

**Town of Charlemont**  
**FY 2010 Annual Town Meeting Warrant Articles**  
**May 26, 2009**  
**7:30 P.M.**

- Article 1: To see if the Town will vote to revise its existing Zoning Bylaw by replacing Section 23 with a revised Section 23: Special Permits, available at Town Meeting labeled Town Meeting Zoning Amendment and dated April 10, 2009 and delete Section 32.2, or take any other action related thereto. The complete text of the existing section and proposed revision is available at the Town Hall during its regular business hours.
- Article 2: To see if the Town will vote to withdraw from the Hawlemont Regional School District and to become a member of the Mohawk Trail Regional School District Agreement, subject to the Town of Hawley also agreeing to said change and subject to the revised Mohawk Trail Regional School District Agreement being adopted by the member towns, or take any other action relative thereto.
- Article 3: To see if the Town will vote to accept the amended Mohawk Trail Regional School District Agreement as posted at the Goodnow Town Hall, or take any other action relative thereto.
- Article 4: To act on the Report of the Town Officers.
- Article 5: 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 2010.
- Article 6: To see if the Town will authorize the Treasurer to enter into a compensating balance agreement or agreements for fiscal year 2010, pursuant to Chapter 44, Section 53F of the Massachusetts General Laws.
- Article 7: 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, 2009. 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 2010 is limited to \$2,500.

Article 8: To see if the Town will vote to amend the current by-law as follows:

Voted May 1, 1995 General by-law

From: "The fee for licenses for Recreational Camps, Overnight Camps or Cabins, Motels, Mobile Home Parks shall be set at \$50.00.

To: The fee for licenses for Recreational Camps, Overnight Camps or Cabins, Motels, Mobile Home Parks shall be set by the Board of Health.

Article 9: To see if the Town will vote to authorize the Board of Selectmen to seek special legislation changing from an elected position to an appointed position the position of Town Clerk; and authorizing the Board of Selectmen for the Town of Charlemont to appoint a suitable person to the position of Town Clerk. Said person shall have all the powers and duties by law vested in the office of Town Clerk and such additional powers as may be conferred by Town By-law or administrative code and s/he shall serve at the pleasure of the Board of Selectmen.

Notwithstanding the provisions of paragraph one, the incumbent in the office of Town Clerk upon the effective date of the passage of the special legislation shall continue to hold said office and to perform the duties thereof until the expiration of her/his term or a precedent vacating of office. The appointment provided for in paragraph one shall not be effective until such expiration or vacating.

Article 10: To see if the Town will vote to accept the provisions of M.G.L. Chapter 40, Section 57, to enforce such provisions, and adopt the following bylaw:

### **LICENSING RESTRICTION BYLAW**

#### **Section 1. Furnishing of list of delinquent taxpayers by Tax Collector.**

The Tax Collector shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

## **Section 2. Denial, revocation or suspensions of licenses and permits.**

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

## **Section 3. Payment agreements; limitations on license or permit.**

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

## **Section 4. Waivers.**

The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in G.L. c.268A, §1, in the business or activity

conducted in or on said property.

### **Section 5. Nonapplicability.**

This bylaw shall not apply to licenses or permits for open burning (G.L. c.48, §13); bicycles (G.L. c.85, §11A); sales of articles for charitable purposes (G.L. c.101, §33); children work permits (G.L. c.149, §69); clubs or associations dispensing food or beverage licenses (G.L. c.140, §21E); dog licenses (G.L. c.140, §137); fishing, hunting, trapping licenses (G.L. c.131, §12); marriage licenses (G.L. c.207, §28); theatrical events and public exhibition permits (G.L. c.140, §181); and any other local license or permit which the Town chooses to exclude from this bylaw by further amendment to the bylaw.

- Article 11: To see if the Town will vote to raise and appropriate, or otherwise provide, a sum or sums to defray the fiscal 2010 operation and capital budgets of the Town, and to establish the salaries for its Town officers, or take any other action relative thereto.
- Article 12: To see is the Town will vote to authorize the Treasurer to borrow, or otherwise provide, the sum of \$170,000 to purchase a new ambulance, or take any other action relative thereto.
- Article 13: To see if the Town will vote to raise and appropriate, or otherwise provide, the sum of \$3,000 to purchase a new fire-proof cabinet for the Assessor's office, or take any other action relative thereto.
- Article 14: To see whether 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.
- Article 15: To see if the Town will vote to raise and appropriate, or otherwise provide, the sum of \$1,400.00 for the purchase of 85 new Veterans flag holders, to replace missing and damaged holders and add new ones, in Charlemont Cemeteries, or take any other action relative thereto.
- Article 16: To see if the Town will vote to charge for each written demand issued by the collector 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, effective as of July 1, 2009, or take any other action relative thereto.

- Article 17: To see if the Town will vote to transfer from its Fund Balance Reserved for Landfill Debt Account the sum of \$67,750 to be used for the FY 2010 interest and principal due on the Tri-Town Landfill debt, or take any other action relative thereto.
- Article 18: To see if the Town will vote to raise and appropriate, or otherwise provide, the sum of \$6,000 for the FY 2010 Audit Fund, or take any other action relative thereto.
- Article 19: To see if the Town will vote to raise and appropriate, or otherwise provide, the sum of \$6,355 for the FY 2010 Assessor's Revaluation Fund, or take any other action relative thereto.
- Article 20: 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 21: 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 2010, or take any other action relative thereto.