



**Town of Charlton, Massachusetts**

**SPECIAL TOWN MEETING  
Tuesday, November 25, 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, November 25, 2008** at **seven o'clock** in the evening, for the purpose of taking action on the following articles:

**Meeting called to order at 7:11 P.M. with the Pledge of Allegiance. 299 Registered voters present.**

**ARTICLE 1. 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 supports the Article.**

**2/3rds Vote Needed.**

**Motion is defeated by a vote of: Yes: 178 No: 119**

**ARTICLE 2. 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 \$1,821,952.09 from the MTBE settlement to a new special stabilization fund for the purposes of water related issues including remediation of water contamination, furthering efforts to provide a viable water system to the residents of Charlton, and debt payments.**

**Finance Committee supports the Article.**

**2/3rds Vote Needed.**

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

**ARTICLE 3. TOWN OF CHARLTON SEX OFFENDER RESIDENCY BY-LAW**

To see if the town will vote to adopt the following by-law regulating residency for registered sex offenders or take any action relative thereto or thereon.

**SECTION 1. DEFINITION OF TERMS:**

- (a) "PARK" means public land designated for active or passive recreational or athletic use by the Town of Charlton, the Commonwealth of Massachusetts or other governmental subdivision, and located within the Town of Charlton.
- (b) "SCHOOL" means any public or private educational facility that provides services to children in grades kindergarten – 12, or any one or more of such grades.
- (c) "DAY CARE CENTER" means an establishment, whether public or private, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Office of Child Care Services.
- (d) "ELDERLY HOUSING FACILITY" means a building or buildings on the same lot containing four or more dwelling units restricted to occupancy by households having one or more members fifty-five years of age or older.
- (e) "SEX OFFENDER" means a person who resides in, works in, or attends an institution of higher learning located in, the commonwealth and who has been convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense, or a person released from incarceration or parole or probation supervision or custody with the Department of Youth Services for such a conviction or adjudication, or a person who has been adjudicated a sexually dangerous person under G.L. c. 123 A, § 14, as in force at the time of adjudication, or a person released from civil commitment pursuant to section 9 of said chapter 123 A, whichever last occurs, on or after August 1, 1981.

- (f) "SEX OFFENDER REGISTRY" means the collected information and data that is received by the criminal history systems board pursuant to Sections 178C to 178P, inclusive, as such information and data is modified or amended by the sex offender registry board or a court of competent jurisdiction pursuant to said Sections 178C to 178P, inclusive.
- (g) "PERMANENT RESIDENCE" means a place where a person lives, abides, lodges, or resides for five (5) or more consecutive days or fourteen (14) or more days in the aggregate during any calendar year.
- (h) "TEMPORARY RESIDENCE" means a place where a person lives, abides, lodges, or resides for a period of less than five (5) consecutive days or fourteen (14) days in the aggregate during any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges, or resides and which is not the person's permanent residence.
- (i) "ESTABLISHING A RESIDENCE" means to set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or the establishment of a such a dwelling place or abode by means of purchasing real property or entering into a lease or rental or occupancy agreement for real property (including a renewal or extension of a prior agreement whether through written execution or automatic renewal).

## SECTION 2. SEX OFFENDER RESIDENCE PROHIBITION:

It is unlawful for any sex offender who is finally classified as a level 2 or 3 offender pursuant to the guidelines of the Massachusetts Sex Offender Registry Board, to establish a permanent residence within five hundred (500) feet of any school, day care center, park or elderly housing facility. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence to the nearest outer property line of a school, day care center, park or elderly housing facility.

## SECTION 3. NOTICE TO MOVE:

Any registered level 2 or level 3 sex offender who establishes a permanent residence within five hundred (500) feet of any school, day care center, park or elderly housing facility shall be in violation of this section and shall, within thirty (30) days of receipt of written notice of the sex offender's noncompliance with this chapter, move from said location to a new location, but said location may not be within five hundred (500) feet of any school, day care center, park or elderly housing facility. It shall constitute a separate violation for each day beyond the thirty (30) days the sex offender continues to reside within five hundred (500) feet of any school, day care center, park or elderly housing facility. Furthermore, it shall be a separate violation each day that a sex offender shall move from one location in the Town of Charlton to another that is within five hundred (500) feet of any school, day care center, park or elderly housing facility.

## SECTION 4. PENALTIES:

Violation of this bylaw, or of any regulation adopted hereunder, may be enforced through any lawful means in law or in equity by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer of the Town of Charlton including, but not limited to, enforcement by non-

criminal disposition pursuant to G.L. c. 40, § 21D. Each day a violation exists shall constitute a separate violation. The penalties shall be as follows:

- (a) First Offense: Notification to offender that he/she has thirty (30) days to move.
- (b) Subsequent Offense: Non-criminal fine of \$300.00 and notification to the offender's landlord, parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board that the person has violated a municipal bylaw.

