

TOWN OF NORTHBOROUGH
ANNUAL TOWN MEETING WARRANT
APRIL 23, 2018

WORCESTER, SS

GREETINGS:

To any Constable in the Town of Northborough, County of Worcester:

In the name of the Commonwealth of Massachusetts, you are hereby commanded to warn and notify the legal voters of the Town of Northborough to meet at THE ALGONQUIN REGIONAL HIGH SCHOOL 79 Bartlett St. Northborough, MA on MONDAY, the TWENTY-THIRD day of April 2018 at 7:30 p.m. to act on the following warrant articles:

7:32 p.m. Moderator Fred George announced a quorum (100 voters) was present in the hall; the meeting was called to order.

Moderator Fred George read the return of service of the warrant.

ARTICLE 1: Appointing Deputy Moderator MOTION PASSED

To see if the Town will vote to ratify the appointment by the Moderator of Gerald Hickman as Deputy Moderator, as provided by Article II, Section 2-2 of the Northborough Home Rule Charter.

ARTICLE 2: Compensating Balance Agreement MOTION PASSED

To see if the Town will vote to authorize the Treasurer, with the approval of the Board of Selectmen, to enter into a Compensating Balance Agreement or Agreements pursuant to Massachusetts General Laws, Chapter 44, Section 53F, if necessary.

- This Article provides authorization for the Town to enter into a compensating balance agreement in order to obtain banking services. A compensating balance is an arrangement by which a town maintains municipal funds on deposit in return for banking services. Under such an arrangement, the earnings retained by the bank on the account balances “compensate” the bank for the services provided.

ARTICLE 3: Prior Year’s Bills PASSED OVER

To see if the Town will vote to raise and appropriate or transfer from unappropriated available funds in the Treasury, or other available funds, a sum of money to pay bills incurred in prior years, or take any action relative thereto.

- Town Meeting action is required to pay bills incurred in prior fiscal years. This Article will be passed over if no bills for goods and services incurred in prior fiscal years are presented to the Town.

ARTICLE 4: Town Budget MOTION PASSED

To see if the Town will vote to raise and appropriate and transfer from available funds the sum of Twenty Two Million Five Hundred Thirty Six Thousand Seven Hundred Four Dollars (\$22,536,704) for Town Government as displayed below, and to meet said appropriation, the following sums available for appropriation be transferred:

From:

Transfer from Cemetery Trust Fund Income	\$346
Transfer from Cemetery Sale of Lots	\$14,500
Transfer from Debt Exclusion Premium Reserve	\$14,204
Transfer from Title V Reserve	\$4,532
Transfer from Conservation Commission Fees	\$6,245
Transfer from Fire Emergency Medical Services Revolving Fund	\$322,608
Transfer from Recreation Revolving Fund	\$155,677
Transfer from Animal Control Revolving Fund	\$27,000
Transfer from Medicare Part D Subsidy	\$61,418
Transfer from PEG Access Cable Related Fund	\$361,298
Free Cash	\$500,000

for a total of One Million Four Hundred Sixty Seven Thousand Eight Hundred Twenty Eight Dollars (\$1,467,828) and that the sum of Twenty One Million Sixty Eight Thousand Eight Hundred Seventy Six Dollars (\$21,068,876) be raised by taxation.

ARTICLE 5: Water, Sewer and Solid Waste Enterprise Funds MOTION PASSED

To see if the Town will vote to raise and appropriate and transfer from available funds the sum of Five Million Four Hundred Forty One Thousand Two Hundred Seventy Two Dollars (\$5,441,272) for Water, Sewer and Solid Waste Funds as displayed below for the operation of the Water, Sewer and Solid Waste Utilities, and to meet said appropriation, the following sums available for appropriation be transferred:

From:

Water Fund Free Cash	\$121,347
Solid Waste Fund Free Cash	\$106,679

Raise and Appropriate by Taxation:

Solid Waste General Fund Subsidy	\$217,160
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for a total of Four Hundred Forty Five Thousand One Hundred Eighty Six Dollars (\$445,186) and that the sum of Four Million Nine Hundred Ninety Six Thousand Eighty Six Dollars (\$4,996,086) be financed from Water, Sewer and Solid Waste Revenues.

Water Fund	\$2,496,718
Sewer Fund	\$2,132,715
Solid Waste	\$ 811,839
Total	\$5,441,272

ARTICLE 6: Northborough K-8 Schools Budget MOTION PASSED

To see if the Town will vote to raise and appropriate by taxation the sum of Twenty Four Million Two Hundred Sixty Five Thousand Five Hundred Ninety Three Dollars (\$24,265,593) for the operation of the Northborough Public Schools, or take any action relative thereto.

ARTICLE 7: Algonquin Regional High School Budget MOTION PASSED

To see if the Town will vote to raise and appropriate by taxation Northborough's share of the assessment for the operation of the Northborough-Southborough Regional School District, the sum of Eleven Million Nine Hundred Thirty Three Thousand Seven Hundred Sixty Three Dollars (\$11,933,763), or take any action relative thereto.

ARTICLE 8: Assabet Valley Regional Vocational School District Budget MOTION PASSED

To see if the Town will vote to raise and appropriate by taxation Northborough's share of the assessment for the operation and debt service of the Assabet Valley Regional Vocational School District, the sum of Seven Hundred Fifty Seven Thousand Seven Hundred Twenty Two Dollars (\$757,722), or take any action relative thereto.

