

**TOWN OF NORTHBOROUGH
ANNUAL TOWN MEETING WARRANT
APRIL 26, 2010**

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 on MONDAY, the TWENTY-SIXTH day of April 2010 at 7:30 p.m. to act on the following warrant articles:

ARTICLE 1 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 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.

ARTICLE 3 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 to 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 Motion Passed

To see if the Town will vote to raise and appropriate and transfer from available funds the sum of Fifteen Million Five Hundred Forty Five Thousand Two Hundred Forty Three Dollars (\$15,545,243) for Town Government as displayed below, and to meet said appropriation, the following sums available for appropriation be transferred:

From:

Transfer from Cemetery Sale of Lots	\$ 7,425
Transfer from Debt Exclusion Premium Reserve	\$ 1,063
Transfer from Debt Exclusion Reserve	\$ 61,703
Transfer from Title V Reserve	\$ 4,534

Transfer from Conservation Commission Fees	\$ 13,797
Transfer from Police Revolving Account	\$102,500
Transfer from Fire Emergency Medical Services Revolving Account	\$ 64,990
Transfer from Recreation Revolving Account	\$120,000
Transfer from Dog Control Revolving Account	\$ 15,000
Free Cash	\$600,000

for a total of Nine Hundred Ninety One Thousand Twelve Dollars (\$991,012), and that the sum of Fourteen Million Five Hundred Fifty Four Thousand Two Hundred Thirty One Dollars (\$14,554,231) be raised by taxation.

ARTICLE 5 Motion Passed

To see if the Town will vote to raise and appropriate and transfer from available funds the sum of Three Million Seven Hundred Forty Six Thousand Two Hundred Thirty Four Dollars (\$3,746,234) 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:

Transferred from:

Sewer Fund Free Cash	\$231,900
Water Fund Free Cash	\$ 65,143

Raise and Appropriate by Taxation from the General Fund:

Solid Waste General Fund Subsidy	\$301,447
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for a total of Five Hundred Ninety Eight Thousand Four Hundred Ninety Dollars (\$598,490) and that the sum of Three Million One Hundred Forty Seven Thousand Seven Hundred Forty Four Dollars (\$3,147,744) be financed from Water/Sewer and Solid Waste Revenues.

Water Fund	\$1,725,110
Sewer Fund	\$1,194,677
Solid Waste	<u>\$ 826,447</u>
	\$3,746,234

ARTICLE 6 Motion Passed

To see if the Town will vote to raise and appropriate by taxation the sum of Seventeen Million Nine Hundred Forty Thousand Five Hundred Sixty Six Dollars (\$17,940,566) for the operation of the Northborough Public Schools.

ARTICLE 7 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 Eight Million Eight Hundred Twenty Seven Thousand Nine Hundred Fifty One Dollars (\$8,827,951), or take any action relative thereto.

ARTICLE 8 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 Assabet Valley Regional Vocational School District, the sum of Six Hundred Eighty Thousand Eight Hundred Thirty Six Dollars (\$680,836).

ARTICLE 9 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 Chapter 27 of the Acts of 2009, 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 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 Motion Passed

To see if the Town will vote to combine Articles 12 through 17 as follows:

- Article 12 Reauthorizes Fire Department Revolving Fund Accounts;
- Article 13 Reauthorizes Police Department Revolving Fund Accounts;
- Article 14 Reauthorizes Dog Officer Revolving Fund Accounts;
- Article 15 Reauthorizes Community Affairs Committee Revolving Fund Accounts;
- Article 16 Reauthorizes Family and Youth Services Department Revolving Fund Accounts;
- Article 17 Reauthorizes Council on Aging Revolving Fund Accounts;

And in so voting that the Town vote to establish and/or reauthorize revolving fund accounts as stated in Articles 12 through 17 of the Warrant, said revolving accounts being authorized to and for the use of the Fire Department, Police Department, Dog Officer, Community Affairs Committee, Family and Youth Services Department, and Council on Aging pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53E½.

- Pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 53E½, it is required that these revolving accounts be reauthorized annually.

