obligations of the Town; that the Treasurer with the approval of the Board of Selectmen is authorized to enter into a financing agreement and/or security agreement with respect to such financing and for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen and/or the Town Administrator as Chief Procurement Officer are authorized to enter into such contract(s), to acquire land or interests therein by purchase or taking pursuant to Chapter 79 of the General Laws and to take any and all other action which it or she deems necessary or advisable for such purposes; and that the Article in all other respects be accepted as printed.**

FinCom supports this motion.

BOS supports this motion.

Two-Thirds Vote Needed.

Motion passes by a vote of : Yes – 173 No – 78 (68%)

**ARTICLE 6. ADDITIONAL FUNDING TO COMPLETE THE FLINT ROAD LANDFILL CLOSURE**

To see if the Town will vote to appropriate a sum of money for the purpose of completing the capping of the Charlton landfill and for all costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any action relative thereto or thereon.

SPONSOR: Board of Health

**Motion and second made that the Town vote to appropriate \$ 500,000 for construction costs to complete the capping of the Flint Road Landfill, and related engineering, legal, accounting and other expenses; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$500,000 under Section 7 or 8 of Chapter 44 of the General Laws and/or any other applicable general or special law; that such bonds or notes shall be general obligations of the Town; that the Treasurer with the approval of the Board of Selectmen is authorized to enter into a financing agreement and/or security agreement with respect to such financing and for any federal or state aid available for the project or for the financing thereof; that the Board of Health and/or the Town Administrator as Chief Procurement Officer are authorized to enter into such contract(s), and to take any and all other action which it or she deems necessary or advisable for such purposes; and that the Article in all other respects be accepted as printed.**

**FinCom supports this motion.**

**Two-Thirds Vote Needed.**

**Motion passes by 2/3rds Voice Vote as determined by the Moderator.**

**ARTICLE 7. TRANSFER TO STABILIZATION FUND**

To see if the Town will vote to transfer and appropriate a sum to the Stabilization Fund Account, or take any action relative thereto or thereon.

SPONSOR: Board of Selectmen

**Motion and second made that the town vote to transfer and to appropriate the sum of \$ 222,290.00 from Free Cash to Stabilization.**

**FinCom supports this motion.**

**BOS supports this motion.**

**Two-Thirds Vote Needed.**

**Motion passes by 2/3rds Voice Vote as determined by the Moderator.**

**ARTICLE 8. APPROPRIATION OF FUNDS AND AUTHORIZATION FOR THE PURPOSE OF ESTABLISHING A SYSTEM FOR SUPPLYING THE TOWN OR FURTHER AREAS OF THE TOWN WITH WATER, TO AUTHORIZE THE INTERMUNICIPAL AGREEMENT RELATED THERETO, ETC.**

To see if the Town will: (1) vote to amend the vote passed under Article 5 of the warrant for the April 13, 2005 special town meeting, which appropriated and authorized a borrowing in the amount of \$530,000 for the costs to connect the Town's water system to the Town of Southbridge's system and for the design of a water main in a southerly direction up North Main Street to Charlton Center, by adding the purpose of

the costs to connect the Town's water system to the Town of Southbridge's system and for the design of a water main in a southerly direction up North Main Street to Charlton Center, by adding the purpose of constructing water mains in a southerly direction up North Main Street to Charlton Center to such authorization; and (2) vote to appropriate a sum of money to replenish the funds advanced from the general fund which were used to pay the bond anticipation note due May 22, 2009, which was issued pursuant to the vote taken April 13, 2005 (Article 5) for certain costs which were not eligible to be financed through the Massachusetts Water Abatement Trust, and to determine whether this appropriation shall be by borrowing or otherwise; and to take any other action relative thereto or thereon.

