



Town of Charlton, Massachusetts

**WARRANT FOR SPECIAL TOWN MEETING
Tuesday, October 28, 2008**

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 28, 2008** at **seven o'clock** in the evening, for the purpose of taking action on the following articles:

Meeting called to order at 7:05 p.m. with the Pledge of Allegiance. 149 registered voters present.

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 sums be transferred and appropriated to the following accounts for payment of the following unpaid bills:

<u>Unpaid Bills</u>	<u>Amount</u>	<u>From</u>	<u>To</u>
ADVANTAGE ENT- TREE DEPT	\$ 1,200.00	Free Cash	Tree Warden Expenses
WOODARD & CURREN	\$ 8,768.60	Sewer Retained Earnings	Sewer-Maint and Equip
PROTECTION ONE	\$ 130.00	Sewer Retained Earnings	Sewer-Maint and Equip
WOODARD & CURREN	\$ 434.28	Sewer Retained Earnings	Sewer-Maint and Equip
FDS MECHANICAL	\$ 3,289.19	Sewer Retained Earnings	Sewer-Maint and Equip

Finance Committee Supports the Motion.

9/10ths vote needed.

Motion passes by Unanimous Voice Vote.

ARTICLE 2. INTER/INTRA DEPARTMENTAL TRANSFERS AND/OR APPROPRIATIONS FOR FY2009 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 Accounts</u>
Contract Obligations	\$67,586	Free Cash
Asst. Collector Salary	\$136	Tax Collector Salary
Tax Title	\$10,000	Health Insurance
Municipal Gas & Diesel	\$103,290	Free Cash
Municipal Offices-Utilities	\$44,500	Raise & Appropriate
Removal of Dangerous Trees	\$5,000	Raise & Appropriate
Town Common Trees	\$5,000	Free Cash
Special Counsel	\$10,000	Free Cash
Town Counsel	\$25,000	Free Cash

Finance Committee and Board of Selectmen Support the Motion.

Majority Vote Needed.

Motion passes by Unanimous Voice Vote.

ARTICLE 3. STUDENT TUITION & TRANSPORTATION TO AGRICULTURAL SCHOOL

To see if the Town will vote to raise by taxation, transfer and appropriate the following sums from free cash to pay the Town's obligation under Mass. Gen. Laws, Chapter 74, Sections 7C & 8A Vocational Education to pay the tuition and transportation expenses of a Charlton student who is attending Norfolk County Agricultural School during the present school year:

Norfolk County Agricultural School- Tuition	\$19,692	Raise and Appropriate
Transportation (total \$19,280)	\$15,517	Raise and Appropriate
Restore Reserve Fund for Transportation	\$ 4,763	Raise and Appropriate

or take any action relative thereto or thereon.

SPONSOR: Board of Selectmen

**Motion and second made that Article 3 be accepted as printed.
Finance Committee and Board of Selectmen Support the Motion.
Majority Vote Needed.
Article 3 passes as printed by Majority Voice Vote.**

ARTICLE 4. FUNDING FOR AMERICAN LEGION LEASE AT THE GRANGE

To see if the town will vote: (1) to authorize the Board of Selectmen or the Chief Procurement Officer, for and on behalf of the town and on such terms as it or she deems to be in the best interests of the town, to enter into a lease of all or a portion of the premises located at and known as 10 Main Street, Charlton, known as the Grange Hall, for the purpose of providing suitable headquarters for the American Legion Post No. 39, such lease to be for a period not exceeding five years and the portion of the premises so leased to be under the direction and control of such Post; (2) to raise by taxation, transfer or borrow and appropriate the sum of \$3,000 to be used for rent to be paid under such lease; and (3) to authorize the Board of Selectmen to take any and all other action necessary or advisable to effectuate the purpose of the foregoing vote, or take any action relative thereto or thereon.

SPONSOR: Board of Selectmen

Motion and second made that the Town vote to transfer and appropriate the sum of \$3,000 from the stabilization account for the purposes set forth in the article, and that the article in all other respects be accepted as printed."

**Motion made to amend American legion Post No. 39
Be changed to American Legion Post No. 139.
Amendment passes by Unanimous Voice Vote.**

**Finance Committee and Board of Selectmen Support the Motion.
2/3rds Vote needed.**

Main Motion as amended passes by 2/3rds 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 \$ 3,500,000 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 \$3,500,000 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 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.