ARTICLE 12

To see if the Town will vote to reauthorize revolving accounts authorized to and for the use of the Northborough Fire Department for the receipt of site assessment fees, hazardous materials charges, SARA compliance, training/education programs, alarm fees, Local Emergency Planning,

replacement of lost and/or damaged equipment, water supply maintenance and development, and Advanced Life Support/EMS and rescue maintenance; pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 53E½.

- Chapter 44, Section 53E½ of the Massachusetts General Laws authorizes the Northborough Fire Department to maintain revolving fund accounts for the purposes enumerated in this Article. Under this statute, these revolving accounts must be reauthorized annually.

ARTICLE 13

To see if the Town will vote to reauthorize revolving fund accounts authorized to and for the use of the Northborough Police Department for the receipt of the Town's share of traffic enforcement fines and payment of expenses associated with traffic/radar enforcement; pursuant to Massachusetts General Laws, Chapter 44, Section 53E½.

- Chapter 44, Section 53E½ of the Massachusetts General Laws authorizes the Northborough Police Department to maintain revolving fund accounts for the purpose stated in this Article. Under this statute, such revolving accounts must be reauthorized annually.

ARTICLE 14

To see if the Town will vote to reauthorize revolving fund accounts authorized to and for the use of the Department of the Northborough Dog Officer for the receipt of dog license fees and related fines, which sums shall be utilized to support the Dog Officer's expenditures; pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53E½.

- Chapter 44, Section 53E½ of the Massachusetts General Laws authorizes the Department of the Northborough Dog Officer to maintain revolving fund accounts for the purpose enumerated in this Article. Under this statute, such revolving accounts must be reauthorized annually.

ARTICLE 15

To see if the Town will vote to reauthorize revolving fund accounts authorized to and for the Community Affairs Committee for the receipt of income, gifts and donations and any other monies and for expenditure in connection with its related expenses; pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53E½.

- Chapter 44, Section 53E½ of the Massachusetts General Laws authorizes the Northborough Community Affairs Committee to maintain revolving fund accounts for the purpose enumerated in this Article. Under this statute, such revolving fund accounts must be reauthorized annually.

ARTICLE 16

To see if the Town will vote to reauthorize revolving fund accounts authorized to and for the Family and Youth Services Department for the receipt of income, gifts and donations and any other monies and for expenditure in connection with its related expenses; pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53E½.

- Chapter 44, Section 53E½ of the Massachusetts General Laws authorizes the Northborough Family and Youth Services Department to maintain revolving fund accounts for the purpose enumerated in this Article. Under this statute, such revolving fund accounts must be reauthorized annually.

ARTICLE 17

To see if the Town will vote to reauthorize revolving fund accounts authorized to and for the Council on Aging for the receipt of income, gifts and donations and any other monies and for expenditure in connection with its related expenses; pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53E½.

- Chapter 44, Section 53E½ of the Massachusetts General Laws authorizes the Council on Aging to maintain revolving fund accounts for the purpose enumerated in this Article. Under this statute, such revolving fund accounts must be reauthorized annually.

ARTICLE 18 Motion Passed

To see if the Town will vote to appropriate the sum of Twenty Seven Thousand Six Hundred Dollars (\$27,600) for the use of the Town Clerk's Office for the purchase of voting machines and to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise.

- This Article provides funds to replace the Town's existing optical scan voting equipment which is used to tabulate and tally the votes at all elections. The Massachusetts Secretary of State advised the Town that the existing equipment will be decertified as a result of additional requirements mandated by the Federal Help America Vote Act of 2002.

ARTICLE 19 Motion Passed

To see if the Town will vote to appropriate the sum of One Hundred Sixty Five Thousand Dollars (\$165,000) for the use of the Highway Division of the Department of Public Works for the purchase of a dump truck sander and plow, and to meet said appropriation, the sum of One Hundred Sixty Five Thousand Dollars (\$165,000) be raised by borrowing, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 7(9), or any other enabling authority, and the Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds or notes therefor.

- This Article provides funds for the replacement of a 1990 6-wheel dump truck which has reached the end of its useful life expectancy.

