

**DIVISION 1**

**CODE OF BYLAWS**

**Chapter 1**  
**GENERAL PROVISIONS**

**SECTION 1-100:**  
**GENERAL PROVISIONS**

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- § 1-102. Rules of construction and definitions.
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**SECTION 1-200:**  
**TOWN SEAL**

- § 1-201. Town Seal.

[HISTORY: Adopted by the Annual Town Meeting 10-28-1997, Art. 26. Amendments noted where applicable.]

GENERAL REFERENCES

Policies and procedures— See Ch. 194.

Effect on preexisting actions — See Ch. A232.

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**SECTION 1-100: GENERAL PROVISIONS**

- § 1-101. Code designation and citation. [Amended 10-24-2006 ATM, Art. 23]

The bylaws in this and the following chapters and sections shall constitute and be designated as the “Code of Bylaws, Town of Northbridge, Massachusetts,” and may be so cited.

- § 1-102. Rules of construction and definitions.

In the construction of this Code, and of all bylaws, the following rules shall be observed and the following definitions shall apply unless such construction would be inconsistent with the manifest intent of the governing body.

*Generally* — The provisions of this Code shall be liberally construed to effect the purposes expressed therein or implied from the expression thereof. Words and phrases shall be construed and understood according to their common and usual meaning unless the contrary is clearly indicated. Technical words and phrases and such others as may have

acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

*Building Construction* — All work, the procurement of which is governed under the provisions of MGL c. 149. [Added 10-24-2006 ATM, Art. 23]

*Charter* — The words “Charter” or “Town Charter” mean the Northbridge Home Rule Charter and any amendments which may hereafter be adopted. [Amended 10-24-2006 ATM, Art. 23]

*Chief Executive* — The words “chief executive” means the Board of Selectmen of the Town of Northbridge, Massachusetts. [Amended 10-24-2006 ATM, Art. 23]

*Code* — The word “Code” means the Code of Bylaws, Town of Northbridge, Massachusetts, as designated in § 1-101 of the Code. [Amended 10-24-2006 ATM, Art. 23]

*Commonwealth* — The word “commonwealth” means the Commonwealth of Massachusetts. [Amended 10-24-2006 ATM, Art. 23]

*Computation of time* — The time within which an act is to be completed as provided in any bylaw or in any order issued pursuant to any bylaw, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be Sunday or a legal holiday it shall be excluded; and when any such time is expressed in hours the whole of Sunday or a legal holiday, from midnight to midnight, shall be excluded. [Amended 10-24-2006 ATM, Art. 23]

*County* — The words “county” or “this county” mean the County of Worcester. [Amended 10-24-2006 ATM, Art. 23]

*Days* — The word “days” refers to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted. [Amended 10-24-2006 ATM, Art. 23]

*Emergency* — The word “emergency” means a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action. [Amended 10-24-2006 ATM, Art. 23]

*Following* — The word “following” means next after. [Amended 10-24-2006 ATM, Art. 23]

*Gender* — Words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

*General laws* — The words “general laws” (all lower case letters) mean laws which apply alike to all cities and towns, to all towns or to a class of municipalities of which Northbridge is a member. [Amended 10-24-2006 ATM, Art. 23]

*General Laws* — The words “General Laws” (used with initial capital letters) shall refer to the General Laws of Massachusetts (MGL), a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted. [Amended 10-24-2006 ATM, Art. 23]

*Heretofore, hereafter* — Whenever the word “heretofore” occurs in any bylaw it shall be construed to mean any time previous to the day when such bylaw shall take effect. Whenever the word “hereafter” occurs it shall be construed to mean the time after the bylaw shall take effect. [Amended 10-24-2006 ATM, Art. 23]

*Highway* — The word “highway” includes any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass and causeway in the town, dedicated or devoted to public use. [Amended 10-24-2006 ATM, Art. 23]

*Joint authority* — All words purporting to give joint authority to three or more town officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

*Local newspaper* — The words “local newspaper” mean a newspaper having a general circulation in the Town of Northbridge published at least weekly. [Amended 10-24-2006 ATM, Art. 23]

*Majority vote* — The words “majority vote” mean a majority of those present and voting, provided that a quorum of the body is present when the vote is taken, unless a higher number is required by law. [Amended 10-24-2006 ATM, Art. 23]

*May* — The word “may” is to be construed as being permissive.

*May not* — The phrase “may not” or phrases of like import have a mandatory negative effect and state a prohibition.

*Month* — The word “month” means a calendar month. [Amended 10-24-2006 ATM, Art. 23]

*Multiple-member body* — The words “multiple-member body” mean any town body consisting of two or more persons and whether styled a board, commission, committee, subcommittee or otherwise and however elected or appointed. [Amended 10-24-2006 ATM, Art. 23]

*Must* — The word “must” shall be construed as mandatory. [Amended 10-24-2006 ATM, Art. 23]

*Number* — Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular. Words used in the singular include the plural and the plural include the singular number. [Amended 10-24-2006 ATM, Art. 23]

*Oath* — The word “oath” includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.” [Amended 10-24-2006 ATM, Art. 23]

*Owner* — The word “owner,” applied to any property, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such property. [Amended 10-24-2006 ATM, Art. 23]

*Person* — The word “person” applies to associations, corporations, firms, partnerships and bodies politic and corporate as well as to natural persons. [Amended 10-24-2006 ATM, Art. 23]

*Personal property* — The words “personal property” include all tangible and intangible property other than real property. [Amended 10-24-2006 ATM, Art. 23]

*Preceding* — The word “preceding” means next before. [Amended 10-24-2006 ATM, Art. 23]

*Property* — The word “property” includes real and personal property. [Amended 10-24-2006 ATM, Art. 23]

*Public Works* — All work, the procurement of which is governed under the provisions of MGL c. 30, § 39M. [Added 10-24-2006 ATM, Art. 23]

*Quorum* — The word “quorum,” unless otherwise required by law or the Charter, means a majority of the members of a multiple member body then in office, not including any vacancies which might then exist. [Amended 10-24-2006 ATM, Art. 23]

*Real property* — The words “real property” include all inherent natural resources and any man-made improvements thereon. [Amended 10-24-2006 ATM, Art. 23]

*Reasonable time* — In all cases where any bylaw requires any act to be done in a reasonable time or reasonable notice to be given, such “reasonable time” or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice. [Amended 10-24-2006 ATM, Art. 23]

*Roadway* — The word “roadway” means that portion of a street improved, designed or ordinarily used for vehicular traffic. [Amended 10-24-2006 ATM, Art. 23]

*Shall* — The word “shall” is to be construed as being mandatory.

*Sidewalk* — The word “sidewalk” means that portion of a street between the curblineline and the adjacent property intended for the use of pedestrians. [Amended 10-24-2006 ATM, Art. 23]

*State* — The words “the state” or “this state” shall be construed to mean the Commonwealth of Massachusetts. [Amended 10-24-2006 ATM, Art. 23]

*Street* — The term “street” includes any land located within the layout of the public roadway whether it is within the paved portion of the roadway or sidewalk or not and any highway, alley, street, avenue or public place or square, bridge, viaduct, underpass, overpass, tunnel and causeway in the town, dedicated or devoted to public use and includes any way to which the public has a right of access. [Amended 10-24-2006 ATM, Art. 23]

*Tenant, occupant* — The words “tenant” and “occupant,” applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others. [Amended 10-24-2006 ATM, Art. 23]

*Tenses* — The use of any verb in the present tense includes the future when applicable. [Amended 10-24-2006 ATM, Art. 23]

*Town* — The terms “the town” or “this town,” mean the Town of Northbridge, Massachusetts. [Amended 10-24-2006 ATM, Art. 23]

*Town agency* — The words “town agency” mean any board, commission, committee, department division or office of the town government. [Amended 10-24-2006 ATM, Art. 23]

*Town bulletin board* — The words “town bulletin board” mean the bulletin board in the town hall on which official town notices are posted and those at other locations within the town which may from time to time be designated as town bulletin boards by bylaw or by vote of the Board of Selectmen. [Amended 10-24-2006 ATM, Art. 23]

*Town officers and departments* — Whenever reference is made to an officer or a department, the same shall be construed as if followed by the words “of the Town of Northbridge Massachusetts.”

*Week* — The word “week” shall be construed to mean seven days; but publication in a newspaper of any notice or other matter indicated to be for a stated number of weeks shall be construed to mean one insertion in each week, unless specifically stated to be for each day of the week or for more than one day in each week, and all publications heretofore made in accordance with the terms of this subsection are hereby validated.

*Written or in writing* — The words “written” or “in writing” include any representation of words, letters or figures, whether by printing or otherwise. [Amended 10-24-2006 ATM, Art. 23]

*Year* — The word “year” shall mean a calendar year.

**§ 1-103. When these rules of construction shall not apply. [Amended 10-24-2006 ATM, Art. 23]**

The rules of construction set forth in this bylaw shall not be applied to any bylaw which contains any express provision excluding such construction, or when the subject matter or context of such bylaw may be repugnant thereto.

**§ 1-104. References to titles, chapters or sections. [Amended 10-24-2006 ATM, Art. 23]**

All references to titles, chapters or sections are to the titles, chapters and sections of this Code unless otherwise specified.

**§ 1-105. Conflicting provisions.**

- A. If the provisions of different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter. [Amended 10-24-2006 ATM, Art. 23]
- B. If conflicting provisions be found in different sections of the same chapter, the provisions of the section which is last in numerical order shall prevail.

- C. To the extent that any provision of this Code expressed in general terms shall conflict with any provision expressed in specific terms, the specific provision shall prevail.
- D. In all cases in which provisions of this Code conflict with one another the provision enacted most recently shall prevail over any older provision. [Amended 10-24-2006 ATM, Art. 23]

**§ 1-106. When bylaws take effect. [Amended 10-24-2006 ATM, Art. 23]**

All bylaws passed by the Town Meeting, except when otherwise specifically provided, shall take effect and be in force from and after their approval by the Attorney General of the Commonwealth and their publication as provided in MGL c. 40, § 32.

