

**TOWN OF NORTHBOROUGH  
ANNUAL TOWN MEETING WARRANT  
APRIL 22, 2013**

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-SECOND day of April 2013 at 7:30 p.m. to act on the following warrant articles:

7:34pm Moderator Fred George called the meeting to order, a quorum of at least 100 registered voters was present in the hall.

**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.

- This article provides the 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 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 MOTION PASSED**

To see if the Town will vote to raise and appropriate and transfer from available funds the sum of Seventeen Million Four Hundred Eighty One Thousand Nine Hundred Seventy Two Dollars (\$17,481,972) 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	\$ 13,000
Transfer from Cemetery Sale of Lots	\$ 12,000
Transfer from Debt Exclusion Premium Reserve	\$ 19,830
Transfer from Title V Reserve	\$ 4,534
Transfer from Conservation Commission Fees	\$ 3,060
Transfer from Police Revolving Account	\$ 72,500
Transfer from Fire Emergency Medical Services Revolving Account	\$ 76,160
Transfer from Recreation Revolving Account	\$ 100,000
Transfer from Animal Control Revolving Account	\$ 27,000
Transfer from IOD Insurance Claim Account	\$ 24,500
Free Cash	\$ 500,000

for a total of Eight Hundred Fifty Two Thousand Five Hundred Eighty Four Dollars (\$852,584), and that the sum of Sixteen Million Six Hundred Twenty Nine Thousand Three Hundred Eighty Eight Dollars (\$16,629,388) 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 Four Million Three Hundred Seventy Seven Thousand One Hundred Ninety Nine Dollars (\$4,377,199) 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:

Sewer Fund Free Cash	\$ 142,439
Water Fund Free Cash	\$ 80,987
Solid Waste Fund Free Cash	\$ 50,000

Raise and Appropriate by Taxation:

Solid Waste General Fund Subsidy	\$ 239,099
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for a total of Five Hundred Twelve Thousand Five Hundred Twenty Five Dollars (\$512,525) and that the sum of Three Million Eight Hundred Sixty Four Thousand Six Hundred Seventy Four Dollars (\$3,864,674) be financed from Water/Sewer and Solid Waste Revenues.

Water Fund	\$2,169,985
Sewer Fund	\$1,448,115
Solid Waste	<u>\$ 759,099</u>

**ARTICLE 6 MOTION PASSED**

To see if the Town will vote to raise and appropriate by taxation the sum of Twenty Million Three Hundred Seventy Two Thousand Five Hundred Sixty Four Dollars (\$20,372,564) 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 Nine Million Four Hundred Ninety Four Thousand Eight Hundred Seventy Six Dollars (\$9,494,876), 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 and debt service of the Assabet Valley Regional Vocational School District, the sum of Six Hundred Forty Seven Thousand Nine Hundred Eighty Three Dollars (\$647,983), or take any action relative thereto.

**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 M.G.L. Chapter 78, Sections 19A and 19B, and 605 CMR 4.00, and as further defined by Chapter 139, Section 2, Item 7000-9501 of the Acts of 2012, 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 Animal Control 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, Animal Control, 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/Emergency Medical Service 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 Animal Control Officer for the receipt of dog license fees and related fines, which sums shall be utilized to support the Animal

Control 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 Animal Control 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 transfer in FY2013 from available funds a sum of money to the Reserve Fund to provide for extraordinary or unforeseen expenditures in accordance with Massachusetts General Laws Chapter 40, Section 6.

- Pursuant to Massachusetts General Law Chapter 44, Section 53, property insurance claims in excess \$20,000 must be appropriated by Town Meeting. In FY2013, the Appropriations Committee Reserve Fund was used to fund repairs of the Fire Department's ladder truck prior to Town Meeting. This article seeks to replenish the Reserve Fund within the current year with the insurance proceeds.

