



**Town of Charlton, Massachusetts**

**WARRANT FOR SPECIAL TOWN MEETING  
Tuesday, October 19, 2010**

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 19, 2010** 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**

**ARTICLE 2. AMENDMENT TO THE FY2011 BUDGET**

To see if the Town will vote to amend the funding sources and department line items for the Fiscal 2011 town budget, or take any action relative thereto or thereon.

**SPONSOR: Board of Selectmen**

**ARTICLE 3. AMENDMENT TO THE FY2011 WATER ENTERPRISE BUDGET**

To see if the Town will vote to amend the funding sources and department line items for the Fiscal 2011 water budget, or take any action relative thereto or thereon.

**SPONSOR: Water/Sewer Commission**

**ARTICLE 4. AMENDMENT TO THE FY2011 SEWER ENTERPRISE BUDGET**

To see if the Town will vote to amend the funding sources and department line items for the Fiscal 2011 sewer budget, or take any action relative thereto or thereon.

**SPONSOR: Water/Sewer Commission**

**ARTICLE 5. INTER/INTRA DEPARTMENTAL TRANSFERS AND/OR APPROPRIATIONS FOR FY2011 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**

**ARTICLE 6. 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**

**ARTICLE 7. 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 and wetland mitigation 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**

**ARTICLE 8. REAUTHORIZATION OF REVOLVING FUNDS- PLANNING BOARD**

To see if the Town will vote: (a) to rescind its vote under Article 14 of the May 2010 Annual Town Meeting Warrant with respect to reestablishment of the Planning Board Revolving Fund; (b) upon recommendation of the Board of Selectmen, as authorized by Mass. General Laws Chapter 44, Section 53E ½, to reestablish said Fund; and (c) to authorize the Planning Board to expend funds from said Fund for the purposes set forth in the third column below, without further appropriation, provided that the amount to be expended from same in the fiscal year commencing July 1 of the current fiscal year shall not exceed the amount set forth in the fourth column below unless an additional amount or amounts are recommended by both the Board of Selectmen and the Finance Committee and that at the end of the current fiscal year any balance in said Fund exceeding \$20,000 shall revert to the General Fund:

Department	Revenue	Purpose	Amount
PLANNING BOARD REVOLVING FUND	Fees for engineering review and other consultants as well as advertising and mailing	Payments to engineers and other consultants, advertising and mailing. Unencumbered balance at the end of the fiscal year in excess of \$20,000 reverts to general fund.	\$60,000.00

; or take any action relative thereto or thereon.

**SPONSOR: Planning Board**

**ARTICLE 9. 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**

**ARTICLE 10. APPROPRIATION OF FUNDS AND AUTHORIZATION FOR THE PURPOSE OF DESIGN OF A WATERLINE ALONG ROUTE 169**

To see if the Town will vote to appropriate a sum of money from the Water Stabilization Fund to the Water Department Enterprise Fund for the design of a water line along route 169, and to authorize the Water and Sewer Commission and/or the Chief Procurement Officer 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 other action relative thereto or thereon.

**SPONSOR: Water/Sewer Commission**

**ARTICLE 11. TRANSFER OF TAX TITLE LAND TO WATER/SEWER COMMISSION**

To see if the Town will vote to transfer care, custody, management and control of a parcel of land, title to which the Town obtained from tax title proceedings, and which is presently not being held for any specific purpose, to the Water/Sewer Commission, to be held and used for water and/or sewer related purposes, or take any action relative thereto or thereon.

**Sponsor: Water/Sewer Commission**

**ARTICLE 12. ACCEPTANCE OF MGL C. 64L, LOCAL OPTION MEALS EXCISE**

To see if the town will vote to accept Mass. Gen. Laws, Chapter 64L, which authorizes towns accepting same to impose a local sales tax on the sale of restaurant meals originating with the town by a vendor at the rate of .75 percent of the gross receipts of the vendor from the sale of restaurant meals, such statute to become effective on the first day of the calendar quarter following the expiration of 30 days after such acceptance, or take any action relative thereto or thereon.

**SPONSOR: Board of Selectmen**

**ARTICLE 13. GENERAL BY-LAW AMENDMENT- DOG RESTRAINT AND REGULATION BYLAW**

To see if the Town will vote to amend Article XXIII Dog Restraint and Regulation of the General By-Laws by deleting the strikethrough text and adding the bold underlined text as shown below:

***ARTICLE XXIII: DOG RESTRAINT AND REGULATION BYLAW***

**Section 1. Licenses and tags:**

The owner or keeper of a dog six (6) months old or over shall purchase a license from the town Clerk and shall attach the license to a collar or harness of said dog. If any such tag is lost, the owner or keeper of such dog shall secure a substitute tag from the Town Clerk. No license fee shall be charged for a dog certified to serve a blind person or a deaf person, provided the dog is actually in the service of a blind or deaf person.