ARTICLE 9: Library Grants MOTION PASSED

To see if the Town will vote to authorize the Library Trustees to accept and spend a sum of money received under the Library Incentive and Municipal Equalization Grants, and the Nonresident Circulation Offset program, under the provisions of Massachusetts General Laws Chapter 78, Sections 19A and 19B, and 605 CMR 4.00, and as supplemented or amended by current state budget language, to be used by the Library Trustees for books, automation costs, or in any way that may benefit the library, and to apply for State aid for the coming fiscal year.

ARTICLE 10: Authorization for Grant Applications MOTION PASSED

To see if the Town will vote to authorize the Board of Selectmen to make such application as may be necessary for Federal and/or State funds or grants, to accept such funds or grants and to expend those funds as required by the various acts, if and when such funds are received.

- Allows the Town to apply for grant funds through Federal and/or State agencies.

ARTICLE 11: Revolving Funds Bylaw and Authorization of Expenditure Limits
MOTION PASSED

To see if the Town will vote to

- A) amend the general by-laws of the Town by adding a new section to authorize revolving funds for use by certain Town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E½, as follows:

1-56-051 Departmental Revolving Funds

1. Purpose. This by-law establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

- B. No liability shall be incurred in excess of the available balance of the fund.

- C. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and the Appropriations Committee.

3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds. The Table establishes:

- A. Each revolving fund authorized for use by a Town department, board, committee, agency or officer,

- B. The department or agency head, board, committee or officer authorized to spend from each fund,

C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant,

D. The expenses of the program or activity for which each fund may be used,

<u>A</u> Revolving Fund	<u>B</u> Department, Board Committee, Agency or Officer Authorized to Spend from Fund	<u>C</u> Fees, Charges or Other Receipts Credited to Fund	<u>D</u> Program or Activity Expenses Payable from Fund
Fire Department	Fire Chief	Hazardous materials charges, education programs, alarm monitoring fees, and ambulance service fees	Hazardous materials preparedness and response, education programs, alarm monitoring expenses, and ambulance service expenses
Animal Control	Town Administrator	Dog license fees and related late fees	Animal Control Officer contractual services
Family & Youth Services	Family & Youth Services Director	Program fees	Program expenses
Council on Aging	Senior Center Director	Transportation and program fees	Transportation and Senior Center programs
Community Affairs	Community Affairs Committee	Program fees	Program expenses
Library	Library Director	Program fees	Program expenses

And

B) authorize annual expenditure limits for said revolving funds for Fiscal Year 2019 as shown in the table below:

Revolving Fund	Annual Expenditure Limit
Fire Department	\$500,000
Animal Control	\$50,000
Family & Youth Services	\$20,000
Council on Aging	\$200,000
Community Affairs	\$20,000
Library	\$20,000

or take any other action relative thereto.

- This article creates a bylaw for the Town's Revolving Funds and is necessitated following changes made to Massachusetts General Laws through the Municipal Modernization Act of 2016. The addition to the bylaws will be reviewed by the Attorney General, and once approved will not be revisited unless a new revolving fund is proposed or the purpose is changed for an existing revolving fund. However, an annual vote will be required to establish expenditures limits for the funds.

ARTICLE 12: Appropriations Committee Reserve Fund MOTION PASSED

To see if the Town will vote to appropriate the sum of One Hundred Seventy Five Thousand Dollars (\$175,000) for a Reserve Fund to provide for extraordinary or unforeseen expenditures in accordance with Massachusetts General Laws Chapter 40, Section 6, and to meet said appropriation, One Hundred Seventy Five Thousand Dollars (\$175,000) be transferred from Free Cash, or take any action relative thereto.

- This Article provides the Town operations with an option for the funding of extraordinary or unforeseen expenditures during the year.

ARTICLE 13: Stabilization Fund Contribution MOTION PASSED

To see if the Town will vote to appropriate the sum of Two Hundred Thousand Dollars (\$200,000) for transfer to the Stabilization Fund, and to meet said appropriation, the sum of Two Hundred Thousand Dollars (\$200,000) be transferred from Free Cash, or take any action relative thereto.

- This Article provides for a contribution to the Stabilization Fund or general savings account for the Town.

ARTICLE 14: Algonquin Regional High School Stabilization Fund MOTION PASSED

To see if the Town will vote to authorize the Northborough-Southborough Regional School District to establish a Stabilization Fund according to Chapter 71, Section 16G 1/2 of the General

Laws for the purposes of funding capital items as identified in the Northborough-Southborough Regional School District Capital Plan.

ARTICLE 15 (CIP): Police – Police Cruiser Replacements MOTION PASSED

To see if the Town will vote to appropriate the sum of Eighty-Seven Thousand Dollars (\$87,000) for the use of the Police Department for the purchase of two new patrol vehicles, and to meet said appropriation the sum of Eighty-Seven Thousand Dollars (\$87,000) be transferred from Free Cash.

- This Article provides funds for the purchase of two new patrol vehicles. Included in the funding request is the cost of outfitting the vehicles with ancillary equipment and mobile data terminals.

ARTICLE 16 (CIP): MIS/GIS – GIS Aerial Photography and Mapping MOTION PASSED

To see if the Town will vote to appropriate the sum of One Hundred Forty Thousand Dollars (\$140,000) for the use of the MIS/GIS Department for a new aerial photography and mapping project, and to meet said appropriation the sum of One Hundred Forty Thousand Dollars (\$140,000) be transferred from Free Cash.