**§ 1-107. Code not to affect prior offenses, rights, etc.**

- A. Nothing in this Code or the bylaw adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.
- B. The adoption of this Code shall not be interpreted as authorizing any use or the continuance of any use of a structure or premises in violation of any bylaw of the town in effect on the date of adoption of this Code, except as otherwise provided.

**§ 1-108. Effect of repeal of bylaws.**

- A. The repeal of a bylaw shall not revive any bylaw in force before or at the time the bylaw repealed took effect.
- B. The repeal of a bylaw shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the bylaw repealed.

**§ 1-109. Violations and penalty – municipal infractions.**

- A. Any bylaw of the Town of Northbridge or any rule or regulation of its officers, boards or departments, the violation of which is subject to a specific penalty, may, in the discretion of the town official who is the appropriate enforcing person, be enforced in the method provided in MGL c. 40, § 21D. The noncriminal fine for each such violation, if not otherwise specified, shall be \$50. [Amended 10-24-2006 ATM, Art. 23].
- B. “Enforcing person,” as used in this section, shall mean any police officer of the Town of Northbridge, with respect to any offense, and the Building Inspector, a person designated by the Conservation Commission, a person designated by the Board of Health, the Director of Public Works, the Dog Officer and such other officials as the Board of Selectmen may from time to time designate, each with respect to violation of bylaws and rules and regulations within their respective jurisdictions. Each such person as is here designated an “enforcing person” may appoint a deputy enforcing person to serve in his or her absence or

disability. The names of each enforcing person and of each deputy enforcing person shall be kept on file in the office of the Town Manager. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto. Police officers shall in all cases be considered enforcing persons for the purpose of this provision.

- C. Unless otherwise provided, each day a violation continues shall constitute a separate and repeat violation.

**§ 1-110. Violations and penalty – criminal complaint. [Amended 10-24-2006 ATM, Art. 23]**

Except as otherwise provided by law, any person found guilty of violating any provision of this Code in a criminal proceeding in the District Court shall be subject to a fine of \$200. Each day a violation continues shall constitute a separate offense.

**§ 1-111. Severability.**

It is hereby declared to be the intention of the Town Meeting that the sections, paragraphs, sentences, clauses and words of this Code are severable, and if any word, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this Code, because the same would have been enacted by the Town Meeting without the incorporation in this Code of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

**§ 1-112. References to legislation, agents and officials. [Added 10-24-2006 ATM, Art. 23]**

Whenever this Code refers to specific provisions of the General Laws, other statutes, charter provisions, political subdivisions, government agencies or officials, such references shall be construed to include similar provisions of amended or recodified legislation as well as political subdivisions, government agencies or officials that succeed to the relevant duties and responsibilities of the referenced political subdivisions, agencies or officials.

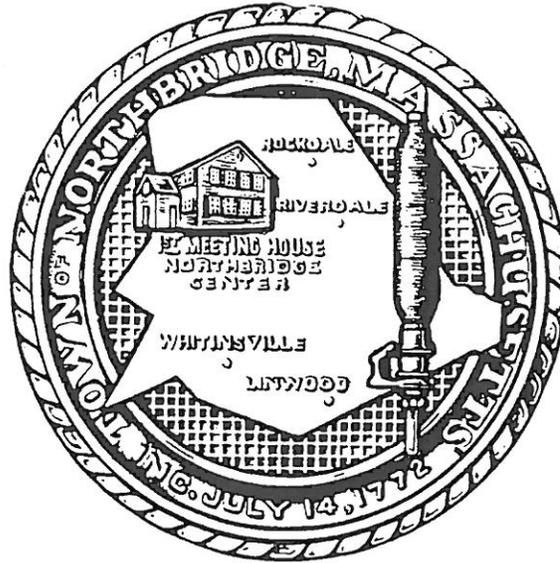
**§ 1-113. Text of Home Rule Charter. [Added 10-24-2006 ATM, Art. 23]**

For purposes of consistency and ease of use, the text or portions of the text of selected provisions of the Northbridge Home Rule Charter are incorporated in this Code. Inclusion in this Code shall give such text no independent legal significance and subsequent amendment or repeal of the coordinate Charter provisions shall always control.

SECTION 1-200: TOWN SEAL

§ 1-201. Town Seal.

The Corporate Seal of the Town of Northbridge shall consist of the following letters, figures and designs:



## Chapter 2

### TOWN ELECTIONS AND ELECTED TOWN OFFICERS

#### SECTION 2-100: TOWN ELECTIONS

- § 2-101. Officers to be elected.
- § 2-102. Eligibility for elective office.
- § 2-103. Date of annual town election.
- § 2-104. Polling hours.
- § 2-105. Terms of office.
- § 2-106. Annual reports.

#### SECTION 2-200: BOARD OF SELECTMEN

- § 2-201. Composition, term of office.
- § 2-202. Powers and duties in general.
- § 2-203. Licensing authority.
- § 2-204. Appointments.
- § 2-205. Investigations.
- § 2-206. Authority to settle claims or suits.
- § 2-207. Management of town property and affairs.
- § 2-208. Policy formulation for Public Works Department.
- § 2-209. Authority to make traffic rules and regulations.

#### SECTION 2-300: SCHOOL COMMITTEE

- § 2-301. Composition, term of office.
- § 2-302. Powers and duties.
- § 2-303. Lasell Field.

#### SECTION 2-400: PLANNING BOARD

- § 2-401. Composition, term of office.
- § 2-402. Powers and duties.

#### SECTION 2-500: TRUSTEES OF SOLDIERS', SAILORS' AND MARINES' MEMORIALS

- § 2-501. Composition, terms of office.
- § 2-502. Powers and duties.
- § 2-503. Memorial dedications.

#### SECTION 2-600: TOWN MODERATOR

- § 2-601. Term of office.
- § 2-602. Powers and duties.

[HISTORY: Adopted by the Annual Town Meeting 10-28-1997, Art. 26. Amendments noted where applicable.]

#### GENERAL REFERENCES

Town Meetings — See Ch. 3.  
Administrative organization — See Ch. 4.

Policies and procedures — See Ch. 194.

SECTION 2-100:  
TOWN ELECTIONS

**§ 2-101. Officers to be elected. [Amended 10-24-2006 ATM, Art. 23]**

The offices to be filled by the voters are a Board of Selectmen, a nine-member School Committee, a five-member Planning Board, a Board of Trustees of Soldiers', Sailors' and Marines' Memorials, four members of the Housing Authority, a Town Moderator, and such other representatives to regional authorities, districts or committees as may be required to be elected by law or by interlocal agreement. (Charter Sections 3-1, 3-7)

**§ 2-102. Eligibility for elective office. [Amended 10-24-2006 ATM, Art. 23]**

Any voter shall be eligible to hold any elective town office but no person shall simultaneously hold more than one elected town office.

**§ 2-103. Date of annual town election.**

The annual town election for the election of town officers and for the determination of all other matters to be referred to voters shall be held on the third Tuesday in May.

**§ 2-104. Polling hours. [Amended 10-24-2006 ATM, Art. 23; 10-25-2011 ATM, Art. 7]**

The polls shall be opened for all elections at 7:00 o'clock in the morning and shall remain open until 8:00 o'clock in the evening.

**§ 2-105. Terms of office. [Amended 10-24-2006 ATM, Art. 23]**

The term of office of all elected town officers is three years beginning on the day following the election and continuing until their successors are qualified. Vacancies in elected offices shall be filled in the manner provided in Charter Section 3-1(g).

**§ 2-106. Annual reports. [Amended 10-24-2006 ATM, Art. 23]**

All elected officers shall prepare annual reports of their activities and shall submit these reports to the Town Manager as provided in § 4-203B.

SECTION 2-200:  
BOARD OF SELECTMEN  
[Amended 10-24-2006 ATM, Art. 23]

**§ 2-201. Composition, term of office.**

There shall be a Board of Selectmen consisting of five members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year. [Charter Section 3-2(a)]

**§ 2-202. Powers and duties in general.**

The executive powers of the town shall be vested in the Board of Selectmen which shall be deemed to be the chief executive office of the town. The Board of Selectmen shall have all of the executive powers it is possible for a Board of Selectmen to have and to exercise. The Board of Selectmen shall serve as the chief policy making agency of the town. The Board of Selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring all town agencies into harmony. Provided however, nothing in this section shall be construed to authorize any member of the Board of Selectmen, nor a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the Board of Selectmen shall act only through the adoption of board policy guidelines which are to be implemented by officers and employees serving under it. [Charter Section 3-2(b)]

**§ 2-203. Licensing authority.**

The Board of Selectmen shall be a licensing board for the town and shall have a power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and to impose restrictions on any such license as it may issue as it deems to be in the public interest, and to enforce all laws relating to all businesses for which it issues any license. [Charter Section 3-2(c)]

**§ 2-204. Appointments.**

The Board of Selectmen shall appoint a Town Manager, Constables, Registrars of Voters (but not the Town Clerk) and other election officers, the members of the Board of Appeals, Board of Health, Conservation Commission, Historical Commission, Industrial Development Finance Authority, Personnel Board, Board of Assessors, and other members of multiple member bodies, the functions of which do not involve direct operating responsibilities but are primarily policy making or advisory in nature, and other individuals who are to serve as representatives of the town to the governing or advisory bodies of area, regional or district authorities. [Charter Section 3-2(d)]

**§ 2-205. Investigations.**

The Board of Selectmen may make investigations and may authorize the Town Manager to investigate the affairs of the Town and the conduct of any Town agency, including any doubtful claims against the Town. The report of the results of such investigation shall be placed on file in the office of the Board of Selectmen and a report summarizing the results of such investigation shall be printed in the next annual town report. [Charter Section 3-2(e)]

**§ 2-206. Authority to settle claims or suits.**

The Board of Selectmen has authority in the name of the town to prosecute, defend or compromise any and all claims or suits to which the town is a party and to employ counsel in

relation claims and suits whenever in its judgment it is reasonably necessary, except actions otherwise provided for by statute or by bylaw. (§§ 8-1)

**§ 2-207. Management of town property and affairs.**

The Board of Selectmen has general direction or management of the property and affairs of the town in all matters not otherwise provided for so far as permitted by law. (§ 8-2)

**§ 2-208. Policy formulation for Public Works Department.**

The Board of Selectmen, acting through the Town Manager, is responsible for the overall supervision of the Department of Public Works and for establishing priorities and policies to govern the operation of the Department. The Board of Selectmen shall establish and set the fees or charges for all services provided by the Department of Public Works.