**ARTICLE 19 MOTION PASSED**

To see if the Town will vote to appropriate the sum of One Hundred Fifty Thousand Dollars (\$150,000) 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, the sum of One Hundred Fifty Thousand Dollars (\$150,000) be raised by taxation, transfer from available funds, borrowing or otherwise, 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 20 MOTION PASSED**

To see if the Town will vote to rescind the authorization to borrow the following amounts representing the unused borrowing capacity no longer needed for the purposes for which borrowing was initially approved:

<u>Unissued Amount</u>	<u>Date of Approval</u>	<u>Warrant Article</u>	<u>Original Purpose</u>
\$151,000	4/25/2011	20	Fire Department Ambulance
\$150,000	4/25/2011	27	Peaslee School Roof
\$ 7,000	4/25/2011	40	CPA Green Street Land Acquisition
\$ 82,000	4/26/2010	21	Melican Middle School Roof

- This Article seeks to clear the Authorized, Unissued portion of these borrowing articles by rescinding the authority to borrow in order to finalize these projects.

**ARTICLE 21 (CIP) MOTION PASSED**

To see if the Town will vote to appropriate the sum of Fifty Thousand Dollars (\$50,000) for the use of the Northborough Fire Department to purchase departmental equipment to replace the 1991, Self-Contained Breathing Apparatus (SCBA) Air Compressor, and to meet said appropriation, the sum of Fifty Thousand Dollars (\$50,000) be raised by taxation, transfer from available funds, borrowing or otherwise.

- This Article provides funds for the purchase of new Self-Contained Breathing Apparatus (SCBA) Air Compressor equipment and related installation costs.

**ARTICLE 22 (CIP) MOTION PASSED**

To see if the Town will vote to appropriate the sum of Twenty Eight Thousand Dollars (\$28,000) for the use of the Northborough Fire Department to purchase an Emergency Shelter Trailer and related equipment, and to meet said appropriation, the sum of Twenty

Eight Thousand Dollars (\$28,000) be raised by taxation, transfer from available funds, borrowing or otherwise.

- This Article provides funds for the purchase of a 24-foot Emergency Shelter Trailer stocked with cots, blankets and other supplies necessary for emergency sheltering operations.

**ARTICLE 23 (CIP) MOTION PASSED**

To see if the Town will vote to appropriate the sum of Two Hundred Three Thousand Five Hundred Dollars (\$203,500) for the use of the Department of Public Works to purchase a Loader, and to meet said appropriation, the sum of Two Hundred Three Thousand Five Hundred Dollars (\$203,500) be raised by taxation, transfer from available funds, borrowing or otherwise.

- This Article provides funds for the purchase of a new Front End Loader to replace the 1997 Caterpillar 938 model, one of the most heavily used pieces of DPW equipment.

**ARTICLE 24 (CIP) MOTION PASSED BY THE REQUIRED 2/3rds VOTE**

To see if the Town will vote to appropriate sums of money for the projects described below; to determine whether these appropriations shall be raised by the transfer from available funds and/or in accordance with Chapter 44, Section 20 of the General Laws, as indicated below for each project, or otherwise; or take any action relative thereto:

Project	Transfer	Transfer		Total
		MGL Ch. 44, Sec. 20		
DPW	\$602,807	\$197,193		\$800,000
Salt Shed Replacement	General Fund Free Cash			
		Art #21, 4/28,2008, Town Meeting 119 Colburn Street Remediation	\$146,708	
		Art #34, 4/23/2001 Town Meeting, Street Repairs - Green Street	\$18,399	
		Art #35, 4/23/2001, Town Meeting, Street Repairs - Howard Street	\$19,845	
		Art #33, 4/26/2000, Town Meeting, Street Repairs- Maple Lane	\$12,241	
		Total Transfer MGL Ch. 44, Sec. 20	\$197,193	

- This Article provides funds for the replacement of the existing salt shed with a new structure adequate in size to store the salt used during snow removal operations.