ARTICLE 20 Passed Over

To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money to be expended under the direction of the School Building Committee for a Feasibility Study for the Lincoln Street School located at 76 Lincoln Street, Northborough, MA, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority (MSBA), with the understanding that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

ARTICLE 21 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 Northborough School Department for roof repairs at the Melican Middle School, and to meet said appropriation the sum of Three Hundred Fifty Thousand Dollars

(\$350,000) be raised by borrowing in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 7(3A), or any other enabling authority and the Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds or notes therefor.

ARTICLE 22 Motion Passed

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of One Hundred Thousand Dollars (\$100,000) for legal and related costs to commence and prosecute a declaratory judgment action for the purpose of seeking a determination as to whether reimbursement payments received by the Northborough – Southborough Regional School District from the Massachusetts School Building Authority for the High School renovation project should be apportioned and credited to Northborough and Southborough according to the method prescribed in Chapter 70B of the General Laws, or take any action relative thereto.

ARTICLE 23 Motion Passed

To see if the Town will vote to accept the layout as a public way of Silas Drive as shown on the plan titled “Acceptance Plan of Silas Drive Sta. 0+00 To 2+33.20 in Northborough, MA” revised through March 5, 2010, prepared by Connorstone Consulting Civil Engineers and Land Surveyors, Northborough, Massachusetts, a copy of which is on file in 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 or take by eminent domain deeds or easements for such public way, or take any action relative thereto.

- This Article provides for acceptance of Silas Drive as a Town Street and acquisition of easements as a result of the subdivision approval process.

ARTICLE 24 Motion Passed

To see if the Town will vote to accept the layouts as public ways of Copley Drive and Dartmouth Drive as shown on the plans titled “Plan of Acceptance of Copley Drive Sta. 0+00 to Sta. 7+15.24 in Northborough, MA” dated November 16, 2007, prepared by Connorstone Consulting Civil Engineers and Land Surveyors, Northborough, Massachusetts and “Plan of Acceptance of Dartmouth Drive Sta. 0+00 To Sta. 4+16.05 in Northborough, MA” dated November 16, 2007, prepared by Connorstone Consulting Civil Engineers and Land Surveyors, Northborough, Massachusetts, respectively, copies of which are on file in the Office of the Town Clerk, and to place these streets on the Official Town Map as public ways, and to authorize the Board of Selectmen to accept or take by eminent domain deeds or easements for such public ways, or take any action relative thereto.

- This Article provides for acceptance of Copley Drive and Dartmouth Drive as Town Streets and acquisition of easements as a result of the subdivision approval process.

ARTICLE 25 Motion Passed

To see if the Town will vote to accept the layout as a public way of Beechwood Circle as shown on the plan titled “Acceptance Plan of Beechwood Circle in Northborough, Massachusetts Owned By: Casa Builders & Developers Corp.” dated November 1, 2006, prepared by Thompson-Liston Associates, Inc., Boylston, Mass., a copy of which is on file in 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 or take by eminent domain deeds or easements for such public way, or take any action relative thereto.

- This Article provides for acceptance of Beechwood Circle as a Town Street and acquisition of easements as a result of the subdivision approval process.

ARTICLE 26 Motion Passed

To see if the Town will vote to accept the layouts as public ways of Woodstone Road and Fawcett Orchard Road as shown on the plans titled "Acceptance Plan of Woodstone Road in Northborough, Massachusetts" dated March 4, 2008, prepared by R. W. Hart Associates Inc. Northborough Massachusetts, and "Acceptance Plan of Fawcett Orchard Road in Northborough, Massachusetts dated March 4, 2008, prepared by R. W. Hart Associates Inc. Northborough, Massachusetts, respectively, copies of which are on file in the Office of the Town Clerk, and to place these streets on the Official Town Map as public ways, and to authorize the Board of Selectmen to accept or take by eminent domain deeds or easements for such public ways, or take any action relative thereto.

- This Article provides for acceptance of Woodstone Road and Fawcett Orchard Road as Town Streets and acquisition of easements as a result of the subdivision approval process.