**§ 2-209. Authority to make traffic rules and regulations.**

The Board of Selectmen has the authority to adopt, amend, alter and repeal rules and regulations governing the use of streets and ways and the operation of vehicles in accordance with the provisions of MGL c. 40, §§ 22 and 22D and Chapter 6 of these bylaws.

SECTION 2-300:  
**SCHOOL COMMITTEE**  
[Amended 10-24-2006 ATM, Art. 23]

**§ 2-301. Composition, term of office.**

There shall be a School Committee consisting of nine members elected for terms of three years each so arranged that the terms of three members shall expire each year. [Charter Section 3-3(a)]

**§ 2-302. Powers and duties.**

The School Committee shall have the power to select and to terminate the Superintendent, shall review and approve budgets for public education in the Town, and shall establish educational goals and policies for the schools in the Town consistent with the requirements of law and statewide goals and standards established by the Board of Education.

**§ 2-303. Lasell Field.**

A. Location and description. The thirteen-and-seven-hundredths-acre parcel of land located on the northeasterly side of Linwood Avenue in the Village of Whitinsville and acquired by the Town from the estate of Arthur F. Whitin by a deed dated April 7, 1930, shall be known as the "John Whitin Lasell Memorial Field."

- B. Administration. The field shall be under the direction and control of the School Committee, which shall manage, control, lease and let the same for the purposes of all amateur and professional athletics, recreation, play, sports, physical education, celebrations, exhibitions and entertainments.
- C. Promulgation of rules and regulations. The School Committee may make rules and regulations governing the field, including establishing and collecting reasonable charges for its use, provided that the field shall be available to all local residents and groups without discrimination and that the field shall not be considered school property for any purpose that would limit or control the ability of the town to determine the control or disposition of the field.

## SECTION 2-400:

**PLANNING BOARD**

[Amended 10-24-2006 ATM, Art. 23]

**§ 2-401. Composition, term of office.**

There shall be a Planning Board consisting of five members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year. [Charter Section 3-5(a)]

**§ 2-402. Powers and duties.**

The Planning Board shall make careful studies of the resources, possibilities and needs of the Town and shall make plans for the development of the Town. The Board shall make and may from time to time amend and perfect a comprehensive or master plan, setting forth in graphic and textual form policies to govern future growth and development in the Town. The Board shall have the power to regulate the subdivision of land within the town by the adoption of rules and regulations governing such development and the administration of such rules and regulations. The Planning Board shall make recommendations to the Town Meeting on all matters affecting land use and development, including the Zoning Bylaw of the Town.

The Planning Board shall make an annual report, giving information regarding the conditions of the Town and any plans or proposals for its development and estimates of their costs. The Planning Board shall have all of the other powers and duties planning boards are given by general law, by the Charter, by bylaw or by other Town Meeting vote. [Charter Section 3-5(b)]

## SECTION 2-500:

**TRUSTEES OF SOLDIERS', SAILORS' AND MARINES' MEMORIALS**

[Amended 10-24-2006 ATM, Art. 23]

**§ 2-501. Composition, terms of office.**

There shall be a Board of Trustees of Soldiers', Sailors' and Marines' Memorials which shall consist of the chairperson of the Board of Selectmen who shall serve, ex officio, and five

persons elected for terms of three years each so arranged that the term of as nearly an equal number of members as is possible shall expire each year. At least two members shall be persons who are not veterans of any war. [Charter Section 3-6(a)]

**§ 2-502. Powers and duties.**

The Board of Trustees of Soldiers', Sailors' and Marines' Memorials shall have charge and control of the construction of any memorial commemorating the service and sacrifices of soldiers, sailors, marines, and airmen who have served the country in war or who have rendered military service for the Commonwealth in time of war, and to have the custody and care thereof after its construction [Charter Section 3-6(b)]

**§ 2-503. Memorial dedications. [Amended 10-25-2011 ATM, Art. 7]**

Persons wishing to have a memorial dedicated to a veteran of the United States Armed Forces should send a request to the Chairman of the Trustees of Soldiers', Sailors' and Marines' Memorials, Northbridge Town Hall, 7 Main Street, Memorial Square, Whitinsville, MA 01588 via written correspondence.

If approved by the Trustees, the Trustees will present the request to the Board of Selectmen. The Board of Selectmen will have four regular meetings following receipt of the request to approve or disapprove the request as presented by the Trustees. If the Board of Selectmen fails to approve or disapprove the request within four regularly scheduled meetings, the request shall be deemed disapproved.

SECTION 2-600:  
**TOWN MODERATOR**  
[Amended 10-24-2006 ATM, Art. 23]

**§ 2-601. Term of office.**

There shall be a Town Moderator elected for a term of three years. [Charter Section 3-4(a)]

**§ 2-602. Powers and duties.**

The Town Moderator shall be the presiding officer of the Town Meeting, as provided in Charter Section 2-2, regulate its proceedings and perform such other duties as may be provided by general law, by charter, by bylaw or by other Town Meeting vote.

The Town Moderator shall appoint the Finance Committee, all other standing committees of the Town Meeting, and all committees authorized by the Town Meeting for a primarily legislative purpose.

**Chapter 3**  
**TOWN MEETINGS**

SECTION 3-100:  
TOWN MEETINGS

- § 3-101. Annual Town Meeting dates.
- § 3-102. Closing, publication and posting of Town Meeting warrants.
- § 3-103. Notice of adjourned Town Meeting sessions.
- § 3-104. Reconsideration of articles voted upon.
- § 3-105. Notice required to move reconsideration.
- § 3-106. Moderator authorized to declare two-thirds votes.
- § 3-107. Quorum.
- § 3-108. Quantum of votes required on financial matters at Special Town Meetings.

- § 3-109. Method of voting.
- § 3-110. Ballot voting.
- § 3-111. Admission to Town Meeting.
- § 3-112. Addressing a Town Meeting.
- § 3-113. Procedural guide for the conduct of Town Meetings.
- § 3-114. Hours of Town Meeting sessions.
- § 3-115. Motions to be in writing.

SECTION 3-200:  
FINANCE COMMITTEE

- § 3-201. Composition; term of office.
- § 3-202. Appointments and vacancies.
- § 3-203. Responsibilities.

[HISTORY: Adopted by the Annual Town Meeting 10-28-1997, Art. 26. Amendments noted where applicable.]

GENERAL REFERENCES

Town elections — See Ch. 2.

Policies and procedures — See Ch. 194.

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SECTION 3-100:  
TOWN MEETINGS

**§ 3-101. Annual Town Meeting dates.**

The spring session of the Annual Town Meeting shall be held on the first Tuesday in May, and the fall session of the Annual Town Meeting shall be held on the fourth Tuesday in October.

**§ 3-102. Closing, publication and posting of Town Meeting warrants.**

- A. The warrant for the spring and fall sessions of the Annual Town Meeting shall close not later than at 12:00 o'clock noon on the seventh Friday preceding the date set by bylaw for the said session to convene. The warrant for any Special Town Meeting which is to

be called shall close not later than at 12:00 o'clock noon on the fifth Friday preceding the date such Special Town Meeting is to convene. Notwithstanding the date set in any warrant for a Town Meeting, no Town Meeting shall be convened by the Town Moderator until six weeks following the closing of the warrant for an Annual Town Meeting and until four weeks following the closing of the warrant for a Special Town Meeting.

- B. Notice of every Town Meeting shall be given at least 28 days before an annual meeting (spring or fall session) and at least 21 days before any special meeting, by posting a copy of the warrant for such meeting in the office of the Town Clerk, on the Town bulletin board, and in at least one public place in each precinct, by mailing a copy of the warrant to the Town Moderator and to the Chair of the Finance Committee and by publication in a local newspaper of notice of the date, time and place that the Town Meeting will be held, together with a summary, prepared by the Town Manager, of the subject matter of each article contained in the warrant for such meeting sufficient for identification. **[Amended 10-24-2006 ATM, Art. 23; 10-25-2011 ATM, Art. 7]**

**§ 3-103. Notice of adjourned Town Meeting sessions. [Amended 10-24-2006 ATM, Art. 23]**

Whenever a Town Meeting votes to adjourn to another date, the Town Clerk shall cause notice of such adjournment to be published in a local newspaper. If there is insufficient time to publish such notice, notice of the date, time and place at which the meeting will reconvene shall be given by posting such notice in the office of the Town Clerk, on the town bulletin board, and in one or more public places in each precinct, by delivering such notice to the Town Moderator and to the Chair of the Finance Committee and by posting such notice on the government access channel of the cable television system.

**§ 3-104. Reconsideration of articles voted upon. [Amended 10-24-2006 ATM, Art. 23]**

After an article in the warrant has once been acted on, it shall not be again considered at that meeting except by a two-thirds vote to reconsider said article.

**§ 3-105. Notice required to move reconsideration. [Amended 10-24-2006 ATM, Art. 23]**

No vote passed at any meeting shall be reconsidered at any adjournment of that meeting unless notice is given in writing to the Moderator at the meeting that a motion to reconsider will be made at the adjournment thereof.

**§ 3-106. Moderator authorized to declare two-thirds votes.**

Whenever a two-thirds vote is required on any matter and whether such quantum of vote is required by state statute, town charter, town bylaw, by the usual rules of parliamentary procedure, or otherwise, the Moderator may, without an actual count, declare that such matter has been adopted by a vote of 2/3 of the number of persons present and voting, and such declaration shall stand as final unless such declaration is immediately challenged by 10 or

more voters rising in their place to so indicate. If such challenge is made a count of the vote to verify, or to overturn, the declaration of the Moderator shall be conducted, forthwith.

**§ 3-107. Quorum.**

Fifty voters shall constitute a quorum for the transaction of business at any Annual or Special Town Meeting.