New residents bringing dogs six (6) months old or older into the Town or Charlton shall purchase a license from the Town Clerk within sixty (60) days.

The annual fee for every dog license, except as otherwise provided for by law, shall be as follows:

- Male.....\$20.00
- Female.....\$20.00
- Senior Citizen (65 and over).....\$17.00

Neutered Male.....	\$10.00
Spayed Female.....	\$10.00
Senior Citizen (65 and over).....	\$8.00
Substitute Tag.....	\$1.00
Transfer License.....	\$1.00

When applying for a dog license the applicant must show proof, by a licensed veterinarian's certificate, that the dog has been vaccinated against rabies, as required by Massachusetts General Laws, Chapter 140, Sections 137 and 145B.

Kennel fees shall be as follows:

Four dogs or less.....	\$35.00
Ten dogs or less.....	\$75.00
Twenty-five dogs or less.....	\$100.00

No license fee or any part thereof shall be refunded because of subsequent death, loss, spaying, neutering or removal from the Commonwealth of other disposal of the dog.

Should any owner or keeper of a dog fail to license it before ~~June~~ March 1st, a late fee of ten dollars (\$10.00) will be charged. Any person maintaining a kennel in the Town of Charlton who fails to license, as prescribed by this section and the laws of the Commonwealth, shall pay a late fee of twenty dollars (\$20.00).

**Section 2. Definition of Terms:**

As used in this order unless the context otherwise indicates.

- (1) "DOG" means: Any animal of the canine species, both male and female.
- (2) "OWNER" means: Any person or persons, firm, association, or corporation owning, keeping or harboring a dog, as herein defined.
- 3) "PUBLIC NUISANCE" means: Any dog which by excessive barking, howling, "running-at-large" or in any other manner disturbs the quiet of the public.
- (4) "RUN-AT-LARGE" means: Any dog free of restraint which is permitted to wander on private property of others or on public ways at will, without proper restraint.
- (5) "RESTRAINT" means: The dog will be on a leash or a substantial chain and under the control of a person competent to restrain it so that it shall not be a threat to public safety. The mere muzzling of a dog shall not prevent it from being a public nuisance.

**Section 3. Prohibitions:**

No owner or keeper shall permit any dog whether licensed or unlicensed to become a "public nuisance" or to run-at-large within the Town of Charlton any time day or night.

**Section 4. Field Trials:**

No person shall conduct a Field Trial involving dogs in the Town of Charlton without first procuring a permit thereof from the ~~Dog Officer~~ Animal Control Officer. Any such permit shall contain such limitations, as the ~~Dog Officer~~ Animal Control Officer shall deem reasonably necessary to prevent such dogs from being a threat to public safety.

**Section 5. Penalty:**

Any owner or keeper found in violation of this by-law shall be subject to a fine according to the following schedule:

- First Offense..... \$25.00
- Second Offense..... \$35.00
- Third Offense..... \$50.00
- Fourth Offense.....\$75.00
- Fifth and each subsequent offense.....\$100.00 (within a calendar year)

**Section 6. Enforcement:**

It shall be the duty of the ~~Dog Officer~~ **Animal Control Officer** to investigate complaints and enforce the provisions of this Bylaw and to that end he/she shall have the authority to seek complaints in the District Court for violations thereof. He/She shall also attend to all matters pertaining to stray or public nuisance dogs, and to care for dogs that are injured in the Town of Charlton if the owner or keeper is unknown. The Animal Control Officer shall also be responsible for maintaining and keeping accurate records on all complaints and dogs that are apprehended and impounded as prescribed by law.

**Section 7. Procedure Following Impoundment:**

The ~~Dog Officer~~ **Animal Control Officer** shall immediately notify the owner or keeper of any dog impounded by him under the provisions of the By-law if such owner or keeper is known by him. If such owner or keeper is not known by him, no notice shall be necessary.

**Section 8. Notice to Owner and Redemption:**

The owner may then reclaim the dog by reimbursing the ~~Dog Officer~~ **Animal Control Officer** expenses, fines and fees, for maintaining the impounded dog. In any event, the maintenance cost shall not exceed ten dollars (\$10.00) for each twenty-four (24) hour period or any part thereof, plus thirty dollars (\$30.00) as an initial **pickup** fee. However, as required by state law, each dog six (6) months old or older must be licensed before the Animal Control Officer may release it to its owner.