ARTICLE 27 Motion Passed

To see if the Town will vote to accept from the owners of the property located at 68 Brigham Street, Northborough, an easement in and over said property for surface water drainage purposes, or take any action relative thereto.

ARTICLE 28 Motion Passed

To see if the Town will vote to amend the following sections of the Northborough Zoning Bylaw, Chapter 7, by adding the words shown in brackets and underlined [_] and deleting the words, shown in brackets[], as follows:

7-02-040 Definitions. [FLOOR AREA RATIO (FAR): The ratio of gross floor area in square feet to the total area of the lot in square feet (See also, GROSS FLOOR AREA)]

7-03-010 Building Permit. [(E) Construction equipment may be operated by a paid contractor between the hours of 7:00am and 7:00pm daily, except Sunday and legal holidays. Operation of construction equipment by a paid contractor outside the hours specified above may be allowed by written permission from the Building Inspector.]

[7-03-020 Certificate of zoning compliance. (A) Except as provided below, no land shall be occupied or used, or changed to a different use, and no building or structure hereinafter erected or altered shall be occupied or used, or changed to a different use, unless a certificate of zoning compliance has been issued by the Building Inspector. Such certificate shall state that the structure and use of structure and land comply in every respect with the provisions of this bylaw in effect at the time of issuance, or with the written decision of the permit granting authority or special permit granting authority, as applicable. (B) A certificate of zoning compliance shall be conditional on the maintenance of full compliance with the provisions of this bylaw in effect at the time of issuance, or with the written decision of the permit granting authority or special permit granting authority, as applicable, and shall become void if such compliance fails. (C) A

certificate of zoning compliance shall not be required for a use listed as an exempt use in chapter 7-05 of this bylaw.]

[7-03-020 Certificates of occupancy (A) No land shall be occupied or used, and no building or structure hereinafter erected or structurally altered shall be occupied or used unless a certificate of occupancy has been issued by the Building Inspector. Such certificate shall state that the structure and use of structure and land comply in every respect with the provisions of this chapter in effect at the time of issuance or with a decision of the Board of Appeals or other permit granting authority. (B) A certificate of occupancy shall be conditional on the maintenance of full compliance with the provisions of this chapter in effect at the time of issuance or with restrictions imposed in a decision of the Board of Appeals or other permit granting authority and shall become void if such compliance fails.]

7-03-040 Special permit (B) Public Hearing: . . .shall issue a decision no later than ninety (90) days [from] [following] the date of the public hearing . . .

7-03-050 Site plans (C) Site plan approval; Planning Board (2) Decision criteria: Redesignate [10] with [(c)].

7-05-020 Clarification of uses (C) Residential uses; accessory (4) Accessory dwelling unit: A dwelling unit subordinate in size and accessory to a detached single-family dwelling, which may be located within or attached to an owner-occupied single-family dwelling [, such as in an attached or detached garage or barn] [or detached existing structure, such as a garage or barn].

7-05-020 Classification of uses (C) Residential uses; accessory (6) Home Occupation (a)(1) Home professional office: Office for the practice of a profession [involving a high degree of training in the humanities, science or arts], such as medicine, dentistry, law, architecture, engineering or fine arts.

7-06-030 Supplemental regulations (C) Yard requirements (3) In residential districts [(f) Porches or steps, provided such are not enclosed, may be as near as 20 feet to front line of the street]

7-08-040 Nonconforming single-family and two-family structures (A)(1), (3), (4):

(1) . . . comply with all current setbacks [, building height] and building coverage requirements.

(3) . . . comply with all current setbacks [,] [and] building coverage [,and building height] requirements.

(4) . . . comply with all current setback [,] [and] building coverage [and building height] requirements.

7-08-040 Nonconforming single-family and two-family residential structures (A) (6):_The gross floor area of the proposed reconstruction, extension or alteration does not exceed [fifty (50)] [eighty (80)] percent of the existing gross floor area.