**§ 3-108. Quantum of votes required on financial matters at Special Town Meetings.**

At any Special Town Meeting, a two-thirds vote shall be required to raise money by taxation or to appropriate or transfer money from available funds (including free cash or surplus revenue) of the town.

**§ 3-109. Method of voting. [Amended 10-24-2006 ATM, Art. 23; 10-25-2011 ATM, Art. 7]**

Votes on all motions may be taken in the first instance by a voice vote, including motions requiring a two-thirds or greater majority. If the Moderator is in doubt, he may call for a standing vote. If the Moderator is still in doubt after such standing vote, or if the vote as declared by the Moderator is immediately challenged by seven or more voters rising in their place for such purpose, the vote shall be taken by a "yes" or "no" ballot. A vote by ballot shall be taken in the first instance if requested by at least seven voters present.

**§ 3-110. Ballot voting.**

Ballot voting shall be under the direction of the Moderator and officially designated tellers appointed by the Moderator. The Town Clerk shall furnish the ballots.

**§ 3-111. Admission to Town Meeting. [Amended 10-24-2006 ATM, Art. 23]**

At any Town Meeting held for the transaction of town business, no person whose name is not on the list of voters shall be admitted to the floor of the hall. This shall not apply to Town Meetings held solely for the election of town officers. The Town Moderator shall determine the bounds of the floor of the hall. Any person not on the list of voters shall be allowed into the hall in areas designated by the Moderator as outside the bounds of the floor. Any person who is not a voter of the town shall address the Town Meeting only with the consent of the Moderator.

**§ 3-112. Addressing a Town Meeting.**

No person shall address the meeting without first being recognized by the Moderator. When two or more persons rise to speak at the same time, the Moderator shall name the one entitled to speak.

**§ 3-113. Procedural guide for the conduct of Town Meetings. [Amended 10-24-2006 ATM, Art. 23]**

Unless some other provision is made by law, by Town Charter or by town bylaw, the Town Moderator shall be guided in rulings on procedure by the rules of procedure contained in the most recent edition of Town Meeting Time (a publication of the Massachusetts Moderators Association).

**§ 3-114. Hours of Town Meeting sessions. [Amended 10-24-2006 ATM, Art. 23]**

All evening sessions of Annual and Special Town Meetings shall begin as soon as a quorum of the body is present after the time set in the warrant calling the meeting and shall be adjourned by the Town Moderator at 10:30 o'clock in the evening, or as near that hour as may be according to the nature of the business then pending. The Town Meeting may, by a two-thirds vote, suspend the operation of this bylaw. Nothing in this section shall be construed to prohibit the holding of a Town Meeting during the daytime.

**§ 3-115. Motions to be in writing. [Amended 10-24-2006 ATM, Art. 23]**

All motions offered for the consideration of the meeting shall be in writing.

SECTION 3-200:  
**FINANCE COMMITTEE**  
[Amended 5-4-1999 ATM, Art. 14; 10-24-2006 ATM, Art. 23]

**§ 3-201. Composition; term of office.**

The Finance Committee consists of seven members, each to serve for a period of three years without compensation.

**§ 3-202. Appointments and vacancies.**

The Moderator shall make an appointment to fill any vacancies in the Finance Committee within 30 days after such vacancies occur.

**§ 3-203. Responsibilities.**

- A. The Finance Committee shall ask for and receive budget reports and recommendations from all departments in the town and shall consider all articles in the warrant for Annual and Special Town Meetings and report its findings in printed form to the Town Meeting which considers such articles.
- B. The Finance Committee shall have access to all facts, figures, records and other information relating to all fiscal affairs of town departments, town officers and town agencies, and the same shall be furnished forthwith to the Finance Committee by town departments, town officers and town agencies whenever so requested by the Finance Committee.

- C. The Finance Committee shall mail, or cause to be delivered to the residence of each registered voter, a copy of the warrant for each Town Meeting, with the Finance Committee's report on each article in the warrant, not less than seven days before the date of the Town Meeting.

## Chapter 4

### ADMINISTRATIVE ORGANIZATION

#### SECTION 4-100 CHIEF ADMINISTRATIVE OFFICER

- § 4-101. Overview.
- § 4-102. Chief Administrative Officer.
- § 4-103. Administrative policy and procedures.

#### SECTION 4-200 STANDARD PROVISIONS

- § 4-201. Permanent and ad hoc multiple-member bodies.
- § 4-202. Term of office.
- § 4-203. Periodic reports.
- § 4-204. Multiple-member body internal organization.
- § 4-205. Time and place of meetings.
- § 4-206. Authority to establish subcommittees.
- § 4-207. Meetings with Town Manager.
- § 4-208. Authority of multiple-member bodies.
- § 4-209. Eligibility for service.
- § 4-210. Filing of minutes.
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#### SECTION 4-300 MULTIPLE-MEMBER BODIES

- § 4-301. Aging, Council on.
- § 4-302. Appeals, Zoning Board of.
- § 4-303. Assessors, Board of.
- § 4-304. Building, Planning and Construction Committee.

- § 4-305. Cable Television Advisory Committee.
- § 4-306. Bylaw Review Committee.
- § 4-307. Conservation Commission.
- § 4-308. Contributory Retirement Board.
- § 4-309. Cultural Council.
- § 4-310. Disability Commission.
- § 4-311. Health, Board of.
- § 4-312. Historical Commission.
- § 4-313. Industrial Development Finance Authority and Commission.
- § 4-314. Licensing Authority.
- § 4-315. Personnel Board.
- § 4-316. Playgrounds and Recreation Commission.
- § 4-317. (Reserved)
- § 4-318. Registrars of Voters.
- § 4-319. Youth Commission.
- § 4-320. Safety Committee.
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#### SECTION 4-400 OFFICERS AND EMPLOYEES

- § 4-401. Town Accountant.
- § 4-402. Animal Control Officer.
- § 4-403. Animals, Inspector of.
- § 4-404. Appraiser, Principal.
- § 4-405. Buildings, Inspector of.
- § 4-406. Civil Defense, Director of.
- § 4-407. Town Clerk.
- § 4-408. Collector-Treasurer.
- § 4-409. Constables.

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| § 4-410. Counsel, Town.                               | § 4-419. Police Chief and Police Department.                       |
| § 4-411. Fence Viewers.                               | § 4-420. Public Works, Department and Director of.                 |
| § 4-412. Fire Chief and Fire Department.              | § 4-421. Superintendent of Shade Tree Management and Pest Control. |
| § 4-413. Forest Warden.                               | § 4-422. Veterans' Services Director.                              |
| § 4-414. Gas Piping and Gas Appliances, Inspector of. | § 4-423. Sealer of Weights and Measures.                           |
| § 4-415. Lockup officer.                              | § 4-424. Tree Warden.  |
| § 4-416. Measurers of Wood and Bark.                  | § 4-425. Wiring Inspector.   |
| § 4-417. Parking Clerk.                               |  |
| § 4-418. Plumbing Inspector.                          |  |

[HISTORY: Adopted by the Annual Town Meeting 10-28-1997, Art. 26. Amendments noted where applicable.]

#### GENERAL REFERENCES

Elected town officers — See Ch. 2.

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### SECTION 4-100 CHIEF ADMINISTRATIVE OFFICER

#### § 4-101. Overview. [Amended 10-24-2006 ATM, Art. 23]

- A. The efficient and effective administration of town government, including all legal, financial, human resources, and informational affairs is vested in the executive branch.
- B. This chapter describes permanent multiple member bodies of the Town, the principal individual officer of the Town, the manner and time of appointment and terms of office where appropriate, and the authorities, responsibilities and interrelationships of the town agencies. Town representatives to regional governmental boards and committees shall be appointed by the Board of Selectmen unless required to be elected by law or interlocal agreement.

#### § 4-102. Chief Administrative Officer. [Amended 10-24-2006 ATM, Art. 23]

- A. Chief Administrative Officer. The Town Manager is the supervising executive and Chief Administrative Officer of the Town. The Town Manager enforces the laws of the town and requires the faithful performance of all administrative duties by all officers and employees serving under the Town Manager.
- B. Duties. The Town Manager has the following specific duties:
  - (1) Appointment and dismissal. The Town Manager shall appoint competent, qualified officers and employees to the administrative service, and shall have the power to dismiss, suspend and discipline, in accordance with the personnel system, all

officers and employees in the administrative service under the Town Manager's control. The Town Manager shall also have the power to authorize a department

head or other officer responsible to the Town Manager to appoint and remove subordinates serving under that department head or officer.

- (2) Appointment to acting capacity. The Town Manager may perform personally, or may designate some other officer or employee to temporarily perform, the duties of any office or position in the administrative service under the control of the Town Manager which is vacant or which lacks administration due to the absence or disability of the incumbent.
- (3) Annual report. The Town Manager shall prepare and present an annual report of the town's affairs, including a summary of reports of department heads, and such other reports as the Board of Selectmen shall require.
- (4) Budget report. The Town Manager shall annually assemble estimates of the financial needs and resources of the town for the ensuing year, and shall prepare a program of activities within the financial resources of the Town, embodying them in a budget document with appropriate supporting schedules and analyses as provided in Article Six of the Charter.

C. Powers. The Town Manager has the following specific powers:

- (1) Assignment of employees. The Town Manager has the power to assign any employee of the town to any department or branch thereof requiring services appropriate to the personnel system classification of the employee so assigned.
- (2) Prescribe rules. The Town Manager has the power to prescribe such rules and regulations as the Town Manager deems necessary or expedient for the conduct of administrative agencies subject to the authority of the Town Manager and the power to revoke, suspend or amend any rule or regulation of the administrative service by whomever prescribed.
- (3) Investigate. The Town Manager has the power, either personally or by delegation to any officer or person designated for the purpose, to investigate and to examine or inquire into the affairs or operation of any department, division, bureau or office, and subject to the availability of funds for such purpose, has the power to employ consultants and professional counsel to aid in such investigations, examinations or inquiries.
- (4) Coordinate departments. The Town Manager is responsible for the coordination of the administrative heads of each department of town government and for the review and analysis of the operation and administration of all town agencies however established.
- (5) Reports. The Town Manager has the power to require all appointed administrative officers and administrative employees of the town to furnish any information connected with or related to their official or assigned duties. Annually, at the request of the Town Manager, the heads of all town agencies shall provide the Town Manager with a comprehensive report analyzing the conditions and operations of their respective agencies, project its need for the ensuing fiscal year

and recommend measures to better enable it to meet the objectives and goals set for it.