**ARTICLE 25 (CIP) MOTION PASSED**

To see if the Town will vote to appropriate the sum of Four Hundred Twenty Five Thousand Dollars (\$425,000) for the use of the Department of Public Works to replace the DPW Fuel Island, and to meet said appropriation, the sum of Four Hundred Twenty Five Thousand Dollars (\$425,000) be raised by taxation, transfer from available funds, borrowing or otherwise.

- This Article provides funds for the construction of a new DPW fuel island with above-ground fuel tanks, dispensers and canopy to replace the existing underground fuel tank at the Public Works facility.

#### **ARTICLE 26 MOTION PASSED**

To see if the Town will vote to approve the Assabet Valley Regional Vocational School District's establishment of a Reserve Fund for Compensated Absences for Employees Terminating Employment per the provisions of MGL Ch. 40, Section 13D.

- This Article approves the set aside of funds to pay for future liabilities of sick and vacation time per contractual agreements. On December 4, 2012 the Assabet Valley Regional Vocational School Committee voted unanimously to accept the law and create such a fund. \$25,000 has been included in the FY14 operating budget to begin funding.

#### **ARTICLE 27 MOTION PASSED**

To see if the Town will vote to accept Massachusetts General Law Chapter 64L, Section 2 in order to impose a local sales tax of .75% upon the sale of restaurant meals.

- Acceptance of M.G.L. Chapter 64L, Section 2 would impose a .75% surcharge on the sales of restaurant meals originating within the Town of Northborough. The .75% surcharge would be collected by the Department of Revenue at the same time it collects the current 6.25% state meals tax. Upon adoption of this local option, the same collection process would be utilized, only the revenue from the additional .75% surcharge would be returned to the Town on a quarterly basis.

#### **ARTICLE 28 MOTION PASSED**

To see if the Town will vote to amend the local room occupancy excise tax under Massachusetts General Laws Chapter 64G, Section 3A to the rate of 6 (six) percent.

- The Town of Northborough currently assesses a Room Occupancy excise at the rate of 4%. In recent years, the average revenue from Room Occupancy Excise has been \$65,000. This local option would allow for a 50% increase in Room Occupancy Excise to a 6 (six) percent rate.

#### **ARTICLE 29 (Home Rule Petition) MOTION PASSED**

To see if the Town will vote to petition the General Court of the Commonwealth of Massachusetts to enact special legislation allowing the Town to use insurance proceeds received to compensate for Fire and Police personnel injured in the line of duty as a salary offset, said legislation to become effective upon passage without further Town Meeting action provided, that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition, or take any action relative thereto.

- A recurring problem experienced by the Northborough Fire and Police Departments is the lack of availability of insurance funds when an employee is

out on Injured-On-Duty (IOD) leave in accordance with Massachusetts General Laws Chapter 41, Section 111F. Unlike other departments where injured employees receive pay directly from a workers' compensation fund, per State law Fire and Police Departments continue making weekly salary payments to the injured employee from the departmental budget. The Town purchases insurance to reimburse the departments for this, but State law currently does not allow those insurance proceeds to be used by the affected departments to replace the IOD payments. Instead, those funds go to the General Fund and cannot be used until they are appropriated at a later Town Meeting. As a result, the affected department suffers a salary shortfall, especially if the vacant position needs to be filled, requiring payment of overtime. Providing a cure via legislation allowing direct budget restoration is essential to smooth and effective operation.

**ARTICLE 30 (Home Rule Petition) MOTION PASSED**

To see if the Town will vote to petition the General Court of the Commonwealth of Massachusetts to enact special legislation allowing the Town to use insurance proceeds not in excess of one hundred fifty thousand dollars (\$150,000) received for property claims without Town Meeting action, said legislation to become effective upon passage without further Town Meeting action provided, that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition, or take any action relative thereto.

- This legislation would allow reimbursement for insurance claims to be spent without delaying repairs or replacement of property until action can be taken at Town Meeting. Massachusetts General Laws Chapter 44, Section 53 currently limits the amount that can be spent without Town Meeting action to twenty thousand dollars (\$20,000).

