

**Town of Charlemont**  
**FY 2011 Annual Town Meeting Warrant Articles**  
**May 25, 2010**  
**7:30 P.M.**

- Article 1: To act on the Report of the Town Officers.
- Article 2: To see if the Town will vote to authorize the Board of Selectmen to apply for and accept any and all Federal and State grants or gifts from individuals or non-profit organizations which may become available during the fiscal year 2011.
- Article 3: To see if the Town will authorize the Treasurer to enter into a compensating balance agreement or agreements for fiscal year 2011, pursuant to Chapter 44, Section 53F of the Massachusetts General Laws.
- Article 4: To see if the Town will vote to raise and appropriate, or otherwise provide, a sum or sums to defray the fiscal 2011 operation and capital budgets of the Town, and to establish the salaries for its Town officers, or take any other action relative thereto.
- Article 5: To see if the Town will vote to raise and appropriate, or otherwise provide, the sum of \$5,000 for the FY 2011 Audit Fund, or take any other action relative thereto.  
Recommended by the Finance Committee
- Article 6: To see if the Town will vote to raise and appropriate, or otherwise provide, the sum of \$6,355 for the FY 2011 Assessor's Revaluation Fund, or take any other action relative thereto.  
Recommended by the Finance Committee
- Article 7: To see if the Town will vote to raise and appropriate, or otherwise provide, the sum of \$4,819 to buy employee accumulated sick leave, or take any other action relative thereto.  
Recommended by the Finance Committee
- Article 8: To see if the Town will vote to raise and appropriate, or otherwise provide, the sum of \$1,000 to purchase file cabinets for the Town Hall, or take any other action relative thereto.  
Recommended by the Finance Committee

- Article 9: To see if the Town will vote to raise and appropriate, or otherwise provide, the sum of \$2,500 to be added to the Open Space/Agricultural Preservation account set up in 2000 for the purpose of a local match for the Agricultural Preservation Restriction Program or other similar conservation programs, or take any other action relative thereto.  
Not recommended by the Finance Committee
- Article 10: To see if the Town will vote to transfer from its Stabilization account the sum of \$169,905 to purchase a new ambulance, or take any other action relative thereto.  
Recommended by the Finance Committee
- Article 11: To see if the Town will vote to rescind the FY 2010 vote that passed as follows:  
  
Voted to authorize the treasurer to borrow the sum of \$170,000 to purchase a new ambulance  
  
Or take any other action relative thereto.  
Recommended by the Finance Committee
- Article 12: To see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money in the amount of \$8,500.00 for the purpose of paying certain costs associated with the Hawlemont preschool program, or take any other action relating thereto.  
Recommended by the Finance Committee
- Article 13: To see if the Town will vote to transfer a sum from its Surplus Revenue (Free Cash) to its Stabilization Fund, or take any other action relative thereto.
- Article 14: To see if the Town will vote to transfer from its Surplus Revenue (Free Cash) a sum for the purpose of reducing the tax levy for FY 2011, or take any other action relative thereto.
- Article 15: **ENERGY SAVINGS PERFORMANCE AGREEMENT TOWN BUILDING**  
To see if the Town will vote to authorize the Selectboard to enter into a financing agreement for a term of more than three years, and a related escrow account agreement, for the purpose of funding energy management

services for Town-owned buildings, or take any action in relation thereto or thereon.

Article 16: **ENERGY SAVINGS PERFORMANCE CONTRACT**

To see if the Town will vote to appropriate a sum for the purchase of infrastructure improvements including but not limited to heating and ventilation, lighting and controls, energy management systems, insulation, equipment, materials and supplies for the Town-owned buildings, under which the funds to pay for these items will ultimately come from savings derived from energy conservation measures, for a period of up to a twenty (20) year Energy Savings Performance Contract between the Town and Siemens Building Technologies and to determine whether this appropriation shall be raised by borrowing or otherwise, in accordance with M.G.L. c. 44, s.7 (3B), or take any other action relative thereto or thereon.

Article 17: **ENERGY SAVINGS PERFORMANCE CONTRACT**

To see if the Town will vote to authorize the Selectboard to enter into an Energy Savings Performance Contract with Siemens Building Technologies for the purchase of infrastructure improvements including but not limited to heating and ventilation, lighting and controls, energy management systems, insulation, equipment, materials and supplies for the Town-owned buildings, under which the funds to pay for these items will ultimately come from savings derived from energy conservation measures for a period of up to a twenty (20) year Energy Savings Performance Contract between the Town and Siemens Building Technologies, or take any action in relation thereto.

Article 18: Shall the Town of Charlemont allow the Mohawk Trail Regional School District to establish stabilization funds in accordance with M.G.L. c. 71 s 16G1/2 for capital projects with regard to the Mohawk Trail Regional School District High School and Middle School.

Not recommended by the Finance Committee

Article 19: To see if the Town will vote to transfer from its Fund Balance Reserved for Landfill Debt Account the sum of \$65,000 to be used for the FY11 interest and principal due on the Tri-Town Landfill debt, or take any other action relative thereto.

Recommended by the Finance Committee

Article 20: To see if the Town will vote pursuant to the provisions of Section 53E1/2 of Chapter 44 of the Massachusetts General Laws, to authorize the

establishment of a Dog Fund revolving account for the fiscal year beginning July 1, 2010. Revenue sources for this fund will come from dog license fees and other charges as provided by Chapter 40, S. 147A. The funds will be used by the Town Clerk and Animal Control Officer to offset expenses related to administration of licenses and other animal control matters. The maximum amount that may be spent from the fund for fiscal year 2011 is limited to \$2,500.

Recommended by the Finance Committee

Article 21: To see if the Town will vote to adopt a Floodplain Overlay District Bylaw to ensure compliance with the National Flood Insurance Program, or take any other action relative thereto. The Bylaw can be viewed at the Town Hall and the Town Clerk offices during business hours.

Article 22: To see if the Town will vote to adopt the following non-criminal dispositional by-law, or take any other action relative thereto.

#### **NON-CRIMINAL DISPOSITIONAL BY-LAW**

Any bylaw of the Town of Charlemont, or rule or regulation of its officer, boards or departments, the violation of which is subject to a specific penalty, may in the discretion of the Town official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws. The non-criminal fine for each such violation, if not otherwise specified, shall be \$100.00.

“Enforcing person” as used in this bylaw, shall mean any Town police officer of the Town of Charlemont with respect to any offense; and the Building Inspector and his designees, the members of the Conservation Commission and its designees, the members of the Board of Health and its designees, the members of the Park and Recreation Commission and its designees, the Animal control Officer and his designees, and such other officials as the Board of Selectmen may from time to time designate, each with respect to violation of bylaws and rules and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

Article 23: To see if the Town will vote to direct the Board of Selectmen to call a Town Meeting in the fall of calendar year 2010 to vote on the order in which various capital projects will be taken, or take any other action relative thereto.

Article 24: To see if the Town will vote to enter into immediate discussions with other Western Massachusetts municipalities with the intent of entering an inter-municipal agreement, by and through the Select Board, pursuant to

Chapter 40, Section 4A of the Massachusetts General Laws, for the purpose of establishing a universal, open access, financially self-sustaining communication system for the provision of broadband service, including high-speed Internet access, telephone and cable television to the resident, businesses and institutions of these municipalities; or act in relation thereto.