- (6) Advise the Board of Selectmen. The Town Manager has the power to appear before and address the Board of Selectmen at any meeting with the right to take part in its discussion. The Town Manager shall make recommendations to the Board of Selectmen and deliver messages to the Board of Selectmen and to the people.

### § 4-103. Administrative policy and procedures.

#### A. Officers.

- (1) Perform duties. Each officer shall perform all duties required of the office by state law, the Northbridge Home Rule Charter, this Code and any other bylaws, Town Meeting votes and rules or regulations of the town applicable to the office, and such other duties not in conflict therewith as may be required by the Town Manager.

#### B. Department heads.

- (1) Be responsible to the Town Manager. The heads of departments are immediately responsible to the Town Manager for the effective administration of their respective departments and all activities assigned thereto. **[Amended 10-24-2006 ATM, Art. 23]**
- (2) Inaugurate sound practices. The heads of departments shall keep informed as to the latest practices in their particular fields and shall inaugurate, with the approval of the Town Manager, such new practices as appear to be of benefit and service to the public.
- (3) Report to the Town Manager. The heads of departments shall submit quarterly and annual reports of the activities of their departments to the Town Manager. **[Amended 10-24-2006 ATM, Art. 23]**
- (4) Maintain records. The heads of departments shall establish and maintain systems of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the Town Manager and to the Board of Selectmen.
- (5) Authority over employees. The heads of departments have the power, when authorized by the Town Manager, to appoint and remove, subject to personnel system regulations and the provisions of any applicable collective bargaining agreements, all subordinates under them. **[Amended 10-24-2006 ATM, Art. 23]**
- (6) Maintain equipment. The heads of department are responsible for the proper maintenance of all town property and equipment used in their departments. **[Amended 10-24-2006 ATM, Art. 23]**

- C. Departments. Each department shall furnish, upon the direction of the Town Manager, to any other department such service, labor and materials as may be requisitioned by the head of such other department, and as its own facilities permit, through the same procedure and subject to the same audit and control as other expenditures are incurred. **[Amended 10-24-2006 ATM, Art. 23]**
- D. Operation of administrative service. **[Amended 10-24-2006 ATM, Art. 23]**
- (1) Office hours. All offices and departments in the administrative service shall be open to conduct the public business during such days and hours as may be determined from time to time by the Town Manager.
  - (2) Make weekly deposits. All offices and departments in the administrative service shall, at least weekly, deposit with the Town Treasurer any moneys received directly from the public.

SECTION 4-200  
STANDARD PROVISIONS

**§ 4-201. Permanent and ad hoc multiple-member bodies. [Amended 10-24-2006 ATM, Art. 23]**

- A. Section 4-200 describes permanent multiple-member bodies of the Town. The Town Meeting may establish additional permanent multiple-member bodies of the town by the enactment of a bylaw amending this section and creating said permanent multiple-member body. All bylaws establishing permanent standing multiple-member bodies shall specify the following: membership, term of office, authorities and responsibilities, and interrelationships with both the Town Manager, the Board of Selectmen and other agencies within the Town.
- B. The Town Meeting may from time to time, by a vote under a warrant article, establish ad hoc multiple-member bodies to assist it in carrying out its responsibilities. Ad hoc multiple-member bodies shall be limited to a particular subject matter and shall serve only for a specific period of time.
- C. The Board of Selectmen may from time to time establish ad hoc multiple-member bodies to assist it in carrying out its responsibilities. Ad hoc multiple-member bodies shall be limited to a particular subject matter and shall serve only for a specific period of time.

**§ 4-202. Term of office. [Amended 10-24-2006 ATM, Art. 23]**

- A. Multiple-member bodies. The term for each office is three years, unless otherwise provided. Appointments are effective on the first day of July and expire on the 30th day of June or when a successor has been appointed and qualified. The terms of office are arranged so that 1/3 or as nearly as possible shall expire each year. A vacancy shall be filled by the appointing authority for the remainder of the unexpired term. The appointing authority shall annually evaluate all persons subject to reappointment. Persons may be reappointed to successive terms, but no member shall have a right to be reappointed. Members of multiple-member bodies may be removed for cause, subject to an

investigation and hearing by the appointing authority, pursuant to Charter Section 7-10, or for failure to regularly attend meetings of the multiple-member body as provided in Charter Section 7-12.

- B. Town officers and officials. The terms of office of individual town officers and other officials shall be for three years, unless otherwise provided. A vacancy shall be filled by the appointing authority for the remainder of the unexpired term. Appointments are effective on the first day of July, and expire on the 30th day of June, or when a successor has been appointed and qualified, provided, however, that the Town Manager may extend said date for officers and officials that the Town Manager appoints to a date not later than December 31 of any given year. The appointing authority shall annually evaluate all persons subject to reappointment. Persons may be reappointed to successive terms, but no town officer or official shall have a right to be reappointed. Town officers and other officials may be removed for cause, subject to an investigation and hearing by the appointing authority, pursuant to Charter Section 7-10.

**§ 4-203. Periodic reports.**

- A. In order to ensure that accurate and timely information concerning the administrative operations of the various town agencies is transmitted effectively, the town officers and employees named in this chapter are required to submit to the Town Manager reports when requested by the Town Manager, which detail in summary form the various activities of their department or division for the preceding period. Reports will focus upon program and service delivery, financial expenditures, achievement of performance standards, personnel actions and related information.
- B. All town officers, town employees and multiple-member bodies of the Town shall prepare annual reports of their activities and submit the same to the Town Manager for inclusion in the annual report of the Town, on or before the fourth Friday in July; provided, however, that the Town Manager may extend such date to a date not later than December 31 in any particular year. The annual report shall describe fiscal year activities for the year ending each June 30. Where required by state and/or federal regulations, certain boards shall submit copies of their annual reports to appropriate state and/or federal agencies. [Amended 10-24-2006 ATM, Art. 23]

**§ 4-204. Multiple-member body internal organization. [Amended 10-24-2006 ATM, Art. 23]**

- A. Each multiple-member body shall, at a minimum, annually elect from its membership, a Chair, Vice Chair and Clerk. Multiple-member bodies may further elect a Treasurer and such other officer or officers as are deemed necessary or as may be required by law. The annual election shall occur in July of each year or immediately following the annual appointment of members by the appointing authority. Each multiple-member body shall forthwith following its annual organization and election of officers file a report in the office of the Town Clerk on a form approved by the Town Clerk.
- B. The Chair shall preside over all meetings of the multiple-member body and is its official representative in all proceedings before the Board of Selectmen and other officials of the

Town. The Vice Chair shall perform the Chair's functions, in the absence of the Chair. The Clerk of the multiple-member body is responsible for the certification of the multiple-member body's meeting minutes, observance of the Public Records Law<sup>1</sup> and maintenance of other records of the multiple-member body.

**§ 4-205. Time and place of meetings. [Amended 10-24-2006 ATM, Art. 23]**

The Clerk of each multiple-member body is responsible for notifying the Town Clerk and the Board of Selectmen, annually, on or before the first day of July, of the regularly scheduled meeting times and dates for the ensuing fiscal year. The notification shall also include a location for each regular meeting. This shall not prevent multiple-member bodies calling special meetings in addition to those regularly scheduled, provided that, in all instances, the requirements of the open meeting law are followed. The Town Clerk shall ensure posting of all meeting schedules, consistent with the Open Meeting Law.<sup>2</sup> No multiple-member body shall schedule a regular meeting which conflicts with a regularly scheduled session of the Northbridge Town Meeting.

**§ 4-206. Authority to establish subcommittees. [Amended 10-24-2006 ATM, Art. 23]**

Each multiple-member body may establish subcommittees for the purpose of addressing a particular issue. A report of the activities of any such subcommittee shall regularly be made to the full multiple-member body. Each subcommittee shall observe laws relevant to the keeping of public records, the Open Meeting Law, and any other applicable laws.

**§ 4-207. Meetings with Town Manager. [Amended 10-24-2006 ATM, Art. 23]**

- A. The delivery of services to the public requires coordination and cooperation among the various departments. At the administrative and operational level, managers shall seek to identify areas where the various departments can assist each other in accomplishing of their mission.
- B. The Town Manager shall meet, as necessary, with each of the officers and employees listed in this chapter to discuss their activities, to coordinate activities and to mitigate duplication of services where possible. The Town Manager, in meetings with the said officers and employees, shall develop action programs, evaluate program completion, review management, financial, personnel and legal issues.
- C. The Chair of each multiple-member body shall annually, upon election, meet with the Town Manager for the purpose of defining an appropriate reporting relationship during the ensuing fiscal year. The meeting should review the following minimum areas: frequency and method of reporting, official or officials responsible for reporting, transmittal of monthly and quarterly summaries of actions taken by the multiple-member body and the role of the Board of Selectmen in developing policies of interest to the multiple-member body.

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1. Editor's Note: See MGL c. 66, § 1 et seq.

2. Editor's Note: See MGL c. 39, § 23B.

**§ 4-208. Authority of multiple-member bodies.**

A. Multiple-member bodies may be:

- (1) Advisory: wherein the body has no legal authority to promulgate rules or regulations, decide individual cases or enact policy;
- (2) Regulatory: wherein the body has legal authority to promulgate rules and regulations, decide individual cases and enact policy;
- (3) Ministerial: wherein the body has legal authority to take actions which are essentially administrative in nature; or
- (4) Combinations of advisory, regulatory and ministerial.