**ARTICLE 31 (Home Rule Petition) MOTION PASSED**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact special legislation exempting the Town of Northborough from the provisions of Massachusetts General Laws Chapter 149, Sections 26 through 27G, the Prevailing Wage Law, so called, for projects estimated to cost fifty thousand dollars (\$50,000) or less provided, that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition, or take any action relative thereto.

- The prevailing wage law, Massachusetts General Laws Chapter 149, Sections 26 and 27, requires contractors performing work for any public construction project (including new construction, renovation, repair, demolition, road or highway work, equipment rental, moving office furniture, trash hauling and school bus transportation) to pay prevailing wages, which are special minimum hourly wages established by the Department of Labor Standards (DOLS). The DOLS sets prevailing wages according to collective bargaining agreements that are established by trade unions in geographical areas across the state. Prevailing wages are applicable regardless of the cost or size of the project, and must be paid

to all employees performing work on public construction projects, and apply equally to unionized and non-unionized workers.

In effect, prevailing wages increase the cost of doing business as these wage rates are often significantly greater than the wages paid by local contractors. The use of prevailing wages prevents the Town from getting competitive quotes, alienates local small businesses, and costs the taxpayers a premium for small projects because only larger firms have the ability to manage the paperwork requirements. The special legislation would exempt projects of fifty thousand dollars (\$50,000) or less from the prevailing wage law.

### **ARTICLE 32 MOTION PASSED BY THE REQUIRED 2/3rds VOTE**

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Sections 7-02 General Provisions, 7-05 Use regulations, 7-06 Density and Dimensional Regulations, and 7-09 Development Regulations by deleting the text shown in brackets [ ] and replacing it with the text shown in brackets and underlined [  ], or take any action relative thereto.

Section 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 “FLOOR AREA, GROSS.”)]

Section 7-05-030 Table of Uses. Table 1. Table of Uses. Part B. Commercial and Industrial Districts Footnote 9

The maximum number of multifamily units on a lot shall be [twelve (12)] [eight (8)] units by special permit in the Downtown Business, [Business East] and Business West Districts.

Section 7-06-020 Table of Density and Dimensional Regulations, Table 2  
Maximum Front Setback BE [25] [75] and BW [25] [75].

Section 7-06-020 Table 2. Table of Density and Dimensional Regulations  
[Maximum FAR].

[Section 7-06-030 F. Maximum Gross Floor Area Ratio (FAR), the maximum FAR requirements in Table 2 may be increased by special permit, as follows: (1) In the Downtown Business District, the Zoning Board of Appeals may grant a special permit to increase the maximum FAR to 3.0 for a use that provides all of its required off-street parking below grade or at grade inside the building, with access to the parking from the rear of the building. (2) For a mixed-use development in the Business East or Business West District, the Zoning Board of Appeals may grant a special permit to increase the maximum FAR to 1.0; provided, that for every one thousand (1,000) square feet of nonresidential floor area built above a floor area ratio of 0.85, there shall be an at least equal amount of residential floor area provided at the same time and set aside for exclusive residential use. In such cases, the minimum lot area requirement in Table 2, Part B, shall not be used to determine the maximum number of units in a mixed-use

development. (3) In the Business South Districts, the Zoning Board of Appeals may grant a special permit to increase the maximum FAR to 0.50 if at least forty percent (40%) of the floor area in the proposed building is located above the ground floor and the Board determines that the increase will not be detrimental to the surrounding area.]

Section 7-06-030 Supplemental Regulations J. Supplemental density and dimensional regulations for certain use classes

(1)(b) In the Business East District, for vertical [or horizontal] mixed-use developments [and multifamily developments], twenty thousand (20,000) square feet for the first two (2) units and three thousand five hundred (3,500) square feet per unit for each unit over two (2).

Section 7-09-020 Site Design Standards D. Additional standards for business uses.