SPONSOR: Water/Sewer Commission and Town Treasurer

Motion and second made (1) that the Town vote to amend the vote passed under Article 5 of the warrant for the April 13, 2005 special town meeting to read as follows:

**"Moved: that the Town appropriate, in addition to amounts previously appropriated therefor, \$530,000 to pay costs for the connection of the Town's water system to the Town of Southbridge's system for the supply of water in accordance with an inter-municipal agreement to be entered into between the Town and the Town of Southbridge and for the design and construction of water mains in a southerly direction up North Main Street to Charlton Center, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$530,000 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, or any other enabling authority; that such bonds or notes shall be general obligations of the Town, provided however, that payment of the principal and interest on such bonds or notes shall be paid without further appropriation by the Town to the extent permitted by law, from funds received by the Town through betterment and/or special assessments imposed on abutters who benefit from the project; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for financing thereof; to further authorize the Board of Selectmen and/or the Water and Sewer Commission to design and construct water mains in a southerly direction up North Main Street to Charlton Center; and that the Board of Selectmen, is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project."**

**FinCom supports this motion.**

**BOS supports this motion.**

**Two-Thirds Vote Needed.**

**Motion passes by 2/3rds Voice Vote as determined by the Moderator.**

**ARTICLE 9. EASEMENT FROM MASS. TURNPIKE AUTHORITY FOR WATER PROJECT**

To see if the Town will vote to authorize its Water and Sewer Commission, or the Board of Selectmen, on such terms as the commission or board deems to be in the best interest of the Town, to accept a deed of easement from the Massachusetts Turnpike Authority in connection with the Town's efforts to provide a public water supply in the Town, and to take such action as the commission or board deems necessary or advisable for the purpose of effectuating such vote, or take any action relative thereto or thereon.

SPONSOR: Water/Sewer Commission

**Motion and second made that Article 9 be accepted as printed.**

**BOS supports this motion.**

**Majority Vote Needed.**

**Article 9 passes as printed by Unanimous Voice Vote.**

**ARTICLE 10. AMENDMENT TO TOWN SEWER USER BYLAW—COMMERCIAL SEWER DISCHARGE PERMIT**

To see if the Town will vote to amend Article XXV (Sewer Use Bylaw) as follows:

- 1) By amending the third sentence of Section 2(a) (Prohibitions) to read as follow:

Any person proposing a new discharge ~~in excess of 1000 gallons per day~~ from any commercial or industrial use or a new discharge in excess of 1,000 gallons per day from any residential use, or a substantial change in the volume or character of pollutants in an existing discharge, into the sewage works must notify the ~~Superintendent~~ Water/Sewer Department at least forty-five days before such proposed discharge or change.

And

- 2) By amending the second sentence of the second paragraph of Section 2(b) (Connection Permits) to read as follows:

All industrial and commercial permits and all residential permits for average daily flows in excess of 1,000 gallons per day ~~(including residential)~~ require approval from the Board of Water and Sewer Commissioners.

And

- 3) By amending the first sentence of Section 2(l) (Commercial Sewer Discharge) to read as follows:

(l) License for Drain Layers

Drain layers must obtain a license from the Board before performing any work. Licenses shall be issued for one calendar year commencing January 1, names to be listed in a policy to be set by the Board. The applicant will supervise and be responsible for all work performed under the license. Any blasting required shall be done by a person licensed to perform blasting in the Commonwealth, and only after receiving a blasting permit from the Chariton Fire Department. The applicant shall submit Certificates of Insurance to cover General Liability, including \$100,000/ \$300,000 for bodily injury, and \$50,000 for property damage. A bond, cash deposit or certified check for ~~\$1,000~~ \$5,000 and three letters of recommendation must also be submitted. In order to qualify for a drain layer's license, an applicant must be a license holder in good standing from the Town of Charlton;

or provide proof of current licenses from three (3) other Massachusetts municipalities; or take and pass a written exam at the Town's sewer plant. No insurance policy may be canceled without thirty (30) days prior written notice by registered mail to the Superintendent Water/Sewer Department and the Fire Department. Such insurance shall indemnify the Town against all claims, liabilities, or actions for damages incurred in, or in any connected with, the performance of work by a drain layer and for, or by reason of, any acts of omission of said drain layer in the performance of his work. If insurance or bond is canceled or expires the drain layers license shall become void.