- This Article provides funds for a new aerial photography and mapping project to update the Town’s Geographic Information System. The last update was done in 2008.

ARTICLE 17 (CIP): DPW – One-Ton Dump Truck with Hot Box and Plow MOTION PASSED

To see if the Town will vote to appropriate the sum of One Hundred Forty Thousand Dollars (\$140,000) for the use of the DPW Department for the purchase of a one-ton dump truck with a plow and asphalt hot box, and to meet said appropriation the sum of One Hundred Forty Thousand Dollars (\$140,000) be transferred from Free Cash.

- This Article provides funds for the purchase of a one-ton dump truck with a plow and asphalt hot box to replace a 2008 one-ton dump truck that has surpassed its useful life expectancy of about 10 to 12 years.

ARTICLE 18 (CIP): DPW – Street Sweeper Replacement MOTION PASSED

To see if the Town will vote to appropriate the sum of Two Hundred Thirty-One Thousand Dollars (\$231,000) for the use of the DPW Department for the purchase of a street sweeper, and to meet said appropriation the sum of Two Hundred Thirty-One Thousand Dollars (\$231,000) be transferred from Free Cash.

- This Article provides funds for the purchase of a street sweeper to replace a 2007 street sweeper that has surpassed its useful life expectancy of about 10 years.

ARTICLE 19 (CIP): DPW – Skid Steer Replacement MOTION PASSED

To see if the Town will vote to appropriate the sum of One Hundred Five Thousand Dollars (\$105,000) for the use of the DPW Department for the purchase of a skid steer, and to meet said appropriation the sum of One Hundred Five Thousand Dollars (\$105,000) be transferred from Free Cash.

- This Article provides funds for the purchase of a skid steer to replace a 2006 skid steer.

ARTICLE 20 (CIP): DPW – Road Improvements and Maintenance MOTION PASSED

To see if the Town will vote to appropriate the sum of Three Hundred Thousand Dollars (\$300,000) for Road Improvements and Maintenance, and to meet said appropriation the sum of Three Hundred Thousand Dollars (\$300,000) be transferred from Free Cash.

- This Article provides funds in addition to the FY2019 Chapter 90 allocation in order to maintain current road conditions in accordance with the Pavement Management Plan.

ARTICLE 21 (CIP): Water & Sewer – Excavator MOTION PASSED

To see if the Town will vote to appropriate the sum of One Hundred Sixty Thousand Dollars (\$160,000) for the use of the DPW Department for the purchase of an excavator for the Water and Sewer Enterprise Divisions, and to meet said appropriation the sum of Ninety-Six Thousand Dollars (\$96,000) be transferred from Water Enterprise Free Cash and the sum of Sixty-Four Thousand Dollars (\$64,000) be transferred from Sewer Enterprise Free Cash, for a total of One Hundred Sixty Thousand Dollars (\$160,000).

- This Article provides funds for the purchase of a new excavator to be used for water and sewer construction and repair projects. The cost of the excavator is being split 60%/40% between the Water and Sewer Enterprise Funds.

ARTICLE 22 (CIP): Water – Water Mains Repair and Replacement MOTION PASSED

To see if the Town will vote to appropriate the sum of Three Hundred Fifty Thousand Dollars (\$350,000) for the use of the Water Division to fund water main and service replacement, and to meet said appropriation the sum of Three Hundred Fifty Thousand Dollars (\$350,000) be transferred from Water Enterprise Free Cash.

- This Article provides funds for the replacement of water mains and services to significantly improve flow and fire protection in the Park Street and Winn Street neighborhood.

**ARTICLE 23 (CIP): School Department – Zeh School Boiler Replacement
MOTION PASSED**

To see if the Town will vote to appropriate the sum of Three Hundred Fifty-Seven Thousand Dollars (\$357,000) for the use of the School Department for boiler replacement at the Zeh

School, and to meet said appropriation the sum of Three Hundred Fifty-Seven Thousand Dollars (\$357,000) be transferred from Free Cash.

- This Article provides funds for the boiler replacement at the Zeh School. The proposed boiler replacement project consists of installing two 2,500,000 BTU boilers. The new boilers will be more fuel efficient, with an estimated fuel savings of around 35 to 40 percent, or approximately \$22,000 per year for heating, exclusive of any potential electricity savings. The expected useful life of the new boilers is 20 years.

ARTICLE 24: Consolidated Personnel Bylaw MOTION PASSED

To see if the Town will vote to amend the Consolidated Personnel Bylaw as shown in the handout (copies of which were available in the Town Clerk’s Office continuously prior to the posting of the Warrant until the time of Town Meeting) entitled “Article 24 – Consolidated Personnel Bylaw Amendments – 2018 Annual Town Meeting.”

ARTICLE 25: Finance Department Reorganization MOTION PASSED

To see if the Town will vote to amend Part 1 of the Northborough Town Code, Sections 1-36-030, 1-36-040, and 1-36-070, by adding the text shown below as underlined and deleting the text shown in strikethrough, and by adding a new Section 1-36-080 shown below as underlined, or take any action relative thereto.

1-36-030 Office of ~~Town Accountant~~ Finance Director.