**Finance Committee and Board of Selectmen Support the Motion.
2/3rds Vote Needed.**

Motion is defeated by a vote of: Yes 78 No 52

ARTICLE 6. FUNDING FOR UPDATING VETERAN'S MEMORIAL

To see if the Town will vote to appropriate a sum of money for the addition of names of service men and women who served in Iraq and Afghanistan to the Town's existing Veterans' Memorial, or take any action relative thereto or thereon.

SPONSOR: Board of Selectmen

Motion and second made that the Town vote to appropriate \$12,000 from the stabilization fund for the addition of names of service men and women who served in Iraq and Afghanistan to the Town's existing Veterans' Memorial.

**Finance Committee and Board of Selectmen Support the Motion.
2/3rds Vote Needed.**

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

ARTICLE 7. FUNDING FOR CHARLTON ANIMAL CONTROL SHELTER ON FLINT ROAD

To see if the Town will vote to appropriate a sum of money for the repair, improvement, rehabilitation or development of the Charlton Animal Shelter located on or near Flint Road, and to authorize the Board of Selectmen or the Chief Procurement Officer, for and on behalf of the town and on such terms as it or she deems to be in the best interests of the town, to enter into such contract(s), and to take any and all action necessary or advisable, to effectuate the purposes of the foregoing vote, or take any action relative thereto or thereon.

SPONSOR: Board of Selectmen

Motion and second made that the Town vote to transfer and appropriate the sum of \$96,342 from the stabilization fund to the Animal Shelter Renovation Account for the purposes set forth in the article, and that the article in all other respects be accepted as printed.

**Finance Committee and Board of Selectmen Support the Motion.
2/3rds Vote Needed.**

Motion passes by a vote of: Yes 106 No 6

ARTICLE 8. BOARD OF HEALTH BUDGET RESTORATION

To see if the Town, will raise by taxation, transfer and appropriate the following sums to restore the funding request originally proposed at the FY09 Annual Town Meeting for the Board of Health's budget.

BOARD OF HEALTH BUDGETS

DEPT ASST. 2	\$	1,400.00	Raise & Appropriate
EXPENSE & EQUIP	\$	2,008.00	Raise & Appropriate
INSPECTION EXPENSE	\$	6,700.00	Raise & Appropriate
POST CLOSURE MONITORING	\$	12,000.00	Raise & Appropriate

REPLENISH BOARD OF HEALTH TRANSFERS

RESERVE FUND	\$	6,760.00	Raise & Appropriate
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; or take any action relative thereto or thereon.

SPONSOR: Board of Selectmen, Finance Committee, and Board of Health

**Motion and second made that Article 9 be accepted as printed.
Finance Committee and Board of Selectmen Support the Motion.
Majority Vote Needed.
Article 8 passes as printed by Unanimous Voice Vote.**

ARTICLE 9. 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 \$ 937,811 from Free Cash to Stabilization.
Finance Committee Supports the Motion.
2/3rds Vote Needed.
Motion passes by Unanimous Voice Vote.**

ARTICLE 10. TOWN COLLECTOR FEES

To see if the Town will vote to charge for each written demand issued by the Collector, effective January 1, 2009, a fee of \$10.00 to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, as amended by Chapter 182, Section 15 of the Massachusetts Acts of 2008; or take any action relative thereto or thereon.

SPONSOR: Town Collector

**Motion and second that Article 10 be accepted as printed.
Finance Committee Supports the Motion.**

Majority Vote Needed.

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

ARTICLE 11. AN ACT AUTHORIZING THE TOWN OF CHARLTON TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES

To see if the Town will vote to authorize the Board of Selectmen to petition the House of Representatives and the Senate in General Court assembled to enact legislation as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that are within the scope of the general public objectives of this petition.

Be it enacted by the House of Representatives and the Senate in General Court assembled, and by the authority of the same, as follows:

AN ACT AUTHORIZING THE TOWN OF CHARLTON TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES

WHEREAS Masonic Health System of Massachusetts, Inc. (a corporation created pursuant to Chapter 180 of the General Laws of the Commonwealth) is the sole corporate member of Overlook Masonic Health Center, Inc. (a corporation created pursuant to Chapter 180 of the General Laws of the Commonwealth which operates a skilled nursing and post-acute care facility), Overlook Communities, Inc. (a corporation created pursuant to Chapter 180 of the General Laws of the Commonwealth which operates an independent and assisted living residential facility); and

WHEREAS, Overlook Communities, Inc. and Overlook Masonic Health Center are both located on the 420 acre campus of the Masonic Health System located at 88 Masonic Home Road in Charlton, Massachusetts ("the premises"); and