7-08-040 Nonconforming single-family and two-family structures (A) [(7) Alteration to a structure which is located in an area on the lot that does not comply with minimum lot width and any alterations thereto comply with all current setbacks and building coverage.]

7-10-020 Common Driveways (A)(1); For a common driveways serving [up to] two (2) lots.

7-10-030 Industrial/office campus development (B) Applicability; An IOCD shall be allowed only upon issuance of an IOCD master plan special permit in accordance with the provisions of this section, §7-[02][03]-040 and §7-[02][03]-050.

Or take any action relative thereto.

ARTICLE 29 Motion Passed

To see if the Town will vote to amend Part 2 General Legislation, of the Code of the Town of Northborough by adding Chapter 2-52, Scenic Roads, as follows, or take any action relative thereto.

[Chapter 2-52

SCENIC ROADS

Sections:

2-52-010 Definitions

2-52-020 Purpose

2-52-030 Criteria for Designation

2-52-040 Notice of Designation

2-52-050 Procedures

2-52-060 Considerations

2-52-070 Adoption of Additional Regulations

2-52-080 List of Scenic Roads

2-52-00F Footnote to Chapter 2-52 [Amended 5-18-1987 ATM, Art. 54]

2-52-010 Definitions

In the absence of contrary meaning established through legislative or judicial action pursuant to MGL Chapter 40, § 15C, the following terms contained in that statute shall be defined as follows:

CUTTING OR REMOVAL OF TREES — The removal of one (1) or more trees, trimming of major branches or cutting of roots.

RECONSTRUCTION or WIDENING — Any work done within the right-of-way by any person or agency, public or private, which will increase the width of the traveled way, including any shoulders, parking areas, sidewalks or other like areas. Within this definition, is any work on any portion of the right-of-way that was not physically commenced at the time the road was designed as a scenic road. Construction of new driveways or alteration of existing ones is also included, insofar as it takes place within the right-of-way.

ROAD — A right-of-way or any way used and maintained as a public way including the vehicular traveled way plus necessary appurtenances within the right-of-way such as bridge structures, drainage systems, retaining walls, traffic control devices and sidewalks, but not intersecting streets or driveways. When the boundary of the right-of-way is in issue so that a dispute arises as to whether or not certain trees or stone walls, or portions thereof, are within or without the way, the trees or stone walls shall be presumed to be within the way until the contrary is shown.

TEARING DOWN OR DESTRUCTION OF STONE WALLS — The destruction of more than fifteen (15) linear feet of stone wall involving more than one (1) cubic foot of wall material per linear foot above existing grade, but shall not be construed to include temporary removal and replacement at the same location with the same materials.

TREES — Includes a tree whose trunk has a diameter of four (4) inches or more as measured one (1) foot above the ground.

2-52-020 Purpose

_____ These regulations are intended to ensure that:

- A. Ways will be recommended for designation as scenic roads on stated criteria.
- B. Ways so designated will not be altered without following proper procedures and without adherence to proper considerations.
- C. Ways so designated will not be altered by the decision of any person, organization or agency other than the Planning Board, except for the Tree Warden acting in accordance with the Public Shade Tree Act, MGL C. 87.

2-52-030 Criteria for Designation

_____ The Planning Board, Conservation Commission or Historical Commission shall, in determining which roads or portions of roads should be designated by the Town as scenic roads, consider the following criteria:

- A. Ways bordered by trees of exceptional quality.
- B. Ways bordered by stone walls.
- C. Ways bordered by any other natural or manmade features of aesthetic value; e.g. orchards, fields and forests.
- D. Ways for which alteration is being planned or is likely to be planned in the future.
- E. Ways for which any alteration would lessen the aesthetic value of natural or man-made features bordering them.

2-52-040 Notice of Designation

Upon the designation of any road or portion of a road as a scenic road, the Planning Board shall take the following steps within thirty (30) days of such designation:

- A. Notify all municipal departments that may take any action with respect to such road.
- B. Notify the Highway Division of the State Department of Transportation.
- C. Publish a notice in a local paper that the road or portion of the road has been so designated.
- D. Arrange for indication of such designation on all maps currently in use by municipal departments.
- E. Notify all utility companies or other such parties that may be working on the border of such road.

