



**Town of Charlton, Massachusetts**

**WARRANT FOR SPECIAL TOWN MEETING  
Tuesday, October 18, 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 Charlton Middle School, Oxford Road in said Charlton, on **Tuesday, October 18, 2011 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: I move that the following prior year bills, not previously paid due to insufficiency of appropriation or late billing, be paid from the following FY12 accounts as printed below:**

| <u>Unpaid Bills</u>               | <u>For</u>                   | <u>Amount</u> | <u>From</u>         |
|-----------------------------------|------------------------------|---------------|---------------------|
| West                              | Zoning Bulletin Subscription | 236.90        | Zoning Dept Expense |
| Security Engineered Machinery Co. | Office equipment             | 2,106.30      | Selectmen Expense   |

**RECOMMENDATION OF THE FINANCE COMMITTEE: FinCom supports this motion.**

**RECOMMENDATION OF THE BOARD OF SELECTMEN: BOS supports this motion.**

**VOTE NEEDED: 9/10THS to extent not paid due to insufficiency of appropriation; otherwise MAJORITY. [G.L. c. 44, sec. 64]**

**ARTICLE 2. INTER/INTRA DEPARTMENTAL TRANSFERS AND/OR APPROPRIATIONS FOR FY2012 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: I move 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> | <u>Purpose</u>  |
|--------------------------------------|---------------|---|---|
| Town Collector- Bank Expense Account | 790           | Free Cash                                   | Scan checks and credit them directly to bank account    |
| Worcester Regional Retirement System | 1,034         | Free Cash                                   | Adjusted payment and interest                           |
| Municipal Building Expense           | 3,500         | Free Cash                                   | Animal Control Building utilities and cleaning products |
| Accountant Expense                   | 2,000         | Free Cash                                   | Book binding  |
| FY12 General Budget                  | 60,000        | Free Cash                                   | Make up deficit in New Growth                           |

**RECOMMENDATION OF THE FINANCE COMMITTEE: FinCom supports this motion.**

**RECOMMENDATION OF THE BOARD OF SELECTMEN: BOS supports this motion.**

**Majority Vote Needed.**

**ARTICLE 3. 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: I move that the town vote to transfer from free cash or transferred, whichever is indicated below, and 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, Chief Procurement Officer or other appropriate town official, board, commission or committee 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>Department/Board/Committee</u> | <u>Project/Item Requested</u>                   | <u>Draft FY2012</u> | <u>Funding/source</u> |
|-----------------------------------|---|---------------------|-----------------------|
| Fire                              | Replace Forestry 1; add pump and fire equipment | 130,000             | Free Cash             |
| Highway                           | 6-8 Cubic Yard Dump Truck with separate sander  | 120,000             | Free Cash             |

|   |  |         |                                       |
|---|--|---------|---------------------------------------|
| <b>Police</b>                               | Replace Department Copier  | 4,787   | Free Cash                             |
| <b>Police</b>                               | Cruiser Replacement (1)  | 37,441  | Free Cash                             |
| <b>Police</b>                               | Replace Chief Car  | 26,404  | Free Cash                             |
| <b>Police</b>                               | Police Station Boiler  | 15,500  | Free Cash                             |
| <b>Public Safety- Town-wide</b>             | Portable Light System (2)  | 2,500   | Free Cash                             |
| <b>Tri Dept: Police, Fire &amp; Highway</b> | Tri-Department Radio Frequency Relicense & Study                                   | 15,000  | Free Cash                             |
| <b>Town Common</b>                          | Fix walkways   | 25,000  | Free Cash                             |
| <b>Tech Comm</b>                            | Computer Network/Replacement   | 15,000  | Free Cash                             |
| <b>Community Center</b>                     | 4 Dresser Hill Rd Repairs  | 10,000  | Free Cash                             |
| <b>Town Hall</b>                            | Municipal Building Fixed Window Replace windows (part one: \$37,000+28,000=65,000) | 37,000  | Free Cash                             |
| <b>Town Hall</b>                            | Municipal Building Fixed Window Replace windows (part two)                         | 28,000  | Municipal Building Double Hang Window |
| <b>Town Hall</b>                            | Parking lot expansion design   | 20,000  | Free Cash                             |
| <b>Highway Building Committee</b>           | Ledge removal and associated costs for Highway Building                            | 75,000  | Free Cash                             |
| <b>Selectmen</b>                            | Codify General Bylaws  | 7,000   | Free Cash                             |
| <b>Water/Sewer</b>                          | Muggett Hill Rd Pump Station clean up and repair                                   | 185,000 | Sewer Retained Earnings               |