(1) Building placement and orientation (a) The front façade of a new building and the building's principal entry shall be oriented toward the street. For a development with more than one (1) building on a single lot or a development with multiple lots, buildings located to the rear of a site shall face the access road that serves them. [For any building(s),] Where appropriate,[however,] a building[(s)] may be oriented around a courtyard or respond in design to a prominent feature, such as a corner location, subject to review by the Design Review Committee and approval by the Planning Board or special permit granting authority, as applicable.

Section 7-09-020 Site Design Standards D. Additional standards for business uses.

(4) Location of open space. At least fifty percent (50%) of the minimum required open space under Section 7-06-020 shall be located in front of [or beside] the principal building(s) facing the street [and shall be landscaped in accordance with subsection (5) below]. The requirement of this section may be waived in the Downtown Business District if the proponent provides an alternative site layout that provides equivalent aesthetic and pedestrian benefits, as determined by the Planning Board or special permit granting authority.

Section 7-09-030 Off-Street Parking and Loading C. Off-street parking design standards

(2) Location, design and construction of off-street parking

(a) Off-street parking spaces shall be located behind or beside the principal structure on the lot. No parking shall be located closer to the front lot line than the front line of the principal structure [nearest to the front lot line]. However, the applicable special permit granting authority may grant a special permit to locate up to [fifteen percent (15%)] [twenty-five percent (25%)] of the required off-street parking spaces in front of a principal structure, except in the Downtown Business District, and may also authorize a change in any maximum front yard setback where necessary to accommodate such parking. In granting a special permit, the special permit granting authority may impose design, surface treatment, landscaping, lighting and other requirements to mitigate the visual impact of parking areas on views from the road, and may regulate the location of the remaining parking to achieve the purposes of this section.

11:13 pm Motion made to adjourn the meeting MOTION **PASSED**

**April 23<sup>rd</sup> 2013 Adjourned Session of Annual Town Meeting**  
**Moderator Fred George called the meeting to order at 7:33pm, a quorum of at least 100 registered voters was present in the hall.**

**ARTICLE 33 MOTION FAILED**

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-10 Special Regulations, 7-10-040 Wireless Communications Facilities, by deleting the existing text and replacing it with the language found in the handout labeled “Article 33 Radio Communication Facilities”, a copy of which is on file in the office of the Town Clerk, or take any action relative thereto.

**ARTICLE 34 PASSED OVER**

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-05 Use Regulations by deleting the text shown in brackets [ ] and replacing it with the text shown in brackets and underlined [ \_ ], or take any action relative thereto.

Section 7-05-020 Classification of Uses H. Public service or public utility uses

[(4) Communication tower: Any tower or structure, natural or man-made, existing or erected, used to support one (1) or more antennas, including self-supporting lattice towers, guyed towers, or monopoles, for electromagnetic transmission and/or reception purposes such as radio and television transmission towers, microwave towers, common carrier towers, wireless communications facilities (“WCF”), alternative tower structures and the like; but not including a communication tower used by an amateur radio operator with a written license or permit from the Federal Communications Commission (FCC) to be the control operator of an amateur radio facility.

(5) Wireless communication facility (WCF): A facility used for the purpose of commercial or public wireless communications uses, such as cellular telephone services, enhanced specialized mobile radio services, microwave communications, personal wireless communications services, paging services and the like, as defined in Section 704 of the Federal Telecommunications Act of 1996, as amended. Such facilities shall include towers, antennas, antenna support structures, panels, dishes, communication buildings, communication structures and accessory structures in their entirety or as separate components. A WCF is a transmission and reception substation, not a principal facility for conducting a communications business. See Chapter 7-10.]

[(4) Radio Communications Facility (RCF): A Radio Communications Facility as defined in 7-10-040. A RCF is a transmission and/or reception installation, not a principal facility for conducting a communications business.]