WHEREAS the Overlook Hotel and Performing Arts Center events venues are also located on the Charlton campus; and

WHEREAS, the Masonic Health System of Massachusetts, Inc., doing business as "Overlook Catering," has held a beer and wine license for many years; and

WHEREAS, the beer and wine license does not serve all of those residing on the Masonic Health System's Charlton campus at the independent and assisted living facilities of Overlook Communities, Inc. and at the Overlook Health Center, Inc. and those attending events at the Overlook Hotel or at the Performing Arts Center; and

WHEREAS, the goal of the Masonic Health System, Inc. is to provide a decent and hospitable living environment for its residents and visitors to its Charlton campus; and

WHEREAS, there has recently been created pursuant to Chapter 156B of the General Laws of the Commonwealth a separate corporation, specifically Overlook Catering, Inc., the sole stockholder of which is Masonic Health System of Massachusetts, Inc., which is positioned in place to be granted such a license; and

WHEREAS, although the entire campus is connected by an exterior, perimeter, covered walkway, some of the sections where licensed beverages would be available to residents and visitors are not contiguous to other areas of the campus in which locations alcoholic beverages might be consumed on premises.

ORDERED: that a petition to the general court, accompanied by a bill for special law relating to the Town of Charlton to be filed with an attested copy of this order be, and hereby is, approved under clause 1 of Section 9 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding Section 17 of Chapter 138 of the General Laws, the licensing authority of the town of Charlton may grant an additional license for the sale of all alcoholic beverages to be drunk on the premises, to Masonic Health System of Massachusetts, Inc., and its corporate affiliates, located on the 420 acre campus located at 88 Masonic Home Road in the town of Charlton. The license shall be subject to all of said Chapter 138 except section 17. The licensing authority shall not approve the transfer of the license to any other location.

The license may be re-issued by the licensing authority at the same location if an applicant for the license files with the licensing authority a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If any license granted under this section is cancelled, revoked or no longer in use, such license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, and the licensing authority may then grant the license to a new applicant at the same location and under the same conditions as specified in this section.

Upon issuance of the all alcoholic beverages license, Masonic Health Systems of Massachusetts Inc., shall return to the town the license for the sale of beer and wine to be drunk on the premises that it currently holds.

SECTION 2. This act shall take effect upon its passage.

; or take any action relative thereto or thereon.

SPONSOR: Board of Selectmen

Motion made and second that Article 11 be accepted as printed.

Board of Selectmen Support The Article.

Majority Vote Needed.

Article 11 passes as printed by Unanimous Voice Vote.

**ARTICLE 12. EASEMENT TO MASS. ELECTRIC FOR SEWER METER STATION
TIMBER VALLEY ROAD/STAFFORD STREET; TRANSFER OF CARE, CUSTODY,
MANAGEMENT AND CONTROL OF LAND TO WATER AND SEWER COMMISSION**

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 convey to the Massachusetts Electric Company a perpetual easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of electric current and intelligence an underground system, together with all related facilities and appurtenances, in, under, on and through land located on the southerly side of Stafford Street and the westerly side of Timber Valley Road, being Lot 2 as shown on a Plan of Land recorded with the Worcester District Registry of Deeds in Plan Book 571, Plan 84, title to which the Town acquired through a Tax Taking dated October 10, 1998, recorded with the Worcester District Registry of Deeds in Book 20571, Page 38, as to which a Notice to Foreclose Tax Lien was recorded with the Registry of Deeds in Book 22080, Page 289 and a Final Judgment in Tax Lien Case recorded with said Registry in Book 24454, Page 64, for provision of utilities to the Town's sewer meter station located on such land; (b) to transfer care, custody, management and control of such Lot 2 to the Charlton Water and Sewer Commission, subject to the right of the Charlton Fire Department to enter into, upon and across such lot for purposes of access to the fire pond located on same and to use and transport water from same by hose or other means for firefighting-related purposes; 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.

SPONSORS: BOARD OF SELECTMEN AND WATER AND SEWER COMMISSION

Motion and second made that Article 12 be accepted as printed.

Board of Selectmen Support the Article.

Majority Vote Needed.

Article 12 passes as printed by Unanimous Voice Vote.

ARTICLE 13. DELEGATION OF DESIGNATION OF THE AUTHORITY FOR TRENCH PERMITTING

To see if the Town will vote, pursuant to MGL Ch. 82A, §2, to designate the Board of Selectmen as the means by which the Town shall designate the Board or Officer to issue permits for the excavation of trenches, as the term "trench" is defined by MGL Ch. 82A, §4 and 520 CMR 14.02, on privately owned land and for the excavation of a public way of the town; or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

Motion and second made that Article 13 be accepted as printed.