2-52-050 Procedures

- A. Filing. Any person, organization, state or municipal agency, other than the Tree Warden acting in accordance with the Public Shade Tree Act (MGL C. 87) seeking the written consent of the Planning Board regarding the cutting or removal of trees or the tearing down or destruction of stone walls, or portions thereof, on a scenic road shall file a request with the Town Clerk, together with the following:
 - (1) The text of a legal notice identifying the location of the proposed action in terms enabling readers to locate it with reasonable specificity on the ground without need for additional plans or references, and describing in reasonable detail the proposed changes to trees and stone walls.
 - (2) A statement of the purpose or purposes for the action proposed.
 - (3) A list of owners of properties directly abutting the location of the proposed action.
 - (4) Except in the case of town agencies, a deposit sufficient to cover the cost of advertising and notification.
 - (5) Any further explanatory material useful to adequately inform the Planning Board of the proposed action.
- B. Notice. The Planning Board shall, as required by statute, give notice of its public hearing by advertising twice in a newspaper of general circulation in the area. This notice shall contain a statement as to the time, date, place and purpose of the hearing with a reasonable description of the action proposed by the applicant. Copies of this notice shall also be sent to the Selectmen, the Conservation Commission, the Historical Commission, the Town Engineer, the Tree Warden, the Department of Public Works and the owners of property within one hundred (100) feet of the proposed action.
- C. Timing of notice. The first publication of the notice shall be as soon as feasible after the Planning Board receives the request from the applicant, and shall in all cases be at least fourteen (14) days before the hearing. The last publication shall occur, as required by statute, at least seven (7) days prior to the hearing.
- D. Timing of hearing. The Planning Board shall hold a public hearing within thirty (30) days of the date on which a properly filed request is received. The date and time of the public hearing

shall be set outside of normal weekday work hours (8:00 a.m. to 5:00 p.m., Monday through Friday) so as to encourage maximum citizen participation.

E. Timing of decision. The Planning Board shall make a decision on the request within twenty-one (21) days of the public hearing.

2-52-060 Considerations

The Planning Board's decision on any application for proposed action affecting scenic roads shall be based on consideration of the following:

A. Preservation of natural resources.

B. Environmental values.

C. Historical values.

D. Scenic and aesthetic characteristics.

E. Public safety.

F. Compensatory actions proposed, such as replacement of trees or walls.

G. Other sound planning considerations.

2-52-070 Adoption of Additional Regulations

The Planning Board may adopt regulations for carrying out the provisions of this chapter.

2-52-080 List of Scenic Roads [Amended 5-18-1987 ATM, Art. 55]

The following streets are to be known as Scenic Roads:

<u>Ball Street</u>	<u>MacAlister Road</u>
<u>Brewer Street</u>	<u>Mentzer Avenue</u>
<u>Brigham Street</u>	<u>Monroe Street</u>
<u>Cherry Street</u>	<u>Newton Street</u>
<u>Church Street</u>	<u>Pleasant Street</u>
<u>Crawford Street</u>	<u>Reservoir Street</u>
<u>Davis Street</u>	<u>Rice Avenue</u>
<u>Fisher Street</u>	<u>School Street</u>
<u>Gale Street</u>	<u>Summer Street</u>
<u>Green Street</u>	<u>Washburn Street</u>
<u>Howard Street</u>	<u>West Street</u>
<u>Hudson Street</u>	<u>Whitney Street</u>
<u>Lancaster Drive</u>	<u>Winter Street]</u>
<u>Maynard Street</u>	

ARTICLE 30 Motion Passed

To see if the Town will vote to appropriate the sum of One Hundred Ninety Thousand Dollars (\$190,000), or any other sum, from the Community Preservation Unreserved Fund to the Northborough Town Administrator for capital improvements, including repairs to the roof, entryway canopies, and front and side entry stairs, railings and landings, to the Town Offices building at 63 Main Street, or take any action relative thereto.