Section 7-05-030 Table of Uses Table 1. Table of Uses. Part A. Residential Districts and Part B. Commercial and Industrial Districts

[Communications tower (including wireless communication facility)] [Radio Communications Facility (RCF) {subject to limitations and exceptions in Section 7-10-040}]

### **ARTICLE 35 MOTION PASSED**

To see if the Town will vote to accept a sewer easement, and such related easements, interests and rights of access as determined necessary by the Board of Selectmen or the Board of Sewer Commissioners, from Wal-Mart Real Estate Business Trust, in, through and about a portion of the property located at or near 200 Otis Street containing approximately 1,800 square feet, and to authorize the Board of Selectmen and the Board of Sewer Commissioners to execute all documents and take all actions necessary in connection therewith, or take any action relative thereto.

### **ARTICLE 36 MOTION PASSED**

To see if the Town will vote to amend the Northborough Town Code, Part 1 Administrative Legislation, Section 1-80 Town Meeting and Elections, Subsection 1-80-030 Posting of Warrant and Subsection 1-80-040 Notice and Warrant for Special Town Meeting, by deleting the wording shown in brackets and replacing it with the words shown in brackets and underlined, or take any action relative thereto.

#### 1-80-030 Posting of Warrant

D. The wording of Articles on the Town Meeting Warrant should be as descriptive as possible so that the Article may be moved and considered as presented on the Warrant. Further, all appropriation articles must state the exact item or services the sum is being appropriated for, and, where possible, the cost should be included. All amendments to bylaws must show the full text of the section or subsection being amended; any wording that is being proposed as deleted must be shown in [brackets][~~strikethrough~~]; and any proposed added wording must be [within brackets and] underlined. Finally, any article that refers to a specific location must clearly show the street address or addresses, in addition to any required legal description, and a line map showing such location must be available for public inspection. These guidelines shall not apply to the town budget or to school budgets.

#### 1-80-040 Notice and Warrant for Special Town Meeting

D. For future town warrants, the exact wording of motions should appear on the warrant. Further, all appropriation articles must state the exact item or services the sum is being appropriated for, and, where possible, the cost should be included. All amendments to bylaws must show the full text of the section or subsection being amended; any wording that is being proposed as deleted must be shown in [brackets][~~strikethrough~~]; and any proposed added wording must be [within brackets and] underlined. Finally, any article that refers to a specific location must clearly show the street address or addresses, in addition to any required legal description, and a line map showing such location must be available for public inspection. These guidelines shall not apply to the town budget or to school budgets.

**ARTICLE 37 MOTION PASSED**

To see if the Town will vote to amend the Northborough Town Code, Section 1-24-020 Town Engineer, by deleting the text shown in brackets [ ], and Chapter 1-32 Public Works Division, by inserting the text shown in brackets and underlined [ ], or take any action relative thereto.

[1-24-020 Town Engineer.

A. Composition, mode of appointment, term of office. There shall be a Town Engineer appointed by the Administrative Officer for an indefinite term.

B. Powers and duties. The Town Engineer shall work under the general policy direction of the Board of Selectmen and the general administrative direction of the Administrative Officer. The Town Engineer shall perform inspection work, develop plans and programs for town agencies, review subdivision plans and perform such other duties as the Administrative Officer may require from time to time.]

Chapter 1-32

**PUBLIC WORKS DIVISION**

Sections:

[1-32-090 Town Engineer]

[1-32-090 Town Engineer

A. Composition, mode of appointment, term of office. There shall be a Town Engineer appointed by the Administrative Officer for an indefinite term.

B. Powers and duties. The Town Engineer shall work under the general policy direction of the Board of Selectmen and the general administrative direction of the Administrative Officer. The Town Engineer shall perform inspection work, develop plans and programs for town agencies, review subdivision plans and performs such other duties as the Administrative officer may require from time to time.]

**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 – 2013 Annual Town Meeting”.

**ARTICLE 39 (CPA) MOTION PASSED**

To see if the Town will vote to appropriate the sum of Four Thousand Dollars (\$4,000), or any other sum, from the Community Preservation Fund revenues to the Northborough Historical Commission for the purchase of plaques to assist in the identification of, and education about, historical sites in Town, or take any action relative thereto.