**RECOMMENDATION OF THE FINANCE COMMITTEE:  
RECOMMENDATION OF THE BOARD OF SELECTMEN:  
Majority vote Needed.**

**ARTICLE 4. TRANSFER TO/FROM STABILIZATION FUNDS**

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

**SPONSOR: Board of Selectmen**

**Motion: I move that the town vote to transfer and appropriate the following sums to and from the following Accounts and Funds.**

| <u>To The following Accounts:</u> | <u>Amount:</u> | <u>Source from:</u> | <u>Purpose:</u> |
|-----------------------------------|----------------|---------------------|-----------------|
| Stabilization Fund                | \$208,006      | Free Cash           | reserves        |

**RECOMMENDATION OF THE FINANCE COMMITTEE: FinCom supports this motion  
RECOMMENDATION OF THE BOARD OF SELECTMEN: BOS supports this motion.  
Two-Thirds Vote Needed. [G.L. c. 40, sec. 5B]**

**ARTICLE 5. AMENDMENT TO TOWN PERSONNEL BYLAW-CLASSIFICATION PLAN**

To see if the Town will vote, pursuant to Mass. General Laws, Chapter 41, Section 108A and in accordance with the recommendation of the Personnel Board, to amend its Personnel Bylaw by revising "CHAPTER III CLASSIFICATION PLAN" thereof, such amendment to become effective upon adoption, as follows:

by adding thereto under **GRADE 3**, under the column entitled "DEPARTMENT" the words "Town Administrator" and under the column entitled "TITLE" the position of "Administrative Assistant"

, or take any action relative thereto or thereon.

**SPONSOR: Personnel Board**

**Motion: I move that the proposed amendment to the Town's Personnel Bylaw set forth in Article 5 be accepted as printed.**

**RECOMMENDATION OF THE FINANCE COMMITTEE: FinCom supports this motion**

**RECOMMENDATION OF THE BOARD OF SELECTMEN: BOS supports this motion.**

**Majority Vote Needed.**

**ARTICLE 6. WATER BETTERMENT INTEREST RATE**

To see if the Town will vote to elect pursuant to Section 13 of Chapter 80 of the General Laws that apportioned betterment assessments shall bear interest at a rate equal to two per cent above the rate of interest chargeable to the Town for the Charlton Water System project to which the assessments relate, or take any action relative thereto or thereon.

**SPONSOR: Water / Sewer Commission**

**Motion: I move that Article 6 be accepted as printed.**

**RECOMMENDATION OF THE FINANCE COMMITTEE: FinCom supports this motion**

**RECOMMENDATION OF THE BOARD OF SELECTMEN: BOS supports this motion.**

**Majority Vote Needed.**

**ARTICLE 7. CORRECTIVE AMENDMENTS TO STORMWATER & EROSION CONTROL AND ILLICIT DISCHARGE BYLAWS**

To see if the Town will vote to amend the Town of Charlton General Bylaws concerning stormwater adopted under Article 20 of the May 2011 annual town meeting as follows:

By amending the bylaw entitled "Illicit Discharge Bylaw", which has become part of the Charlton General Bylaws, by inserting in Section 11, paragraph E. thereof, immediately following the sentence which ends, "the Conservation Commission or its authorized agent shall be the enforcing person," the following: "The penalty for each violation shall be \$300.00."

By amending the bylaw entitled "Stormwater Management & Erosion Control Bylaw", which has become part of the Charlton General Bylaws, by deleting from Section 10, paragraph B., subparagraph 9 thereof,

the sentence reading, "The penalty for each violation shall be not more than \$300.00," and substituting therefor the following: "The penalty for each violation shall be \$300.00."

, or take any action relative thereto or thereon.

**SPONSOR: Conservation Commission**

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

**RECOMMENDATION OF THE FINANCE COMMITTEE: FinCom supports this motion**

**RECOMMENDATION OF THE BOARD OF SELECTMEN: BOS supports this motion.**

**Majority Vote Needed**

**ARTICLE 8: ACCEPTANCE OF HYCREST ROAD, HENRY'S VISTA LANE, AND HANNAH'S WAY**

To see if the Town will vote (1) to accept as a public ways Hycrest Road, Henry's Vista Lane and Hannah's Way, 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: Owner's Request**

**Motion: I move that the Town vote: (1) to accept as a public way Hycrest Road, Henry's Vista Lane and Hannah's Way 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 the draft As Built Plan & Profile plan prepared by Bertin Engineering dated 9/15/11, 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.**