B. Multiple-member bodies are defined in the manner noted. [Amended 10-24-2006 ATM, Art. 23]

**§ 4-209. Eligibility for service. [Amended 10-24-2006 ATM, Art. 23]**

Any registered voter of the Town, except a permanent full-time municipal employee of the Town, is eligible to be appointed to any multiple-member body of the Town. This limitation shall not prevent a town employee from serving as a member of a multiple-member body the functions of which are wholly unrelated to such persons municipal employment. A town employee may also serve as member of a multiple-member body when such service is specifically required as a representative of a municipal agency.

**§ 4-210. Filing of minutes. [Amended 10-24-2006 ATM, Art. 23]**

Certified copies of the minutes of all meetings of all multiple-member bodies shall be filed with the Town Clerk within five days following the next meeting of the multiple-member body after the meeting was held, at which meeting said minutes shall have been approved by the multiple-member body. The minutes of all executive sessions of multiple-member bodies shall be filed with the Town Clerk within five days following the date the minutes of those meetings are made public. This filing of minutes of meetings with the Town Clerk is for the convenience of the public. Such filing shall not be construed to be the official records of the multiple-member body. The official records shall continue to be maintained in the custody of the person designated pursuant to MGL c. 66, § 6. The minutes of all executive sessions of multiple-member bodies shall be approved at the next regular meeting of the multiple-member body and be kept by the Town Manager and members of the bodies until they are approved to be made public.

**§ 4-211. References to statutes.**

The references to state statutes which are contained in the sections which follow (describing the powers, duties and responsibilities of the town agencies) are provided for the purpose of describing the broad scope of the authority and responsibility which may be exercised by the Town of Northbridge with respect to each particular matter. Such enumeration is not to be construed in any way as intended to impose a limitation on the ability of the Town, pursuant

to Article 5 of the Northbridge Home Rule Charter and MGL c. 43B, § 20, to reassign powers, duties and responsibilities among and between town agencies generally.

**§ 4-212. Reorganization plans submitted by the Town Manager.**

- A. Any plan proposed by the Town Manager which purports to be a reorganization plan under Section 5-1(b) of the Northbridge Home Rule Charter which does not contain a proposal in which is incorporated amendments, revisions or repeals of this chapter and any other chapters or provisions of this Code of Town bylaws as will accomplish the desired reorganization shall not be deemed to be a reorganization plan within the meaning of said Section 5-1(b).
- B. Each proposed reorganization plan filed by the Town Manager shall bear an identifying number and shall be accompanied by a detailed statement of the Town Manager explaining the reasons underlying the submission of the proposed plan and the goals and objectives expected to be achieved by implementation of the plan. **[Amended 10-24-2006 ATM, Art. 23]**
- C. Each proposed reorganization plan shall make due provision for the civil service status, seniority, retirement, and other rights of Town employees as required by state statute, or collective bargaining agreements. **[Amended 10-24-2006 ATM, Art. 23]**

SECTION 4-300  
**MULTIPLE-MEMBER BODIES**

**§ 4-301. Aging, Council on.**

- A. Establishment. The Council on Aging consists of 11 members. (See MGL c. 40, § 8B.) **[Amended 10-24-2006 ATM, Art. 23]**
- B. Mode of appointment. The members of the Council on Aging are appointed by the Board of Selectmen. **[Amended 10-24-2006 ATM, Art. 23]**
- C. Authorities and responsibilities.
  - (1) The Council on Aging is to be an advocate for the needs of the elderly people residing in the Town. The Council on Aging shall make continuing surveys of the elderly population to better determine their needs, problems and concerns. It shall develop criteria for program and supportive services based upon an assessment of needs and participates in programs offered by the Commonwealth's Department of Elder Affairs. The Council on Aging is an advisory committee of the Town. **[Amended 10-24-2006 ATM, Art. 23]**
  - (2) The Council on Aging shall:
    - (a) Identify the needs of the community's elderly population.
    - (b) Educate the community and enlist the support and participation of all Town residents concerning these needs.

- (c) Design, promote and implement services to fill these needs or coordinate present, existing services in the community.
  - (d) Promote and support any other programs which are designed to assist elderly people in Northbridge.
- (3) Cooperate with the Commonwealth of Massachusetts Office of Elderly Affairs and be cognizant of all state and federal legislation concerning funding, information exchanges and programming which exist for the elderly. **[Amended 10-24-2006 ATM, Art. 23]**
- (4) File an annual report with the Board of Selectmen, and the Commonwealth of Massachusetts Office of Elderly Affairs. **[Amended 10-24-2006 ATM, Art. 23]**
- D. Interrelationships. **[Amended 10-24-2006 ATM, Art. 23]**
- (1) Board of Selectmen: The Council on Aging consults with the Board of Selectmen in developing policies concerned with the issues and needs facing the elderly within the Town.
  - (2) Town Manager: The Town Manager provides administrative staff support to the Council on Aging. The Council on Aging advises the Senior Services Director concerning program and supportive service delivery as well as financial management issues. **[Amended 10-25-2011 ATM, Art. 7]**

#### **§ 4-302. Appeals, Zoning Board of.**

- A. Establishment. The Zoning Board of Appeals consists of five members and four associate members. (See § 173-46 of Northbridge Zoning Bylaw.) **[Amended 10-24-2006 ATM, Art. 23]**
- B. Mode of appointment; term of office. The regular members of the Zoning Board of Appeals are appointed by the Board of Selectmen for terms of five years each, so arranged that the term of one member shall expire each year. The alternate members of the Board of Appeals are appointed for terms of four years each so arranged that the term of one member will expire each year. **[Amended 10-24-2006 ATM, Art. 23]**
- C. Authorities and responsibilities.
- (1) The Board of Appeals for zoning hears and decides individual cases brought by persons seeking land use relief; all as provided for in MGL c. 40A, §§ 7, 9 and 17, and the zoning bylaws of the Town. The Board of Appeals for zoning is an advisory and regulatory body of the Town.
  - (2) The Board acts as a Board of Appeals on matters of subdivision control under the applicable sections of MGL c. 41, §§ 81M, 81Y, 81Z, 81AA and 81BB; and decides on comprehensive permits pursuant to the provisions of MGL c. 40B, §§ 20 - 23.
- D. Interrelationships. **[Amended 10-24-2006 ATM, Art. 23]**

- (1) Board of Selectmen: The Zoning Board of Appeals consults with the Board of Selectmen in the matter of developing policies concerning the administration of the Zoning Bylaw.
- (2) Town Manager: The Town Manager provides clerical and professional assistance to the Board to enable it to effectively administer the Zoning Bylaw.<sup>3</sup>
- (3) Other town agencies: The Zoning Board of Appeals hears appeals of decisions made by the Building Inspector. The Zoning Board of Appeals also consults with the Planning Board, Conservation Commission, Board of Health, Historical Commission, Development and Industrial Commission, the Licensing Authority and the Building Inspector.

**§ 4-303. Assessors, Board of. [Amended 10-24-2006 ATM, Art. 23]**

- A. Establishment. The Board of Assessors consists of three members. (See MGL c. 41, §§ 24 to 30B and c. 59, generally.)
- B. Mode of appointment. The Board of Assessors is appointed by the Board of Selectmen.
- C. Authorities and responsibilities. The Board of Assessors shall annually make a fair cash valuation of all of the property, both real and personal, subject to taxation within the Town. The Board of Assessors annually determines the annual tax rate necessary to meet all sums voted by the Town. It hears and decides all questions relating to the abatement of taxes levied by it. The Board of Assessors has all of the other powers, duties and responsibilities which are given to Assessors by law. The Board of Assessors is an advisory and regulatory committee of the Town.
- D. Interrelationships.
  - (1) Board of Selectmen: The Board of Assessors annually provides the Board of Selectmen with the necessary classification rate information for the holding of classification hearings, including exemption recommendations, and advises the Board of Selectmen on legislative and policy matters concerning valuation, classification, abatements and otherwise.
  - (2) Town Manager: The Town Manager provides the clerical and professional assistance the Board requires to perform its duties. The Board of Assessors interacts with the Town Manager and the administrative organization primarily for the purpose of obtaining clerical and professional assistance to perform the administrative functions necessary to implement the Board of Assessors' determinations. The Town Manager otherwise provides support as requested or required by law. The Town Manager also appoints a principal appraiser after consultation with the Board. The Board of Assessors provides information to the Planning Board, Zoning Board of Appeals and other town boards as required by law.

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3. Editor's Note: See Ch. 173, Zoning.

**§ 4-304. Building, Planning and Construction Committee.** [Amended 5-4-1999 ATM, Art. 16; 10-24-2006 ATM, Art. 23; 10-25-2011 ATM, Art. 7]

- A. Establishment. The Building, Planning, and Construction Committee consists of seven members.
- B. Mode of appointment. Three members shall be appointed by the Board of Selectmen for terms of three years each, so arranged that the term of one such appointee shall expire each year, and three members shall be appointed by the Town Moderator for terms of three years each, so arranged that the term of one such appointee shall expire each year. The seventh member shall be appointed by the School Committee for a term of three years. The appointee of the School Committee shall be a member of the School Committee or its designee. If the appointee of the School Committee is a member of the School Committee and ceases to be a member of the School Committee during his/her term, such appointee's term on the Committee shall be deemed to be automatically terminated as a result on the date thereof, and the School Committee shall appoint a successor to serve for the remainder of such term. The Committee shall include in its membership a registered professional engineer or an architect, an attorney, and a person employed in the construction industry or a related trade or profession.
- C. Authorities and responsibilities.
- (1) The Building, Planning and Construction Committee is responsible for surveying the growth needs of the Town, the needs of the community and the physical condition of all municipal buildings and other facilities. The Committee shall meet from time to time with representatives of all municipal agencies to determine the need for additions or renovations to any existing buildings or for the construction of new buildings or any other facilities for the Town, and to determine the appropriate sites for such buildings and facilities.
  - (2) When capital improvement projects are approved as provided in Subsection D, the Building, Planning, and Construction Committee is responsible for recommendations for the awarding of all contracts associated with said projects. The Building, Planning, and Construction Committee is also responsible for all work associated with said projects, which will include site planning, preliminary architectural plans, drawings, and construction supervision. At a regular scheduled Board of Selectmen meeting, the Town Manager will award all contracts relating to capital projects. The Building, Planning, and Construction Committee will present a bimonthly report to the Board of Selectmen at one of the Board of Selectmen's regularly scheduled meetings to update the Board on the status of such projects.
  - (3) All horizontal projects, which are considered to consist of roadways, bridges, sidewalks, underground and overhead utilities including related pump stations and other types of infrastructure, will come under the jurisdiction of the Department of Public Works (DPW). Horizontal construction, commonly referred to as "public works," is governed under MGL c. 30, § 39M. The DPW shall submit to the Building, Planning, and Construction Committee copies of its approved projects for review. The DPW Director or his/her designee shall give a written and/or oral

bimonthly report on the status of such projects to a joint meeting of the Board of Selectmen and the Building, Planning, and Construction Committee.