A. Composition, mode of appointment, term of office. There shall be an Office of the ~~Town Accountant~~ Finance Director composed of an operating head known as the “~~Town Accountant~~” Finance Director and operating personnel. ~~The Board of Selectmen shall appoint the Town Accountant for a three year term of office. The Administrative Officer shall be responsible for appointing all other personnel for an indefinite term.~~ The Administrative Officer shall be responsible for the appointment of all personnel. Such appointments shall be made for an indefinite term.

B. Powers and duties. The Office of the ~~Town Accountant~~ Finance Director shall work under the general policy direction of the Board of Selectmen and the general administrative direction of the ~~Finance Director~~ Administrative Officer. ~~The Town Accountant shall keep and have charge of all accounts of the town; shall keep records that clearly exhibit all expenditures and receipts of each town agency; shall credit each municipal account with its appropriation for the fiscal year and charge each account with expenditures as they are made.~~ The Finance Director is responsible for overseeing and coordinating the Town’s financial activities. The Finance Director supervises the accountant, treasurer-tax collector, and assessors and may perform the functions of a treasurer-tax collector or accountant, as set forth in these Bylaws and pursuant to their respective job descriptions. The Finance Director shall ensure the regular reconciliation of cash and receivables, the effective operation of internal controls, and the timely fulfillment of reporting requirements to the Division of Local Services (“DLS”). ~~The Town Accountant~~ Finance Director shall have all of the powers and duties and obligations that ~~town accountants a~~ Finance Director may have under the Constitution and laws of the Commonwealth, the Town Charter, town bylaws and this Administrative Code.

1-36-040 Office of Board of Assessors.

A. Composition, mode of appointment, term of office. There shall be an Office of the Board of Assessors composed of a Board of Assessors and operating personnel. The Administrative Officer shall be responsible for the appointment of three (3) Assessors and all other personnel. The term of office of each Assessor shall be for three (3) years, such terms so arranged that the term of one (1) member shall expire each year.

B. Powers and duties. The Office of the Board of Assessors shall work under the general policy direction of the Board of Selectmen and the general administrative direction of the Finance Director and be responsible to direction from the Department of ~~Taxation~~ Revenue. The Board of Assessors shall annually make a fair cash valuation of all property, both real and personal, within the town and shall have all of the powers and duties and obligations with regard to the preparation of commitment lists and the fixing of the annual tax rate, the abatement of taxes, the assessment of betterment fees and such matters that boards of assessors may have under the Constitution and laws of the Commonwealth, the Town Charter, town bylaws and this Administrative Code.

1-36-070 Office of ~~Finance Director/Treasurer-Tax Collector~~ Town Accountant.

A. Composition, mode of appointment, term of office. There shall be an Office of the ~~Finance Director~~ Town Accountant composed of an operating head known as the ~~Finance Director~~ "Town Accountant" and operating personnel. ~~The Administrative Officer shall be responsible for the appointment of all personnel. Such appointments shall be made for an indefinite term. The Board of Selectmen shall appoint the Town Accountant for a three-year term of office. The Administrative Officer shall be responsible for appointing all other personnel for an indefinite term.~~

B. Powers and duties. The Office of the ~~Finance Director/Treasurer-Tax Collector~~ Town Accountant shall work under the general policy direction of the Board of Selectmen and the general administrative direction of the ~~Administrative Officer~~ Finance Director. ~~The Finance Director shall perform the functions of a treasurer and tax collector and shall receive and have charge of all money belonging to the town or received by the town or its agents or agencies. Every town officer shall, upon receipt of any fee or charge by said officer, forthwith pay over and account for the same to the Finance Director. No other person shall pay any bill of any town agency. The Finance Director may also serve simultaneously as the Town Accountant. The Town Accountant shall keep and have charge of all accounts of the town; shall keep records that clearly exhibit all expenditures and receipts of each town agency; shall credit each municipal account with its appropriation for the fiscal year and charge each account with expenditures as they are made. The Finance Director~~ Town Accountant shall have all of the powers and duties and obligations that ~~treasurers and tax collectors, or either of them, town accountants~~ may have under the Constitution and laws of the Commonwealth, the Town Charter, town bylaws and this Administrative Code.

1-36-080 Office of Treasurer-Tax Collector.

A. Composition, mode of appointment, term of office. There shall be an Office of the Treasurer-Tax Collector composed of an operating head known as the "Treasurer-Tax Collector"

and operating personnel. The Administrative Officer shall be responsible for the appointment of all personnel. Such appointments shall be made for an indefinite term.

B. Powers and duties. The Office of the Treasurer-Tax Collector shall work under the general policy direction of the Board of Selectmen and the general administrative direction of the Finance Director. The Finance Director may also serve simultaneously as the Treasurer-Tax Collector. The Treasurer-Tax Collector shall receive and have charge of all money belonging to the town or received by the town or its agents or agencies. Every town officer shall, upon receipt of any fee or charge by said officer, forthwith pay over and account for the same to the Treasurer-Tax Collector. No other person shall pay any bill of any town agency. The Treasurer-Tax Collector shall have all of the powers and duties and obligations that treasurers and tax collectors, or either of them, may have under the Constitution and laws of the Commonwealth, the Town Charter, town bylaws and this Administrative Code.

- This Article amends the Town Code to provide flexibility to appoint a Finance Director that also serves as the Treasurer/Collector or the Town Accountant pursuant to Article V of the Town of Northborough Charter.