Board of Selectmen Support the Article.

Majority Vote Needed.

Article 13 is accepted as printed by a vote of:

Yes 52 No 45

ARTICLE 14. FIRE PREVENTION –ACCPTANCE OF MGL CH 148, SECTIONS 26G, 26H, 26I

To see if the town will vote to accept the provisions of Mass. Gen. Laws Chapter 148 Fire Prevention, Sections 26G; 26H; and 26I, including any later amendments to same, but which presently read as follows:

CHAPTER 148. FIRE PREVENTION

Chapter 148: Section 26G. Nonresidential buildings or additions; automatic suppressant or sprinkler systems

Section 26G. In any city or town which accepts the provisions of this section, every building of more than seventy-five hundred gross square feet in floor area or every addition of more than seventy-five hundred gross square feet in floor area shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code; provided, however, that in the case of said addition, such an adequate system of automatic sprinklers shall be installed in said addition only. No such sprinkler system shall be required unless sufficient water and water pressure exists. For purposes of this section, the gross square feet of a building or addition shall include the sum total of the floor areas for all floor levels, basements and sub-basements, measured from outside walls, irrespective of the existence of interior fire resistive walls, floors and ceilings. This section shall not apply to buildings used for agricultural purposes as defined in section one A of chapter one hundred and twenty-eight.

In such buildings or additions, or in certain areas of such buildings or additions, where the discharge of water would be an actual danger in the event of fire, the head of the fire department shall permit the installation of such other fire suppressant systems as are prescribed by the state building code in lieu of automatic sprinklers. Automatic suppressant or sprinkler systems shall not be required in rooms or areas of a telephone central office equipment building when such rooms or areas are protected with an automatic fire alarm system. Sprinkler systems shall not be required in a one story building having a fire resistance rating as prescribed in the state building code that is used solely for offices provided the building is protected by an automatic fire alarm system. Sprinkler systems shall not be required in open-air parking structures, defined as: buildings, structures, or portions thereof, used for parking motor vehicles and having not less than twenty-five per cent of the total wall area open to atmosphere at each level, utilizing at least two sides of the structure. This section shall not apply to buildings or additions used for residential purposes.

The head of the fire department shall enforce the provisions of this section.

Whoever is aggrieved by the head of the fire department's interpretation, order, requirement, direction or failure to act under the provisions of this section, may, within forty-five days after the service of notice thereof, appeal from such interpretation, order, requirement, direction or failure to act to the automatic sprinkler appeals board as provided in section two hundred and one of chapter six.

Chapter 148: Section 26H. Lodging or boarding houses; automatic sprinkler systems

Section 26H. In any city or town which accepts the provisions of this section, every lodging house or boarding house shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code. No such sprinkler system shall be required unless sufficient water and water pressure exists. In such buildings or in certain areas of such buildings, where the discharge of water would be an actual danger in the event of a fire, the head of the fire department shall permit the installation of such other fire suppressant systems as are prescribed by the state building code in lieu of automatic sprinklers. The head of the fire department shall enforce the provisions of this section.

For the purposes of this section "lodging house" or "boarding house" shall mean a house where lodgings are let to six or more persons not within the second degree of kindred to the person conducting it, but shall not include fraternity houses or dormitories, rest homes or group residences licensed or regulated by agencies of the commonwealth.

Any lodging or boarding house subject to the provisions of this section shall be equipped with automatic sprinklers within five years after acceptance of this act by a city or town.

Whoever is aggrieved by the head of the fire department's interpretation, order, requirement or direction under the provisions of this section, may within forty-five days after the service of notice thereof, appeal from such interpretation, order or requirement to the board of appeals of the fire safety commission as provided in section two hundred and one of chapter six.

Chapter 148: Section 26I. Multiple dwelling units; new construction; automatic sprinkler systems

Section 26I. In a city, town or district which accepts the provisions of this section, any building hereafter constructed or hereafter substantially rehabilitated so as to constitute the equivalent of new construction and occupied in whole or in part for residential purposes and containing not less than four dwelling units including, but not limited to, lodging houses, boarding houses, fraternity houses, dormitories, apartments, townhouses, condominiums, hotels, motels and group residences, shall be equipped with an approved system of automatic sprinklers in accordance with the provisions of the state building code. In the event that adequate water supply is not available, the head of the fire department shall permit the installation of such other fire suppressant systems as are prescribed by the state building code in lieu of automatic sprinklers. Owners of buildings with approved and properly maintained installations may be eligible for a rate reduction on fire insurance.