- Informational signs containing historical facts will be placed at Assabet Park on South Street and at the Wachusett Aqueduct on Hudson Street.

**ARTICLE 40 (CPA) MOTION PASSED**

To see if the Town will vote to appropriate the sum of Fifty Thousand Dollars (\$50,000), or any other sum, from the Community Preservation Fund revenues and place said amount in the Community Preservation Historic Resources Reserve Fund for the purpose of future historical property preservation or acquisition, or take any action relative thereto.

- Funds for future acquisition or preservation of historic property.

**ARTICLE 41 (CPA) 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 Fund revenues to the Northborough Town Clerk for Phase IV of a Town Records Preservation project 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.

- Funds for the preservation of Town records.

**ARTICLE 42 (CPA) MOTION PASSED**

To see if the Town will vote to appropriate the sum of Fifteen Thousand Dollars (\$15,000), or any other sum, from the Community Preservation Fund revenues to the Northborough Parks and Recreation Commission for Phase 1 costs associated with the preparation of engineering plans and specifications for public bidding for renovation of the observation platform, including but not limited to the addition of a handicap access ramp, at Memorial Field, 0 East Main Street, Assessors' Map 53, Parcel 106, or take any action relative thereto.

- Replacement of the observation deck at Memorial Field and addition of handicap ramp.

**ARTICLE 43 (CPA) 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 Affordable Housing Corporation for costs associated with the construction of four affordable senior apartments at 1 Centre Drive, or take any action relative thereto.

- Due to changes in the MA Building Code, costs have increased for some of the materials for the senior apartments. These funds will cover those costs.

**ARTICLE 44 (CPA) 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 Conservation Fund for the purpose of future open space preservation or acquisitions, or take any action relative thereto.

- Funds for future open space acquisitions.

**ARTICLE 45 (CPA) MOTION PASSED**

To see if the Town will vote to appropriate the sum of Sixteen Thousand Dollars (\$16,000), or any other sum, from the Community Preservation Fund revenues to the Conservation Commission to perform weed control measures on problem vegetation within Bartlett Pond, or take any action relative thereto.

- Funds to assist with the management of the problem vegetation on Bartlett Pond.

**ARTICLE 46 (CPA) MOTION PASSED**

To see if the Town will vote to appropriate the sum of Seven Thousand Dollars (\$7,000), or any other sum, from the Community Preservation Fund revenues to the Northborough Trails Committee, a subcommittee of the Northborough Open Space Committee, for construction materials for the creation of new trails and repair of existing trails, or take any action relative thereto.

- Funds to be used for the creation of new trails and for the maintenance of existing trails.

**ARTICLE 47 (CPA) MOTION PASSED**

To see if the Town will vote to appropriate the sum of Fifteen Thousand Dollars (\$15,000), or any other sum, from the Community Preservation Fund revenues to the Northborough Parks and Recreation Commission for Phase 1 costs associated with the preparation of engineering plans and specifications for public bidding for the construction of a shade pavilion at the splash pad in Assabet Park, 48 South Street, Assessors' Map 63 Parcel 2, or take any action relative thereto.

- Construction of a structure to shade the visitors using the splash pad at Assabet Park.

**ARTICLE 48 (CPA) MOTION PASSED**

To see if the Town will vote to appropriate the sum of Fifty Nine Thousand Four Hundred Eight Dollars (\$59,408), or any other sum, from the Community Preservation Fund revenues to the Northborough Community Preservation Committee for debt service and expenses associated with Open Space land acquisition for the Fiscal Year 2014, or take any action relative thereto.

- Funds to pay for debt service associated with the purchase of the Green Street parcel.

**ARTICLE 49 (CPA) 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, and other professional services, recording fees, printing and all other necessary and proper expenses for the Fiscal Year 2014, or take any action relative thereto.

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

**ARTICLE 50 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 take any action relative thereto.

10:10PM Motion made to dissolve the meeting. **MOTION PASSED**