And

- 4) By amending the first sentence of Section 4(q) (Commercial Sewer Discharge Permit) to read as follows:

All commercial users ~~Commercial users discharging over 10,000 gallons per day~~ shall obtain a Commercial Sewer Discharge Permit.

or take any action relative thereto or thereon.

SPONSOR: Water/Sewer Commission

**Motion and second made that the proposed amendment to the second sentence of the second paragraph of Section 2(b) (Connection Permits) set forth in Article 10 be revised by inserting a comma immediately following the words "industrial and commercial permits" in the first line of such proposed amendment, and a comma immediately following the words "1,000 gallons per day" in the second line of such amendment, and that the amendments set forth in paragraphs 1, 2, and 3 of the Article, as so revised, be accepted as printed.**

**BOS approves this motion**

**Majority Vote Needed.**

**Article 10 passes as moved by Unanimous Voice Vote.**

#### **ARTICLE 11. AMENDMENT TO TOWN PERSONNEL BYLAW- RETIREES HEALTH INSURANCE**

To see if the Town will vote, pursuant to MGL, Chapter 41, Section 109A and in accordance with the recommendation of the Personnel Board, to amend its Personnel Bylaw by revising 1) "CHAPTER II. POLICY, Section 1. Definitions" thereof, such amendment to become effective upon adoption, as follows:

By adding to said definitions an additional bullet item reading:

**"Retiree** –An eligible employee separating from the Town of Charlton and entitled to receive a pension annuity from the Worcester Regional Retirement System."

, and 2) by adding at the end of "CHAPTER V. BENEFITS, Section 2. Health Insurance" thereof, text reading as follows, such amendment to become effective upon adoption, as follows:

“To be eligible to participate in the group health plan, the retiree must have been employed by the Town of Charlton for three (3) years or more as an eligible employee. The employment need not be continuous, but must clearly exceed three years, aggregate, total employment, with the town. The length of service may be altered by contract or other employment agreement by the appointing authority. This requirement does not apply to disability retirement. The retiree need not be enrolled at time of retirement to be eligible, but may elect to enroll at a future date at annual open enrollment (currently July 1st), or after a qualifying event. Employees currently employed as of the date the town meeting approved this amendment will not be affected by this policy.”

; or take any action relative thereto or thereon.

SPONSOR: Personnel Board

**Motion and second made to postpone the Article indefinitely.**

**Majority Vote Needed.**

**Article 11 is postponed indefinitely by Unanimous Voice Vote.**

**ARTICLE 12. AMENDMENT TO TOWN PERSONNEL BYLAW – CHANGE VACATION TIME ACCURAL START DATE**

**To see if the Town will vote, pursuant to MGL, Chapter 41, Section 109A and in accordance with the recommendation of the Personnel Board, to amend its Personnel Bylaw by revising “CHAPTER V. BENEFITS, Section 4. Vacation Time” thereof, such amendment to be retroactive to July 1, 2009, as follows:**

By deleting the third paragraph and including the following:

“The vacation year is the twelve (12) month period from July 1st through June 30th except after the completion of the six (6) month probationary period. The length of continuous service is determined by the number of years of service which the employee has completed as of July 1st of each year. An employee who, as of July 1 of a given year, has not reached the 5-year-increments of continuous service required in the first paragraph of this section so as to qualify for a greater vacation entitlement, but who does reach such increment during the course of such year, will be entitled to the additional vacation time provided by such increment as of the anniversary of such employee’s benefit eligibility date.”

; or take any action relative thereto or thereon.

SPONSOR: Personnel Board

**Motion and second made that the proposed amendment to the Town’s Personnel Bylaw set forth in Article 12 be accepted as printed.**

FinCom supports this motion. BOS supports this motion.

**Majority Vote Needed.**

**Motion passes by Majority Voice Vote as determined by the Moderator.**

**ARTICLE 13. ACCEPTANCE OF LINDSEY LANE**

To see if the Town will vote (1) to accept as a public way “Lindsey Lane”, together with and subject to such access, drainage easements and other rights as the Planning Board deems sufficient; and (2) to authorize the Selectmen, in the name and on behalf of the Town, to accept such deeds of easement for

public way purposes and other instruments as the Selectmen shall deem advisable to accomplish such acceptance, and/or to acquire such easements by eminent domain if necessary, or take any action relative thereto or thereon.