, or take any action relative thereto or thereon.

SPONSOR: FIRE DEPARTMENT

Motion and second made that Article 14 be accepted as printed.

Board of Selectmen Support the Article.

Majority Vote Needed.

Article 14 is defeated by Majority Voice Vote

ARTICLE 15. GENERAL BY-LAW CHANGE – ARTICLE II – TOWN OFFICIALS

To see if the Town will vote to amend Article II, Section 1 of the Town of Charlton General Bylaws by adding the Boston Post Cane Committee to the list of those officials to be appointed by the selectmen; or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

Motion and second made that Article 15 be accepted as printed.

Board of Selectmen Support the Article.

Majority Vote Needed.

Article 15 passes as printed by Unanimous Voice Vote.

ARTICLE 16. 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 vote to appropriate a sum of money , in addition to the amounts previously appropriated, for the purpose of establishing a system for supplying the Town, or further areas of the Town, with water, including the construction and laying of water mains, the construction of buildings for pumping stations, the construction of a stand pipe, the acquisition of land or interests therein and related

engineering, legal, accounting, and other expenses, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws and including all costs of providing for the connection to the Town of Southbridge's public water supply system for a supply of water in accordance with an inter-municipal agreement to be entered into between the Town of Charlton and the Town of Southbridge; to determine whether this additional appropriation shall be raised by taxation, betterment, transfer or borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; to authorize the Charlton Water and Sewer Commission to enter into such an inter-municipal agreement and such other contract(s), and to take such other action, as may be necessary or advisable to effectuate the purposes of the foregoing votes; or take any action relative thereto or thereon.

SPONSOR: WATER/SEWER COMMISSION

Motion and second made that, in addition to amounts previously appropriated therefor, \$1,855,326 is appropriated for establishing a system for supplying the Town and its inhabitants with water, including the construction and laying of water mains, the construction of buildings for pumping stations including original pumping station equipment, the construction of a standpipe, the acquisition of land or interests therein and related engineering, legal, accounting and other expenses, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws and including all costs of providing for the connection of the Town's system to the Town of Southbridge's system for the supply of water in accordance with an intermunicipal agreement to be entered into between the Town and the Town of Southbridge; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$1,855,326 under Section 8 of Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the Town, provided, however, that it is the intent of the Town 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 and that the Board of Water and Sewer Commissioners may assess betterments upon the parcels of land receiving benefit from the project to meet the project costs by a uniform unit method under Section 42K of Chapter 40 of the General Laws, after having allocated the Town contribution for Town land receiving 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 financing 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 financing and for any federal or state aid available for the project or for the financing thereof; that the Board of Water and Sewer Commissioners is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, and to take any and all other action, including without limitation the acquisition of land or interests therein by purchase or taking by eminent domain pursuant to General Laws Chapter 79, which it deems necessary or advisable for such purposes; and that the Article in all other respects be accepted as printed.

Finance Committee Supports the Article.

2/3rds/Vote Needed.

Motion passes by a vote of: Yes 56 No 15

ARTICLE 17. ZONING BY-LAW – COMMON DRIVEWAY DESIGN REVISION

To see if the Town will vote to delete Sub-Section b. in section 4.2.4.8 (Common Driveways) of the Town of Charlton Zoning Bylaws and replace it with the following:

- b. The driveway shall have a minimum eighteen (18) feet wide paved surface and shall not exceed a grade of twelve (12) percent. The Planning Board may require the proposed driveway grade not to exceed seven (7) percent, upon a determination by the Fire Chief that said grade reduction is required to assure adequate fire apparatus response and mobility.

The common driveway shall have a turning area at the end for fire apparatus, designed to one of the following design standards:

1. a cul-de-sac of a minimum seventy-five (75) feet in diameter; or
2. a turning area eighteen (18) feet wide by thirty-five (35) feet deep, at a grade of no less than two (2) percent in any direction, situated no closer than fifty (50) feet and no further than one hundred (100) feet from the end of the driveway.

, or take any action relative thereto or thereon.

Motion and second made that Article 17 be accepted as printed.

Planning Board Supports the Article.

2/3rds Vote Needed.

Motion passes by Unanimous Voice Vote.