ARTICLE 26: Street Acceptances MOTION PASSED

To see if the Town will vote to accept Sterling Court as a public way, as previously laid out by the Board of Selectmen, and as shown on a plan entitled “Street Acceptance Plan of Sterling Court Northborough, Mass. Owned by Sterling Court Building Company,” dated February 2018, prepared by David E. Ross Associates, Inc., a copy of which is on file with the Office of the Town Clerk, and to place this street on the Official Town Map as a public way, and to authorize the Board of Selectmen to accept a deed or deeds or take by eminent domain easements for such public way, or take any action relative thereto.

- This Article provides for the acceptance of Sterling Court as a Town Street and authorizes acquisition of related easements in connection with the subdivision approval process.

ARTICLE 27: Community Preservation Fund – Library Repairs MOTION PASSED

To see if the Town will vote to appropriate the sum of Fifty-Three Thousand Dollars (\$53,000), or any other sum, from the Community Preservation Unreserved Fund to the Northborough Gale Library, for repairs and restoration, or take any other action relative thereto.

- This Article provides funds for repairs and restoration to the slate roof and chimney masonry and also interior painting necessary due to damage caused by a leaking roof.

ARTICLE 28: Community Preservation Fund – Northborough Affordable Housing Corporation MOTION PASSED

To see if the Town will vote to appropriate the sum of One Hundred Thousand Dollars (\$100,000), or any other sum, from the Community Preservation Fund revenues to the Northborough Affordable Housing Corporation, for the purpose of the creation of affordable housing, or take any other action relative thereto.

- This Article provides funds to be used by the Northborough Affordable Housing Corporation for future creation of affordable housing.

ARTICLE 29: Community Preservation Fund – First Parish Unitarian Universalist Handicap Ramp MOTION PASSED (140 yes, 80 no)

To see if the Town will vote to appropriate the sum of Fifty-Two Thousand Dollars (\$52,000), or any other sum, from the Community Preservation Fund revenues to the First Parish Unitarian Universalist for a new handicap access ramp at the Church and Meeting House located at 40 Church Street, or take any other action relative thereto.

- This Article provides funds for the installation of a handicap access ramp on the west side of the Meeting House.

ARTICLE 30: Town Common Project, Acceptance of 20 Rear Gale Street Parcel Donation MOTION PASSED

To see if the Town will vote to accept, as a donation from the owner, a parcel of land located at 20 Rear Gale Street, shown as parcel 163 on Northborough Assessors' Map 63 and containing approximately 0.41 acres, said parcel to be placed under the custody and control of the Department of Public Works for town common purposes, and to authorize the Board of Selectmen and the Department of Public Works to take all actions and execute all documents necessary or convenient in connection with the acquisition of said land and its incorporation into a Town Common to be created at 0, 39 and 45 West Main Street, pursuant to the provisions of Massachusetts General Laws, Chapter 45, Section 3, as it may hereafter be amended, and any enabling authority related to public parks and playgrounds, or take any other action relative thereto.

- This Article would authorize acceptance of the donation of a parcel of land abutting the proposed Town Common site in the center of Town for incorporation into the overall Town Common project.

ARTICLE 31: Community Preservation Fund – Town Common, Phase III

MOTION PASSED

To see if the Town will vote to appropriate the sum of One Hundred Fifteen Thousand Dollars (\$115,000), or any other sum, from the Community Preservation Fund revenues to the Northborough Department of Public Works, for Phase III of the creation of a town common at 0, 39 and 45 West Main Street, as shown on Assessors' Map 63 as Parcels 159, 157 and 158 for such purpose, and 20 Rear Gale Street, as shown on Assessors' Map 63 as Parcel 163 pursuant to the provisions of Massachusetts General Laws, Chapter 45, Section 3, as it may hereafter be amended, and any enabling authority related to public parks and playgrounds, said Town Common to be managed and controlled by the Department of Public Works; to authorize the Department of Public Works to file on behalf of the Town of Northborough any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat 897), as amended, and any other law in any way connected with the scope of this

Article; and to authorize the Department of Public Works to enter into all agreements and execute any and all instruments as may be necessary to accomplish said project, or take any other action relative thereto.

- Phase III is for the additional design and construction costs associated with a donated parcel located at 20 Rear Gale Street.

ARTICLE 32: Community Preservation Fund – Melican Middle School Field Lighting

MOTION PASSED

To see if the Town will vote to appropriate the sum of Two Hundred Eighty-Five Thousand Two Hundred Fifty Dollars (\$285,250), or any other sum, from the Community Preservation Unreserved Fund and Two Thousand Dollars (\$2,000), or any other sum, from the Community Preservation Fund revenues to the Northborough Department of Public Works, for site investigation, engineering services, electrical service upgrade and surface restoration associated with Phase I of the project for the replacement of the field lighting at the Melican Middle School, or take any other action relative thereto.

- Phase one of a two-phase project for the design and installation of more effective and efficient field lighting at the Melican Middle School playing fields. The original lighting poles had to be removed due to their age and compromised structural integrity.

ARTICLE 33: Community Preservation Fund – White Cliffs Debt Payment

MOTION PASSED

To see if the Town will vote to appropriate the sum of Two Hundred Fifty-Five Thousand Dollars (\$255,000), or any other sum, from the Community Preservation Fund revenues to the Northborough Community Preservation Committee for Fiscal Year 2019 debt service and expenses associated with the acquisition of the property at 167 Main Street, or take any other action relative thereto.