**Section 9. Disposition of Unclaimed Dogs:**

Any dog which has been impounded and has not been redeemed by the owner within ten (10) days shall be disposed of as provided by Massachusetts General Laws, chapter 140, Section 151A, and any amendment thereto. Any unclaimed dog adopted from the Charlton ~~Dog Officer~~ **Animal Control Officer** shall be spayed or neutered at the owner's expense. The adoption fee for all unclaimed dogs regardless of sex, breed, or age shall be twenty dollars (\$20.00).

**Section 10. Collection of Fines and Fees:**

All fines and fees collected by the ~~Dog Officer~~ **Animal Control Officer** while enforcing the provisions of this By-law shall be collected in the form of personal check, money order or registered check made payable to the Town of Charlton. In any event the ~~Dog Officer~~ **Animal Control Officer** will not accept cash, unless bonded to do so.

**Section 11. Disposition of Collected Fines and Fees:**

All fines and fees collected by the ~~Dog Officer~~ **Animal Control Officer** shall be accounted for and paid over to the Town Treasurer at such time and in such manner as may be designated by the Town Treasurer.

or take any action relative thereto or thereon.

**SPONSOR: ANIMAL CONTROL**

**ARTICLE 14. 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: Board of Selectmen/Personnel Board**

**ARTICLE 15. AMENDMENT TO TOWN PERSONNEL BYLAW- SICK TIME**

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, “CHAPTER V BENEFITS, SECTION 5. SICK TIME” thereof, by inserting therein, immediately following what is presently the second paragraph, a paragraph reading as follows, such amendment to become effective upon adoption:

“Sick time may be used for the employee’s illness or the employee’s care of the employee’s spouse, significant other, child or any member of the employee’s immediate family, provided the person requiring such care resides in the employee’s household.”

, or take any action relative thereto or thereon.

**Sponsor: Personnel Board**

**ARTICLE 16. 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 the position of Cable Access Coordinator to Grade 3 under the "Board of Selectmen" Department.

, or take any action relative thereto or thereon.

**Sponsor: Personnel Board**

**ARTICLE 17. ZONING BY-LAW CHANGE- REVISE SECTION 3.2 (USE REGULATIONS)**

To see if the Town will vote in accordance with the provisions of Mass. General Laws, Chapter 40A, Section 5, to amend the Charlton Zoning Bylaw by revising Section 3.2 (Use Regulations), as follows:

Change the zoning regulation in sub-section 3.2.2.4 Recreational Uses for line item #3, "Other recreational facilities conducted for gainful profit, indoor and outdoor theatres, physical fitness centers, health clubs and indoor tennis and racquetball facilities" as it pertains to the Business Enterprise Park (BEP) Zone from "N" (Not Allowed) to "SP" (Allowed Via Planning Board Special Permit) as listed in the Section 3.2.2 use regulation table.

, or take any action relative thereto or thereon.

**SPONSOR: Planning Board**

**ARTICLE 18. ACCEPTANCE OF WILLOW TREE LANE**

To see if the Town will vote (1) to accept as a public way "Willow Tree 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: Owner's Request**

**ARTICLE 19. ACCEPTANCE OF ELEANOR LANE**

To see if the Town will vote (1) to accept as a public way "Eleanor 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: Owner's Request**

**ARTICLE 20. ACCEPTANCE OF BRACKETT HILL ROAD**

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

**SPONSOR: Town Treasurer**

\* \* \* \* \*

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.

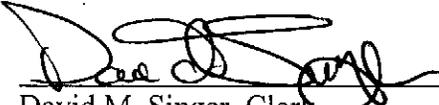
Hereof, fail not, and make due returns of the Warrant with your doings thereon to the Town Clerk at the time and place of holding meeting.

Given under our hands this 30 day of September, in the Year of Our Lord Two Thousand and Ten (2010).

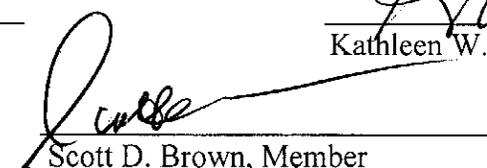
**Board of Selectmen**

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Peter J. Boria, Chairperson

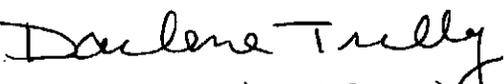
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Frederick C. Swensen, Vice-Chairperson

  
\_\_\_\_\_  
David M. Singer, Clerk

  
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Kathleen W. Walker, Member

  
\_\_\_\_\_  
Scott D. Brown, Member

A true copy:

Attest: 

Posted as directed: Oct. 4, 2010

Constable Police Officer of Charlton, Massachusetts

*Richard Feika, Jr. 10/4/2010*

CharltonSTM10-19-10WARRANTJFC9-23-10REDLINEOFTOWNADMIN.DRAFT9-22-10  
CharltonSTM10-19-10WARRANTTOWNADMIN.9-29-10JFCREDLINEDIFNEEDED9-29-10