ARTICLE 18. ZONING BYLAW AND ZONING MAP AMENDMENT – VILLAGE DISTRICT

To see if the Town will vote in accordance with the provisions of Mass. General Laws, Chapter 40A, Section 5:

(a) to amend the Charlton Zoning Bylaw so as to create a new zoning district to be known as the "Village District", the short name or designation of which would be "V", the purpose of which would be to promote mixed use development consistent with traditional New England villages, to provide pedestrian-scale amenities, to encourage small-scale retail uses and commercial services in harmony with a residential environment, and to offer flexibility in design standards that recognizes strict adherence to well-intended regulations can inhibit the originality needed to preserve and create vigorous village environments, with such allowed uses and on such terms and conditions as are specified in such proposed amendment; and

(b) to amend the Charlton Zoning Map referenced in Section 3.1.2 of said Bylaw, and to accept said Map as so amended, so as to establish the boundaries of such Village District as follows:

The northern portion of the Village District to include and be composed exclusively of the following parcels of land as shown on the Charlton Assessors' Map-Block-Lot: 35-A-16; 35-A-7; 35-A-12; 35-D-27.2; 35-A-10; 35-A-13; 35-A-14; 34A-C-17; 34A-C-18; 35-A-15; 34-B-1.1; 42-A-2; 42-A-1; 35-D-27.1; 35-A-11; 35-D-1; 35-A-9.1; 35-A-9; 35-D-1.1; 35-A-8; 35-A-6; 35-A-4; 35-A-3; 35-B-11.1; 35-B-11; 35-C-10; 35-C-11; 34A-C-19; 34A-A-1.8; 34A-C-1.9; 34A-C-1.1; 34-B-1.2; 35-C-12; 35-C-13; 35-C-14; 35-B-10; 35-C-9; 35-A-5; 35-A-2; 35-D-2; 35-D-27; 35-D-27.3; 34-B-1; 34A-C-16; and

The southern portion of the Village District to consist of the land encompassed by the following boundaries, which begin at the outer limit of, and run parallel to, certain roadways for a specified, consistent distance/depth from such roadways, as follows:

- Along the southerly side of Route 31, for a depth of 150 feet, from the intersection of Route 31 and Trolley Crossing Road southeasterly to the intersection of Route 31 and North Main Street.
- Along the southerly side of Old Worcester Road, from the intersection of North Main Street and Old Worcester Road, for a depth of 200 feet, easterly for a distance of 2000 feet.
- Along the westerly side of Route 31, for a depth of 200 feet, from the intersection of Route 31 and North Main Street southerly to the intersection of Route 31 and Burlingame Road.
- Along the easterly side of Route 31, for a depth of 250 feet, from the intersection of Route 31 and Old Worcester Road southerly to the intersection of Route 31 and Muggett Hill Road.”

The full text of such proposed Bylaw amendment, and also a map or maps showing the northern portion and the southern portion of such proposed District boundaries, being on file and available for inspection at the Town Clerk's and the Planning Board's offices at 37 Main Street, Charlton, MA during such offices' normal business hours and at the Charlton Free Public Library, 40 Main Street, Charlton, MA during the hours when such library is open to the public.

, or take any action relative thereto or thereon.

Motion and second made that Article 18 be accepted as printed.

Planning Board Supports the Article.

2/3rds Vote Needed.

A vote was taken with the outcome of: yes 44 no 23.

A recount was asked for and agreed to by the Moderator.

Article 18 passes as printed by a vote of: Yes 40 No 20

Meeting is adjourned at 10:24 p.m.

* * * * *

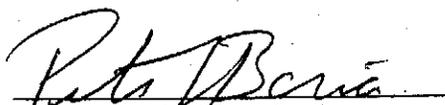
And you are directed to serve this Warrant by posting attested copies thereof, one at each of the Post Offices, one in Dexter Memorial Hall and one in the Charlton Municipal Offices (George C. McKinstry, III Building) in said Town, fourteen days at least before the time and place of holding meeting.

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.

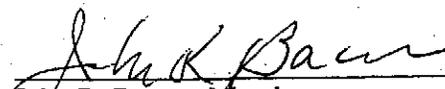
Given under our hands this 9th day of October, in the Year of Our Lord Two Thousand and Eight (2008).

Board of Selectmen

Frederick C. Swensen, Chairperson


Peter J. Boria, Vice-Chairperson


Kathleen W. Walker, Clerk


John R. Bacon, Member


Scott D. Brown, Member

A true copy: Oct 9, 2008

Attest: 

Posted as directed: Oct 9, 2008

Constable/Police Officer of Charlton, Massachusetts