D. Interrelationships.

- (1) By October 1 of each year all departments shall submit to the Building, Planning, and Construction Committee any capital requests, which would include the need for additions or renovations to existing buildings or for the construction of new buildings or any other facilities for the Town, whether funded by general revenue, borrowing, enterprise funds, grants, or otherwise.
- (2) The Building, Planning, and Construction Committee shall submit an updated prioritized five-year capital improvement plan based on the requests received from all departments to the Town Manager by the following December 1. The Building, Planning, and Construction Committee shall consult with the Finance Committee and municipal finance officials to compile financial data in support of the draft to be submitted to the Town Manager.
- (3) Pursuant to Section 6-7 of the Town Charter, the Town Manager shall submit a capital improvement and financial plan to the Board of Selectmen and the Finance Committee by February 1 of each year. These plans shall come specifically from the Building, Planning, and Construction Committee draft.
- (4) The Board of Selectmen, along with the Finance Committee, will review the capital improvement plan submitted by the Town Manager. Following this review, the Board of Selectmen will draft articles for the recommended projects for the Fall Annual Town Meeting.

**§ 4-305. Cable Television Advisory Committee.**

- A. Establishment. The Cable Television Advisory Committee consists of seven members. **[Amended 10-24-2006 ATM, Art. 23]**
- B. Mode of appointment. The members of the Cable Television Advisory Committee are appointed by the Board of Selectmen. **[Amended 10-24-2006 ATM, Art. 23]**
- C. Authorities and responsibilities.
  - (1) The Cable Television Advisory Committee advises the Board of Selectmen and Town Manager on matters relating to the licensing and supervision of a contract for cable television services in the town consistent with MGL c. 166A. Consistent with the cable television contract, the Cable Television Advisory Committee may be designated by the Town Manager to exercise certain authorities under the contract.
  - (2) The Cable Television Advisory Committee acts as a sounding board for citizen complaints and suggestions relating to the cable television services and shall, under the direction of the Town Manager, refer subscriber complaints to the cable operator for appropriate resolution. The Cable Television Advisory Committee meets not less than once each quarter for the purpose of reviewing cable contract

compliance, and advising on other licensing matters. The Cable Television Advisory Committee is an advisory committee of the Town.

D. Interrelationships. [**Amended 10-24-2006 ATM, Art. 23**]

- (1) Board of Selectmen: The Cable Television Advisory Committee advises the Board of Selectmen on matters relating to issues and policies concerning cable television matters.
- (2) Town Manager: The Cable Television Advisory Committee meets regularly with the Town Manager, and provides advice, information and recommendations in the matter of licensing for the cable contract. The Cable Television Advisory Committee interacts with the Town Manager and the administrative organization primarily for the purpose of obtaining clerical and professional assistance to enable it to perform its functions, in order to efficiently manage the cable license.

**§ 4-306. Bylaw Review Committee.** <sup>4</sup>

- (1) The Bylaw Review Committee is appointed periodically as required by the Charter. The term of office shall be from October 1 in a year ending in zero or five to no later than the Fall Annual Town Meeting in the succeeding year at which their report is presented as required by Section 7-8(b), Bylaw Review, of the Northbridge Town Charter.
- (2) The Board of Selectmen may, at their discretion and for reasons beyond their control which cause an unavoidable delay in completion of the bylaw review, extend the term of the Bylaw Review Committee for a period of no longer than six months.

**§ 4-307. Conservation Commission.**

- A. Establishment. The Conservation Commission consists of seven members (MGL c. 40, § 8C). [**Amended 10-24-2006 ATM, Art. 23**]
- B. Mode of appointment. The members of the Conservation Commission are appointed by the Board of Selectmen. [**Amended 10-24-2006 ATM, Art. 23**]
- C. Authorities and responsibilities.
  - (1) The purpose of the Conservation Commission is to protect, promote and enhance the quantity and quality of the natural resources within the Town, especially wetlands, wildlife and water resources, through planning, acquisition, land management, regulation, scientific research and public education. The Conservation Commission may conduct researches into local land areas and shall seek to coordinate the activities of unofficial bodies organized for similar purposes. The Conservation Commission is an advisory and regulatory committee of the Town. [**Amended 10-24-2006 ATM, Art. 23**]

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4. Editor's Note: Former § 4-306, Capital Planning Committee, was repealed 5-4-1999 ATM, Art. 16.

- (2) The Conservation Commission may receive gifts, bequests or devises of personal property or interests in real property in the name of the Town, subject to approval of the Board of Selectmen. The Conservation Commission may also receive monetary gifts for deposit to a Conservation Gift Account, and expend the same, subject to the General Laws and the approval of the Board of Selectmen. **[Amended 10-24-2006 ATM, Art. 23; 10-25-2011 ATM, Art. 7]**
- (3) The Conservation Commission is responsible for the implementation of the provisions of MGL c. 131, § 40, in protecting floodplains, water bodies and other wetlands within the Town, and the wetlands protection and aquifer protection provisions of the Town bylaws.

- (4) The Conservation Commission is responsible, with the Recreation Commission, for development and adoption of the town's Open Space and Recreation Plan, subject to Board of Selectmen approval. The Conservation Commission may adopt policies and promulgate land management plans for properties of the town reserved for conservation purposes.

D. Interrelationships.

- (1) Board of Selectmen: The Conservation Commission consults with the Board of Selectmen for the purposes of developing policies and proposed legislation for the town designed to protect, promote and enhance the quantity and quality of the natural resources within the Town. **[Amended 10-24-2006 ATM, Art. 23]**
- (2) Town Manager: The Conservation Commission interacts with the Town Manager in all matters relating to the receipt of gifts, bequests or devises of personal property or interests in real property in the name of the Town. Administrative support to the Conservation Commission is primarily through the Town Manager who, in addition, coordinates the activities of other administrative departments in order to ensure effectiveness of the Conservation Commission's decisions.
- (3) Other town agencies: The Conservation Commission consults with the Planning Board, Zoning Board of Appeals, the Board of Health and the Historical Commission, as required to accomplish the Commission's mission. **[Amended 10-24-2006 ATM, Art. 23]**

**§ 4-308. Contributory Retirement Board.**

- A. Establishment. The Contributory Retirement Board consists of five members. [Note: See MGL c. 32, § 20(4)(b).] **[Amended 10-24-2006 ATM, Art. 23]**
- B. Mode of appointment; selection. The Town Accountant shall serve, ex officio, as a member of the Board, one member shall be appointed by the Board of Selectmen; two members shall be elected by the members in or retired from the service of such system from among their number, and the fifth member, who shall not be an employee or official of the Town of Northbridge, shall be chosen by the other members. The terms of all members shall be for three years.
- C. Authorities and responsibilities. The Contributory Retirement Board has the powers and duties provided in MGL c. 32, § 20(5) and shall be responsible for the management of the retirement system for the Town, subject to the requirements of MGL c. 32 and to the oversight of the Commissioner of Public Employee Retirement as provided in MGL c. 32, § 21, and otherwise. **[Amended 10-24-2006 ATM, Art. 23]**

**§ 4-309. Cultural Council.**

- A. Establishment. The Cultural Council consists of seven members. (See MGL c. 10, § 58.) **[Amended 10-24-2006 ATM, Art. 23]**

- B. Mode of appointment. The members of the Cultural Council are appointed by the Board of Selectmen. No member shall serve more than two consecutive terms. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities or interpretive sciences. **[Amended 10-24-2006 ATM, Art. 23]**
- C. Authorities and responsibilities. The Cultural Council shall decide the manner of distribution of arts lottery funds or other funds that may be available to it and may also conduct other activities to promote and encourage the arts, humanities or interpretive sciences. The Cultural Council shall operate pursuant to the provisions of MGL c. 10, § 58. The Cultural Council is an advisory and ministerial body of the Town.
- D. Interrelationships.
- (1) Board of Selectmen: The Cultural Council interacts with the Board of Selectmen for the purpose of discussing policies and programs designed to promote and encourage the arts within the Town.
  - (2) Town Manager: The Cultural Council interacts with the Town Manager for the purpose of receiving administrative support, financial assistance, utilization of property for the purpose of sponsoring art exhibits, displays and related administrative activities.

**§ 4-310. Disability Commission. [Amended 10-24-2006 ATM, Art. 23]**

- A. Establishment. The Disability Commission consists of five members. (See MGL c. 40, § 8J.)
- B. Mode of appointment. The members of the Disability Commission are appointed by the Board of Selectmen. A majority of the persons appointed shall consist of persons with disabilities; one member may be a member of the immediate family of a person with a disability, and one member shall be an employee of the Town. The Disability Commission may appoint two alternates.
- C. Authorities and responsibilities. The Disability Commission researches local problems of people with disabilities, advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities, coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts Office on Disability, review and make recommendations about policies, procedures, services, activities and facilities of departments and boards of the town as they affect people with disabilities, provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability, and coordinate the activities of other local groups organized for similar purposes. The Commission may draft rules and regulations concerning disabled persons' needs and issues, for adoption by the Town Manager and Board of Selectmen. The Commission may receive gifts of property, both real and personal, in the name of the Town, subject to approval of the Board of Selectmen, such gifts to be managed and controlled by the Commission. The Disability Commission is an advisory and ministerial body of the Town.