#### SECTION 5. EXCEPTIONS:

A person residing within five hundred (500) feet of any school, day care center, park or elderly housing facility does not commit a violation of this section if any of the following apply:

- (a) The person established the permanent residence and reported and registered the residence, in accordance with the regulations of the Massachusetts Sex Offender Registry Board, prior to the effective date of this by-law.
- (b) The person was a minor when he/she committed the offense and was not convicted as an adult.
- (c) The person is a minor.
- (d) The school, day care center, park or elderly housing facility within five hundred (500) feet of the personal permanent residence was established after the person established the permanent residence and reported and registered the residence pursuant to the Sex Offender Registry Law.
- (e) The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility located within the aforementioned 500 foot area.
- (f) The person is admitted to and/or subject to an order of commitment at a public or private facility for the care and treatment of mentally ill persons pursuant to G.L. c. 123 located within the aforementioned 500 foot area.
- (g) The person is a mentally ill person subject to guardianship pursuant to G.L. c. 201, § 6 or a mentally retarded person subject to guardianship pursuant to G.L. c. 201 § 6A, residing with his or her guardian or residing within a group residence that is professionally staffed and supervised 24 hours a day and located within the aforementioned 500 foot area.

**SPONSOR: Police Department**

**Motion and second made that the Town vote to adopt the bylaw as printed in the warrant under Article 3 but with the following amendments:**

**In Section 1, subparagraph (c) by deleting the words "Office of Child Care Services" and substituting therefore the words "Department of Early Education and Care".**

**Also in Section 1, by deleting subparagraph (h) "TEMPORARY RESIDENCE" in its entirety, since the term temporary residence is not used anywhere else in the proposed bylaw, and by re-designating what is labeled subparagraph (i) as subparagraph (h).**

**Also in Section 1, in the foregoing subparagraph (i), now to be redesignated (h), by adding at the end of the text as printed in the warrant the following words, "if such renewal or extension occurs after the effective date of this bylaw."**

**In Section 2, second line, immediately following the words "Massachusetts Sex Offender Registry Board", by inserting a comma immediately followed by the words " so long as so classified" immediately followed by another comma.**

**In Section 3, first line, by deleting the word “registered” and inserting immediately following the word “offender” the words “so long as so classified”.**

**In Section 4, first line, by deleting the comma which immediately follows the word “bylaw”; further deleting the words “or of any regulation adopted hereunder” and further deleting the comma which immediately follows the aforementioned word “hereunder”.**

**In Section 5, subparagraph (b), by adding at the end of the text the words “and who has not been or is no longer classified as a Level 3 sex offender”.**

**Also in Section 5, subparagraph (g) by deleting the words “group residence” and substituting therefore the words “facility or group residence licensed by the Commonwealth.”**

**Board of Selectmen and Finance Committee support the Article.  
Majority vote needed.**

**An amendment to the Main Motion was the made that:  
Throughout Article 3, each instance of the words “500 feet” be replaced with the words “2000 feet for level 2 and 3 offenders”.  
Amendment passes by Majority Voice Vote.**

**Main Motion for Article 3 passes as amended by Unanimous Voice Vote.**

**Meeting is adjourned at 8:34 p.m.**

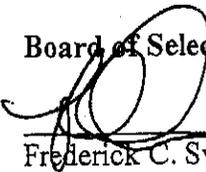
\* \* \* \* \*

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.

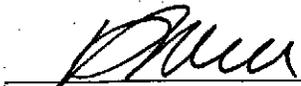
Hereof, fail not, and make due returns of the Warrant with your doings thereon to the Town Clerk at the time and place of holding meeting.

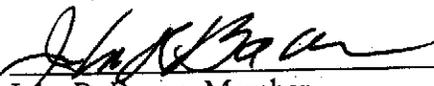
Given under our hands this 7 day of November, in the Year of Our Lord Two Thousand and Eight (2008).

Board of Selectmen

  
Frederick C. Swensen, Chairperson

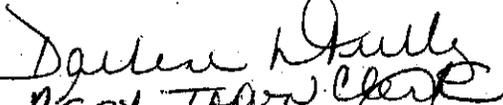
  
Peter J. Bofia, Vice-Chairperson

  
Kathleen W. Walker, Clerk

  
John R. Bacon, Member

  
Scott D. Brown, Member

A true copy: Nov. 10, 2008

Attest:   
Dawn Daily

Posted as directed: ASSET TOWN CLERK

Constable/Police Officer of Charlton, Massachusetts  