- This appropriation represents the first debt service payment associated with the purchase of the White Cliffs facility at 167 Main Street.

ARTICLE 34: Community Preservation Fund – CPA Administration MOTION PASSED

To see if the Town will vote to appropriate the sum of Twenty-Five Thousand Dollars (\$25,000), or any other sum, from the Community Preservation Fund revenues to the Northborough Community Preservation Committee for expenses associated with the implementation of the Community Preservation Act including but not limited to clerical assistance, office supplies, property surveys, appraisals, attorney's fees, professional services, recording fees, printing and all other necessary and proper expenses for the Fiscal Year 2019, or take any other action relative thereto.

- Funds used for the administration of the Community Preservation Act.

ARTICLE 35: Zoning Bylaw 7-03-050, Site Plan Approval Amendment

MOTION PASSED

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-03-050.C(4), Site plan approval; Planning Board, by adding the text shown below as underlined and deleting the text shown below in strikethrough, or take any other action relative thereto.

(4) The Planning Board may deny a site plan only if the proponent's submission does not include the specific information required to make the determinations under subsection ~~(B)(2)~~ C(2)(b) of this section.

ARTICLE 36: General Bylaw 2-14-010 & 2-14-020, Prohibition of Marijuana Establishments

MOTION PASSED

To see if the Town will vote to amend Part 2 of the Northborough Town Code, General Legislation, as follows, or take any other action relative thereto:

By inserting a new Chapter 2-14, Marijuana, shown below as underlined:

Chapter 2-014

Marijuana

2-14-010

Marijuana Establishments Prohibited

Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical "marijuana establishments" as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Northborough. This prohibition of marijuana establishments specifically includes any establishment engaged in the on-site social consumption of marijuana or marijuana products as either a primary or accessory use, and shall include private social clubs or any other establishment which allows for social consumption of marijuana or marijuana products, regardless of whether the product is sold to consumers on-site. In addition, the sale of marijuana accessories, as defined in G.L. c.94G, §1 and any other applicable law or regulation, shall be prohibited within the Town of Northborough.

2-14-020

Medical Marijuana Treatment Centers Prohibited

All medical marijuana treatment centers, as defined under Chapter 94I of the General Laws and any other applicable law or regulation governing the medical use of marijuana, shall be prohibited within the Town of Northborough.

ARTICLE 37: Zoning Bylaw 7-05-010 & 7-05-030, Prohibition of Marijuana Establishments MOTION PASSED

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, as follows, or take any other action relative thereto:

A. in Section 7-05-010, General Provisions, by adding a new paragraph (3) to subsection G, Prohibited Uses, shown below as underlined:

(3) Marijuana Establishments:

(a) Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Northborough. This prohibition of marijuana establishments specifically includes any establishment engaged in the on-site social consumption of marijuana or marijuana products as either a primary or accessory use, and shall include private social clubs or any other establishment which allows for social consumption of marijuana or marijuana products, regardless of whether the product is sold to consumers on-site. In addition, the sale of marijuana accessories, as defined in G.L. c.94G, §1 and any other applicable law or regulation, shall be prohibited within the Town of Northborough.

(b) All medical marijuana treatment centers, as defined under Chapter 94I of the General Laws and any other applicable law or regulation governing the medical use of marijuana, shall be prohibited within the Town of Northborough.

B. in Section 7-05-030, Table of Uses, by inserting an entry for “Marijuana Establishment” and an entry for “Medical Marijuana Treatment Center” in Parts A and B under the category for “Other Business Uses,” and placing an “N”, for Prohibited, in all zoning district columns, as shown below, and including the following footnotes for each entry:

⁹Notwithstanding the provisions of Section 7-03-030 or any other provision of this Zoning Bylaw, no use variance for a marijuana establishment, medical marijuana treatment center, or sale of marijuana accessories shall be permitted.

¹³Notwithstanding the provisions of Section 7-03-030 or any other provision of this Zoning Bylaw, no use variance for a marijuana establishment, medical marijuana treatment center, or sale of marijuana accessories shall be permitted.

Table 1. Table of Uses. Part A. Residential Districts						
Uses	RA	RB	RC	GR	MSR	DN
Other Business Uses						
<u>Marijuana Establishment⁹</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

<u>Medical Marijuana Treatment Center</u> ⁹	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Table 1. Table of Uses. Part B. Commercial and Industrial Districts						
Uses	DB	BE	BW	BS	HB	I
Other Business Uses						
<u>Marijuana Establishment</u> ¹³	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Medical Marijuana Treatment Center</u> ¹³	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

ARTICLE 38: Zoning Bylaw 7-05-020, 7-05-030, 7-10-080, Allowing Marijuana Establishments PASSED OVER

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, as follows, or take any other action relative thereto.

- A) By adding paragraph G.(7)(g) to Section 7-05-020 of Chapter 7-05 Use Regulations, as shown below in the underlined text:

G.(7)(g) Marijuana Establishments: Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c.94G, § 1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers and any other types of licensed marijuana-related businesses.