ARTICLE 31 Motion Passed

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 Northborough Town Clerk for the purchase of services, products and equipment to be used in the preservation of Town records and maps, dating from 1766 to the present, or take any action relative thereto.

ARTICLE 32 Motion Passed

To see if the Town will vote to appropriate the sum of Thirty Thousand Dollars (\$30,000), or any other sum, from the Community Preservation Unreserved Fund for the renovation of the kitchen, including wheelchair accessibility, at the Historical Society building located at 52 Main Street, or take any action relative thereto.

ARTICLE 33 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 and place said amount in the Community Preservation Historic Resources Reserve for the purpose of future historical property preservation or acquisitions, or take any other action relative thereto.

ARTICLE 34 Motion Passed

To see if the Town will vote to appropriate the sum of One Hundred Fifty Thousand Dollars (\$150,000), or any other sum, from the Community Preservation Fund revenues to the Northborough Affordable Housing Corporation for the acquisition and/or preservation of affordable housing units and costs associated with the purchase of said units, or take any other action relative thereto.

ARTICLE 35 Motion Passed

To see if the Town will vote to appropriate the sum of One Hundred Fifty Thousand Dollars (\$150,000), or any other sum, from the Community Preservation Fund revenues and place said amount in the Community Preservation Open Space Reserve for the purpose of future open space preservation or acquisitions, or take any other action relative thereto.

ARTICLE 36 Motion Passed

To see if the Town will vote to appropriate the sum of Twenty-Four Thousand Dollars (\$24,000), 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, and other professional services, recording fees, printing and all other necessary and proper expenses for the Fiscal Year 2011, or take any other action relative thereto.

ARTICLE 37 Motion Passed

To see if the Town will vote, pursuant to Subsection 5-1(b) of the Town Charter, to approve the amendment of the Town's administrative code adopted by the Board of Selectmen on March 8, 2010 for the creation of a Town Finance Director position, to be included within the Finance and Records Division, Chapter 1-36, Sections 1-36-030, 1-36-040 and 1-36-070 of the Code of the Town of Northborough, by deleting the wording found within brackets [] and adding the wording as shown in brackets and underlined [] as follows:

1-36-030 Office of Town Accountant.

A. Composition, mode of appointment, term of office. There shall be an Office of the Town Accountant composed of an operating head known as the "Town Accountant" 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.

B. Powers and duties. The Office of the 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 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 Town Accountant shall have all of the powers and duties and obligations that town accountants may have under the Constitution and laws of the commonwealth, the Town Charter, town bylaws and this Administrative Code.

(Prior code § 3-54)

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 [Administrative Officer] [Finance Director] and be responsible to direction from the Department of Taxation. 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.

(Prior code § 3-55)

1-36-070 Office of [Finance Director]/Treasurer-Tax Collector.

A. Composition, mode of appointment, term of office. There shall be an Office of the [Finance Director]/Treasurer-Tax Collector composed of an operating head known as the ["Treasurer-Tax Collector"] [Finance Director] 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 [Finance Director]/Treasurer-Tax Collector shall work under the general policy direction of the Board of Selectmen and the general administrative direction of the Administrative Officer. The [Treasurer-Tax Collector] [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 [Treasurer-Tax Collector] [Finance Director]. No other person shall pay any bill of any town agency. The [Treasurer-Tax Collector] [Finance Director] 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.

(Prior code § 3-58)

ARTICLE 38 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 38 - Consolidated Personnel Bylaw Amendments – 2010 Annual Town Meeting".

Town Meeting – 2nd night April 27th 2010

ARTICLE 39 Motion Passed

To see if the Town will vote to transfer custody and control of a portion of Town-owned land at 211 Main Street to the Board of Selectmen for the purpose of leasing the same and authorize the Board of Selectmen to enter into a long-term lease agreement of more than three years for the use of a portion of Town-owned land at 211 Main Street for the construction, installation, operation and maintenance of a wireless communication tower and accessory equipment, in accordance with Massachusetts General Laws, Chapter 30B, Section 12(b), any leased area of said land to be used in accordance with the Town of Northborough Zoning Bylaws.