SPONSOR: Petition

**Motion and second made that the Town vote: (1) to accept as a public way Lindsey Lane as heretofore laid out by the Board of Selectmen, a copy of which layout is on file with the Town Clerk, said way being shown on a plan entitled "Layout Plan of Lindsey Lane, Charlton, Massachusetts, Roadway Layout Plan, Scale: 1" = 50', prepared by Guerriere and Halnon, Engineering and Land Surveying, Providence Road, Whitinsville, Massachusetts, dated March 29, 2004, rev. Sept. 24, 2009", 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, together with such associated drainage, access and utility easements and improvements within such way and associated easements as have been approved by the Planning Board and are acceptable to the Board of Selectmen; and (2) to authorize the Selectmen, in the name and on behalf of the Town, to accept such deed(s) of easement for public way purposes and other instruments as the Selectmen shall deem advisable to accomplish such acceptance, and/or to acquire by eminent domain such easements or fee as may be necessary or advisable, all upon such terms as the Selectmen deem to be in the best interest of the Town.**

**Majority Vote Needed.**

**Motion passes by Majority Voice Vote.**

#### **ARTICLE 14. CITIZENS PETITION**

To see if the Town will vote to raise by taxation, transfer from available funds, transfer from stabilization or borrow and appropriate the sum of \$40,000.00 to Charlton Police Department's Wages and Salary Account, for the purpose of retaining the Charlton Police Department's 19<sup>th</sup> officer for the remainder of FY10; or take any action relative thereto or thereon.

SPONSOR: Petition

Motion and second made that the Town vote to transfer from stabilization and to appropriate the sum of \$23,000 to the Charlton Police Department's Wages and Salary Account, for the purpose of retaining the Charlton Police Department's 19<sup>th</sup> officer for the remainder of FY 2010.

Motion made and seconded to take the vote by secret ballot.

Motion defeated by Majority Voice Vote.

FinCom does not support the Main Motion.

BOS does not support the Main Motion.

Majority Vote Needed.

Main Motion is defeated by a vote of: Yes – 85 No - 43.

#### **ARTICLE 15. CITIZENS PETITION**

**CURTIS HILL RD. IS A DEAD-END ROAD. TRAFFIC OF ANY NON-RESIDENT VEHICLE IS PROHIBITED, EXCEPT FOR THE PURPOSE OF FARMING, VISITING, OR IN THE DELIVERY OF SERVICES TO ANY HOUSEHOLD THERE IN; AND, IN CASE OF EMERGENCIES. A FINE PER VIOLATION WILL BE IMPOSED.**

SPONSOR: Petition

Motion and second made to take no action on this Article (postpone)  
Article 15 is postponed indefinitely by Majority Voice Vote..

Meeting is adjourned at 9:40 p.m.

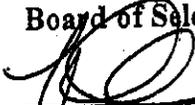
\* \* \* \* \*

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, fourteen days at least before the time and place of holding meeting.

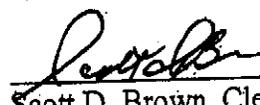
Hereof, fail not, and make due returns of the Warrant with your doings thereon to the Town Clerk at the time and place of holding meeting.

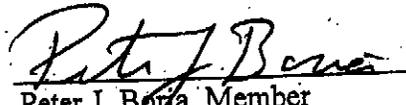
Given under our hands this 6th day of October, in the Year of Our Lord Two Thousand and Nine (2009).

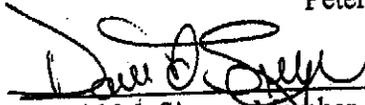
Board of Selectmen

  
Frederick C. Swensen, Chairperson

  
Kathleen W. Walker, Vice-Chairperson

  
Scott D. Brown, Clerk

  
Peter J. Boria, Member

  
David M. Singer, Member

A true copy:

Attest: 

Posted as directed: Oct 8, 2009

Constable/Police Officer of Charlton, Massachusetts