- B) By adding a new entry for “Marijuana Establishments” and “Marijuana Social Consumption Operations” to Section 7-05-030 of said Chapter 7-05, Table 1, Table of Uses. Part B. Commercial and Industrial Districts, as shown below in the underlined text:

Table 1. Table of Uses. Part B. Commercial and Industrial Districts						
Uses	DB	BE	BW	BS	HB	I
Other Business Uses						
<u>Marijuana Establishments</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>
<u>Marijuana Social Consumption Operations</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

- C) By adding to Chapter 7-10 Special Regulations, a new Section 7-10-080 Marijuana Establishments, as shown below in the underlined text:

7-10-080 Marijuana Establishments

- A. Purpose. To provide for the placement of Marijuana Establishments in accordance with G.L. c.94G, §3, and any other enabling authority, in locations suitable for lawful

marijuana establishments and to minimize adverse impacts of marijuana establishments on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of marijuana establishments.

B. Definitions. Where not expressly defined in the Northborough Zoning Bylaw, terms used in this Section 7-10-080 shall be interpreted as defined in G.L. c.94G, § 1 and the regulations of the Massachusetts Cannabis Control Commission at 935 CMR 500, and otherwise by their plain language.

1. Marijuana Establishments: All types of non-medical “marijuana establishments” as defined in G.L. c.94G, § 1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers and any other types of licensed marijuana-related businesses.
2. Marijuana Social Consumption Operations: Operations of entities licensed to purchase or otherwise acquire marijuana from licensed marijuana establishments and sell single servings of marijuana to consumers for consumption or use on the premises, pursuant to regulations of the Massachusetts Cannabis Control Commission or otherwise.

C. Location.

1. Marijuana Establishments may be permitted in the Highway Business district by right.
2. Marijuana Establishments may not be located within 500 feet of the following:
 - a. School, including a public or private elementary, vocational, or secondary school providing education in kindergarten or any of grades 1 through 12;
 - b. Licensed child care facility;
 - c. Library;
 - d. Playground;
 - e. Public park;
 - f. Youth center;
 - g. Public swimming pool;
 - h. Video arcade facility; or
 - i. Similar facility in which minors commonly congregate.
3. The distance under this section is measured in a straight line from the nearest point of the property line of the protected use facility identified in Section C.2. to the nearest point of the proposed Marijuana Establishment.
4. The distance requirement may be reduced by twenty-five percent or less, but only if:
 - a. The applicant demonstrates that the Marijuana Establishment would otherwise be effectively prohibited within the Town;
 - b. The applicant demonstrates that the Marijuana Establishment will employ adequate security measures to prevent diversion of marijuana to persons under 21 years of age.

- D. Procedure: An applicant proposing to operate a Marijuana Establishment shall submit with its building permit application the following information. If no building permit is required, the information shall be submitted with the request for an occupancy permit.
1. A detailed floor plan of the premises that identifies the square footage available and describes the functional areas of the Marijuana Establishment, including areas for any preparation of products;
 2. A description of the operating policies and procedures, including employee security policies, for the Marijuana Establishment as identified in the license application submitted to, or the license issued by, the Cannabis Control Commission;
 3. A copy of proposed waste disposal procedures;
 4. Hours of Operation, including dispatch of deliveries to customers.
- E. Reporting.
1. A Marijuana Establishment shall file a copy of any report required to be made to local law enforcement under 935 CMR 500 with the Zoning Enforcement Officer within 24 hours of making the same. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations;
 2. A Marijuana Establishment shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of hearing, or other disciplinary or enforcement action issued or taken by the Cannabis Control Commission regarding the Marijuana Establishment with the Zoning Enforcement Officer within 48 hours of receipt by the Marijuana Establishment;
 3. A Marijuana Establishment shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the Marijuana Establishment; and
 4. A Marijuana Establishment shall notify the Zoning Enforcement Officer in writing within 48 hours of the cessation of operation of the establishment or the expiration or termination of the license or permit issued for such operation by the Cannabis Control Commission.
- F. Prohibition against Nuisances. No use shall be allowed under this Section 7-10-080 which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
- G. Severability. The provisions of this Section are severable. If any provision, paragraph, sentence, or clause of this Section or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Section.

(D) By adding the following sentence to Section 7-03-030 B. (2): However, no use variance for a marijuana establishment, marijuana social consumption operation, medical marijuana treatment center, or sale of marijuana accessories shall be permitted.

ARTICLE 39: Zoning Bylaw 7-05-030, 7-03-060, 7-06-030, Two-Family Dwelling Amendments MOTION PASSED

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Sections 7-03, 7-05 and 7-06 by deleting the text shown below in strikethrough and adding the text shown below as underlined, or take any other action relative thereto.

Part 1. Amend Chapter 7-05-030, Table of Uses, Table 1, Part A, Residential Districts, as follows:

USES	RA	RB	RC	GR	MSR	DN
<u>Two-family dwelling³</u>	N	N	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>

Delete the existing footnote 3 as follows: ~~In any residential district, a detached single-family dwelling existing on the effective date of this bylaw may be converted to a two-family dwelling by a special permit from the Zoning Board of Appeals.~~

And replace it with a new footnote 3 to read as follows:

³In the RC, GR, MSR, and DN districts, approval of a two-family dwelling shall be subject to design review by the Design Review Committee in accordance with two-family design guidelines adopted by the Planning Board and on file with the Town Clerk.

Part 2. Amend Section 7-03-060, Design Review, by inserting the following new paragraph (e) under Subsection B, Applicability, (1):

(e) In the RC, GR, MSR, and DN districts, any special permit application to the Planning Board for a two-family dwelling.