ARTICLE 40 Motion Passed

To see if the Town will vote to discontinue and/or confirm the discontinuance as a public way of a portion of Mill Street, which portion originates at Whitney Street, runs between parcels of land shown on Assessors' Map 54, Lots 36, 37 and 38, then easterly along the northerly side of the pond, then turning and running southeasterly to the northerly bounds of two parcels of land shown on Assessors' Map 54, Lots 50 and 53, to where the traveled portion of Mill Street currently terminates, as shown on the Official Map of Northborough, recorded with the Worcester Registry of Deeds in Plan Book 346, Page 15, and to transfer the care, custody, control and management of said discontinued portion of Mill Street from the Board of Selectmen for public way purposes to the Board of Selectmen for the purpose of conveyance, and further to

authorize the Board of Selectmen to convey all or a portion of the Town’s right, title and interest in said discontinued portion on such terms and conditions, and for such consideration, as the Board of Selectmen deems in the best interest of the Town; or to take any other action relative thereto.

ARTICLE 41 Motion Passed

To see if the Town will vote to authorize the Board of Selectmen to petition the Senate and House of Representatives in General Court for special legislation amending section 1 of Chapter 384 of the Acts of 2008 to provide that the additional package store alcohol license authorized to be granted for the property to be used for a commercial center and shown on Northborough Assessors’ Maps as map 108, parcel 3; map 109, parcel 15; map 107, parcel 1; map 106, parcels 5, 6, 3, and 7; and map 98, parcel 2 shall be for all alcoholic beverages and not limited to wines and malt beverages, so that the first sentence of section 1 would read substantially as follows:

“Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Northborough may grant 1 additional license for the sale of all alcoholic beverages, not to be drunk on the premises under section 15 of said chapter 138.”

- A license had been previously authorized for the sale of wines and malt beverages not to be consumed on the premises. This Article proposes an amendment to the authorizing legislation to allow for the issuance of a license for the sale of all alcoholic beverages not to be consumed on the premises.

ARTICLE 42 Motion Passed

To see if the Town will vote to authorize the School Committee to enter into a three-year bus transportation contract with the option to renew the contract for a fourth and fifth year in accordance with Chapter 30B Section 12(b), or take any action relative thereto.

ARTICLE 43 Motion Passed

To see if the Town will vote to authorize the Town Administrator, with the approval of the Board of Selectmen, to negotiate and enter into a multi-year contract, which may exceed three (3) years, for the collection of solid waste and the collection, marketing and disposal of recyclable materials in accordance with M.G.L. c. 40, sec. 4, or take any action relative thereto.

- This Article provides the Town the flexibility to enter into a solid waste and recycling collection contract for a period of more than three (3) years if it is in the best interest of the Town.

ARTICLE 44 - CITIZENS PETITION Motion Failed

To see if the Town of Northborough will vote to: re-zone the following parcels from “Residential B” to “Business South”. Said parcels form a continuous area southerly of West Main Street to the Shrewsbury town line. These parcels were previously zoned “Industrial A” prior to 2009 Annual town Meeting.

<u>Northborough Assessor’s Map</u>	<u>Parcel</u>	<u>Approx. Acres</u>
80	34	141.8
80	35	1.3
80	36	61.2

80	40	3.7
97	1	12.2
97	2	20.9
98	1	5.8
98	2	101.8

Approximate Total Acreage 348.7

Proposed by: Douglas R. Stone, Petitioner

ARTICLE 45 - CITIZENS PETITION Motion Passed

To see if the Town of Northborough will vote to: we, the citizens of Northboro move forward for a moratorium on wireless facilities until the town reviews and/or revises the current setback bylaws.

This petition excludes any action against a wireless facility at the Northboro Police Station.

Proposed by: Citizens of Northboro

ARTICLE 46 Passed Over

To hear the reports of the several Town Officers and Committees and to act thereon; also to choose any committee the voters deem necessary, and to appropriate money for their use, or act in any way relative thereto.

8:57pm Motion made to dissolve the meeting **Motion Passed**