**RECOMMENDATION OF THE PLANNING BOARD: Planning Board supports this motion.**

**Majority Vote Needed.**

**ARTICLE 9: Acceptance of the "Stretch Energy Code"**

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

**SPONSOR: Joseph Szafarowicz, resident**

**Motion: I move that the Town vote to adopt the so-called "Stretch Energy Code" portion of the State Building Code, for the purpose of regulating the design and construction of buildings for the**

effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the "Stretch Energy Code", including future editions, amendments or modifications thereto, by amending the Charlton General Bylaws so as to add thereto the following bylaw as Article XXIX-A of such Bylaws:

**"Article XXIX: STRETCH ENERGY CODE"**

[Adopted 10-18-2011 STM Art. 9]

- Section 1: Definitions
- Section 2: Purpose
- Section 3: Applicability
- Section 4: Authority
- Section 5: Stretch Code

**Section 1: Definitions**

**International Energy Conservation Code (IECC)** - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three year cycle. Since July 1, 2010, the baseline energy conservation requirements of the MA State Building Code defaulted to the latest published edition, currently the IECC 2009, with Massachusetts amendments as approved by the Board of Building Regulations and Standards.

**Stretch Energy Code** - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

**Section 2: Purpose**

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

**Section 3: Applicability**

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

**Section 4: Authority**

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 115.AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

**Section 5: Stretch Code**

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Charlton General Bylaws as Article XXIX-A. The Stretch Code is enforceable by the inspector of buildings or building commissioner.

**Majority Vote Needed.**

FY12 Special Town Meeting  
 October 18, 2011  
 BOS FinCom Recommendations

| Articles | Requested  | Free Cash<br>815,961 | Sewer<br>Retained<br>Earnings | Transfer and/or from<br>Other Available<br>funds |                     |
|----------|--|----------------------|-------------------------------|--|---------------------|
| <b>1</b> | <b>APPROPRIATION OF FUNDS FOR UNPAID BILLS OF A PRIOR FISCAL</b> |                      |                               |  |                     |
|          | West Law   | 237                  |                               | 237  | Zoning Dept Expense |
|          | Security Engineering Machinery                                   | 2,107                |                               | 2,107  | Selectmen Expense   |
| <b>2</b> | <b>INTER/INTRA DEPARTMENTAL TRANSFERS AND/OR</b>                 |                      |                               |  |                     |
|          | Town Collector- Bank Expense Account                             | 790                  | 790                           |  |                     |
|          | Worcester Regional Retirement System                             | 1,034                | 1,034                         |  |                     |
|          | Municipal Building Expense                                       | 3,500                | 3,500                         |  |                     |
|          | Accountant Expense   | 2,000                | 2,000                         |  |                     |
|          | FY12 General Fund Budget   | 60,000               | 60,000                        |  |                     |
| <b>3</b> | <b>CAPITAL ITEMS AND RELATED CONTRACTS</b>                       |                      |                               |  |                     |
|          | Replace Forestry 1; add pump and fire equipment                  | 130,000              | 130,000                       |  |                     |
|          | 6-8 Cubic Yard Dump Truck with separate sander                   | 120,000              | 120,000                       |  |                     |
|          | Replace Department Copier  | 4,787                | 4,787                         |  |                     |
|          | Cruiser Replacement (1)  | 37,441               | 37,441                        |  |                     |
|          | Chief Car  | 26,404               | 26,404                        |  |                     |
|          | Police Station Boiler  | 15,500               | 15,500                        |  |                     |
|          | Portable Light System  | 2,500                | 2,500                         |  |                     |
|          | Tri-Department Radio Frequency Relicense                         | 15,000               | 15,000                        |  |                     |
|          | Fix walkways   | 25,000               | 25,000                        |  |                     |
|          | Computer Network/Replacement                                     | 15,000               | 15,000                        |  |                     |
|          | 4 Dresser Hill Rd Repairs  | 10,000               | 10,000                        |  |                     |
|          | Fixed Windows (28,000 + 37,000=\$65,000)                         | 37,000               | 37,000                        |  |                     |
|          | Fixed Windows (28,000 + 37,000=\$65,000)                         | 28,000               |                               | 28,000   | Windows Double Hung |
|          | Parking lot expansion design                                     | 20,000               | 20,000                        |  |                     |
|          | Highway Building   | 75,000               | 75,000                        |  |                     |
|          | Codify General Bylaws  | 7,000                | 7,000                         |  |                     |
|          | Muggett Hill Pump Station clean up and repair                    | 185,000              |                               | 185,000  |                     |
| <b>4</b> | <b>TRANSFERS TO/FROM STABILIZATION FUNDS</b>                     |                      |                               |  |                     |
|          | Stabilization Fund   | 208,006              | 208,006                       |  |                     |
|          | <b>TOTAL</b>   | <b>1,031,306</b>     | <b>815,962</b>                | <b>185,000</b>                                   | <b>30,344</b>       |