Part 3. Amend Chapter 7-06, Density and Dimensional Regulations, as follows;

Amend Table 2, Table of Density and Dimensional Regulations, as follows:

Insert ‘35’ in the column labeled Maximum Height, Feet, for the RA, RB, RC, GR, MSR, and DN districts.

Add a reference to footnote 3 next to each of the following district abbreviations, RC, GR, MSR, and DN, in the District column, and add the following new footnote 3 below the table:

³See Sec. 7-06-030(J)(5) for lot regulations that apply to two-family dwellings.

Amend Section 7-06-030(J), Supplemental density and dimensional regulations for certain use classes, by adding a new paragraph (5), as follows:

5. The following shall apply to two-family dwellings in the RC, GR, MSR, and DN districts, except that the Planning Board may approve a waiver to reduce one side to 15 feet as long as the

remaining five feet are added to the other side yard, such that the sum of the setbacks on each side shall not be less than 40 feet:

<u>District</u>	<u>Minimum Lot Area (sq. ft.)</u>	<u>Minimum Lot Frontage (feet)</u>	<u>Minimum Lot Width (feet)</u>	<u>Minimum Yard Setbacks</u>		
				<u>Front</u>	<u>Side</u>	<u>Rear</u>
<u>RC</u>	<u>30,000</u>	<u>150</u>	<u>150</u>	<u>See Table 2</u>	<u>20</u>	<u>See Table 2</u>
<u>GR</u>	<u>25,000</u>	<u>150</u>	<u>150</u>	<u>See Table 2</u>	<u>20</u>	<u>See Table 2</u>
<u>MSR</u>	<u>25,000</u>	<u>100</u>	<u>100</u>	<u>See Table 2</u>	<u>20</u>	<u>See Table 2</u>
<u>DN</u>	<u>20,000</u>	<u>100</u>	<u>100</u>	<u>See Table 2</u>	<u>20</u>	<u>See Table 2</u>

ARTICLE 40: Citizen Petition PASSED OVER

SECTION 1 DEFINITIONS

The following words shall, unless the context clearly requires otherwise, have the following meanings:

"Director", the Director of Inspectional Services or his/her designee.

"ASTM D6400", the American Society for Testing and Materials (ASTM) International "Standard Specification for Compostable Plastics".

"ASTM D7081", ASTM International "Standard Specification for Biodegradable Plastics in the Marine Environment".

"Checkout bag", a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

"Compostable plastic bag", a plastic bag that (1) conforms to the current ASTM D6400 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) conforms to any other standards deemed acceptable by this section.

"Department", the City's Department of Inspectional Services.

"Marine-degradable plastic bag", a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability; and conforms to any other standards deemed acceptable by the Department, provided additional, Department-approved standards are as stringent as ASTM D7081.

"Recyclable Paper Bag" means a paper bag that is (1) 100 percent recyclable including the handles; (2) contains at least 40% post-consumer recycled paper content; and, (3) displays the words "recyclable" and "made from 40% post-consumer recycled content" (or other applicable amount) in a visible manner on the outside of the bag.

"Retail establishment", any retail space located in the City including without limitation a restaurant, food or ice cream truck, convenience store, retail pharmacy, or supermarket.

"Reusable checkout bag", a sewn bag with stitched handles that (1) can carry 25 pounds over a distance of 300 feet; (2) is either (a) made of cloth or other machine washable fabric; or (b) made of plastic other than polyethylene (HDPE, LDPE, PETE, etc.) or polyvinyl chloride that is durable, non-toxic, and generally considered a food-grade material that is more than 4 mils thick.

SECTION 2 REQUIREMENTS

(a) If any retail establishment as defined in section 1 provides a checkout bag to customers, the bag shall be comply with the requirements of being either a recyclable paper bag, a compostable and marine-degradable plastic bag, or a reusable checkout bag.

(b) A store that provides any type of checkout bag shall sell them for no less than ten cents (\$0.10). All moneys collected pursuant to this ordinance shall be retained by the store.

(c) The Director may promulgate rules and regulations to implement this section.

SECTION 3 PENALTIES AND ENFORCEMENT

(a) Each Retail Establishment shall comply with this by-law.

(1) If it is determined that a violation has occurred the Director shall issue a warning notice to the Retail Establishment for the initial violation.

(2) If an additional violation of this by-law has occurred within one year after a warning notice has been issued for an initial violation, the Director shall issue a notice of violation and shall impose a penalty against the retail establishment.

(3) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:

A) \$50 for the first offense

B) \$100 for the second offense and all subsequent offenses. Payment of such fines may be enforced through civil action in the state District Court.

(4) No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period.

(5) A Retail Establishment shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty.

SECTION 4 EFFECTIVE DATE

All of the requirements set forth in this by-law shall take effect within six months of passage. In the event that compliance with the effective date of this ordinance is not feasible for a small retail establishment, because of economic hardship, the Department may grant a waiver of not more than six months upon application of the owner or the owner's representative.

SECTION 5 SEVERABILITY

It is the intention of the City Council that each separate provision of this Chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this Chapter be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall remain valid and enforceable.

Proposed by: Sravya Tanikella

ARTICLE 41: Reports PASSED OVER

12:24am motion made to dissolve the meeting. **MOTION PASSED**

Attendance 4/23/2018: **358**

Total Registered Voters: **11,201**

A True Copy Attest:

Andrew T. Dowd,
Town Clerk