## D. Interrelationships.

- (1) Board of Selectmen: The Disability Commission consults with the Board of Selectmen to advise it on policies designed to meet the needs of the disabled and keep it informed of new developments in state and federal laws and regulations relating to the disabled.
- (2) Town Manager: The Disability Commission consults with the Town Manager to ensure that town programs and activities, as well as facilities, serve the disabled, and come into compliance with state and federal standards. The Commission receives administrative support through the Town Manager.
- (3) Other town agencies: The Disability Commission interacts with the Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Historical Commission, Building, Planning and Construction Committee, Northbridge Housing Authority, and others as necessary, or needed, to assure compliance with relevant laws, rules and regulations concerning disabled persons.

**§ 4-311. Health, Board of.**

- A. Establishment. The Board of Health consists of five members, one of whom shall be a health care professional. (See MGL c. 111, §§ 26 to 32.) **[Amended 10-24-2006 ATM, Art. 23]**
- B. Mode of appointment. The members of the Board of Health are appointed by the Board of Selectmen. **[Amended 10-24-2006 ATM, Art. 23]**
- C. Authorities and responsibilities.
  - (1) The Board of Health seeks to preserve and maintain the town's public health standards and protect its environmental resources by educational means and by strict enforcement of various regulations, bylaws, State Health Codes (CMR), General Laws, in particular MGL c. 111, and federal law. The Board of Health carries out duties and responsibilities assigned by either state or local legislation, as these primarily concern public health standards and protection of environmental resources. The Board of Health establishes policies and programs for implementation by the Health Department. The Board of Health is an advisory and regulatory committee of the Town.
  - (2) No town agency, board, commission or officer shall enter into an agreement with a private vendor, the purpose of which would be to provide for town-wide residential trash collection services; however, nothing in this subsection shall limit in any way the authority of the Board of Health, under state law, to regulate the issuance of solid waste collection permits as it deems to be in the town's best interest.
- D. Interrelationships.
  - (1) Board of Selectmen: The Board of Health provides the Board of Selectmen with all needed or required information concerning issues related to the public health in the Town. **[Amended 10-24-2006 ATM, Art. 23]**

- (2) Town Manager: The Town Manager will ensure that the Board's administrative staff in the Health Division carries out its rules, regulations and decisions. The Manager must meet periodically with the Board of Health so as to ensure that administrative staff support is effective. **[Amended 10-24-2006 ATM, Art. 23]**
- (3) Other town agencies: As necessary, the Board of Health interacts with other boards within the town on issues of concern to the public health, including the School Department, the Planning Board, Conservation Commission, the Northbridge Housing Authority, the Historical Commission, the Development and Industrial Commission and the Licensing Authority.

**§ 4-312. Historical Commission.**

- A. Establishment. The Historical Commission consists of seven members. (See MGL c. 40, § 8D.) **[Amended 10-24-2006 ATM, Art. 23]**
- B. Mode of appointment. The members of the Historical Commission are appointed by the Board of Selectmen. **[Amended 10-24-2006 ATM, Art. 23]**
- C. Authorities and responsibilities.
  - (1) The purpose of the Historical Commission is to preserve, protect and develop the historical and archaeological assets of the Town. The Historical Commission may conduct research for places of historic and archaeological value, and shall cooperate with the State Archaeologist in conducting such research. The Historical Commission seeks to coordinate the activities of unofficial bodies organized for similar purposes and may, subject to appropriation and approval by the Town Manager, advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work.
  - (2) The Historical Commission, for the purpose of protecting and preserving such places, may make such recommendations as it deems necessary to the Board of Selectmen, and, subject to the approval of the Board of Selectmen, to the Massachusetts Historical Commission, that any such place be certified as an historical or archaeological landmark.
  - (3) The Historical Commission may hold hearings, may recommend to the Town Manager execution of contracts with individuals, organizations and institutions or services furthering the objectives of their program, may recommend to the Town Manager execution of contracts with local or regional associations for cooperative endeavors furthering its program, and may with the approval of the Town Manager, accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering its programs. The Historical Commission may recommend to the Board of Selectmen acquisition of property by gift, purchase, grant, bequest, devise, lease or otherwise a fee or lesser interest in real or personal property of significant historical value and upon approval by the Town Manager, may be directed to manage the same, may make and execute any agreement and may do and perform

any and all acts which may be necessary or desirable to carry out the purposes of this section.

- (4) The Historical Commission surveys and compiles a listing of all historical sites and buildings within the Town, public and private, determines the functions and structures of all historical organizations within the town and holds correlative seminars with historical organizations. It further determines the requirements for repair, reconstruction and protection of historical landmarks, assists and cooperates with public commissions in the conduct of public historical events. The Historical Commission is an advisory committee of the Town.

D. Interrelationships.

- (1) Board of Selectmen: The Historical Commission advises the Board of Selectmen on policies and legislation concerning the preservation, protection and development of historical or archaeological assets in the Town. **[Amended 10-24-2006 ATM, Art. 23]**
- (2) Town Manager: The Town Manager interacts with the Historical Commission primarily for the purposes outlined in order to effectuate its activities, and/or acquisition of interests in historical properties within the Town. Administrative support is provided to the Commission through the Town Manager.
- (3) Other town agencies: The Historical Commission shall, with respect to matters or actions affecting the historical or archaeological assets of the Town, coordinate with state boards and agencies, including, but not limited to, the Massachusetts Historical Commission, the State Archaeologist, local and regional planning committees and interact with respect to such matters or actions with town agencies, including, but not limited to the Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health and the Northbridge Housing Authority, as necessary, in order to better coordinate the activities of these boards in instances where properties of either a historical or archaeological value are under consideration by these boards.

**§ 4-313. Industrial Development Finance Authority and Commission.**

- A. Establishment. The Industrial Development Finance Authority and Commission consists of seven members. (See MGL c. 40, § 8A and c. 40D.) **[Amended 10-24-2006 ATM, Art. 23]**
- B. Mode of appointment. The members of the Industrial Development Finance Authority and Commission are appointed by the Board of Selectmen for terms of five years each. At least one member shall be experienced in financial matters, one in real estate matters and one in town government. The Industrial Development Finance Authority and Commission is an advisory and ministerial body of the Town. **[Amended 10-24-2006 ATM, Art. 23]**
- C. Authorities and responsibilities.

- (1) The Industrial Development Finance Authority and Commission is responsible for coordinating and approving industrial development projects for financing by means of tax exempt industrial development finance bonds. The Industrial Development Finance Authority and Commission acts pursuant to the provisions of MGL c. 40D. The Town, acting by and through its authority, and the Town Manager are authorized and empowered to borrow money in furtherance of the purposes of MGL c. 40D, and to evidence the same by the issuance of bonds.
- (2) The Industrial Development Finance Authority and Commission shall also serve as a development and industrial commission to provide advice and assistance relative to development of the town's economic resource base, and to provide assistance in the development of an economic development plan.
- (3) The Industrial Development Finance Authority and Commission advises and assists in development of specific economic development goals, establishes methods to foster cooperation among the private and public sectors, establishes methods to increase job opportunities for residents of the Town, establishes methods to assist existing businesses in their expansion needs, establishes methods to assist businesses locating in the town and establishes methods to determine the compatibility of certain businesses with the environment and character of the Town.

D. Interrelationships.

- (1) Board of Selectmen: The Industrial Development Finance Authority and Commission interacts with the Board of Selectmen on all matters concerning industrial development within the Town, and specifically to provide recommendations concerning development of the town's economic resources.
- (2) Town Manager: The Industrial Development Finance Authority and Commission interacts with the Manager for the purpose of seeking review and approval for programs and proposals it has made or intends to make on behalf of the Town. Administrative support is provided by the Town Manager.
- (3) Other town agencies: As necessary, the Industrial Development Finance Authority and Commission meets with the Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, the Historical Commission and other town agencies in pursuit of economic development planning and coordination of efforts.
- (4) Regional agencies: As necessary the Industrial Development Finance Authority and Commission meets with other public and private agencies located in proximity to Northbridge which are also concerned with economic development matters.

**§ 4-314. Licensing Authority.**

- A. Establishment. The Board of Selectmen shall serve as a Licensing Authority for the town pursuant to the provisions of MGL c. 138 and MGL c. 140, § 1.

- B. Mode of appointment. The members of the Board of Selectmen shall serve by virtue of their office as the members of the Licensing Authority.
- C. Authorities and responsibilities. The Licensing Authority may grant licenses relating to alcoholic beverages under Chapter 138 of the General Laws and those licenses under Chapter 140 of the General Laws which are not, by the provisions of said chapter, placed within the jurisdiction of another municipal officer or agency, and shall have all the powers and duties of a Licensing Authority under said chapters. The Licensing Authority is an advisory and regulatory body of the Town.
- D. Interrelationships.
  - (1) Board of Selectmen: The Board of Selectmen in its capacity as the Licensing Authority shall, annually, file a separate report listing all of its doings regarding licensing activities, with recommendations, as necessary, concerning issues relative to Chapter 138 and Chapter 140 licensing within the Town. A copy of this report shall be filed in the office of the Town Clerk.
  - (2) Town Manager: The Town Manager provides the Licensing Authority administrative support for its deliberations and responsibilities. The Licensing Authority shall further discuss with the Manager budgetary issues and other related licensing issues of the Town. **[Amended 10-24-2006 ATM, Art. 23]**

#### **§ 4-315. Personnel Board.**

- A. Establishment. The Personnel Board consists of five members. **[Amended 10-24-2006 ATM, Art. 23]**
- B. Mode of appointment. The Personnel Board shall be appointed by the Board of Selectmen. At least two members of the Personnel Board shall be qualified by reason of experience in personnel administration.
- C. Authorities and responsibilities.
  - (1) A majority of the members of the Personnel Board constitute a quorum for the transaction of its business, but the affirmative vote of a majority of its membership shall be necessary for any official act of the Personnel Board. **[Amended 10-24-2006 ATM, Art. 23]**
  - (2) Except as otherwise provided by law, the Personnel Board shall have access to all facts, figures, records and other information relating to the personnel of town departments, and the same shall be furnished forthwith by the Town Manager whenever so requested by the Board in such form as said Board may require.
  - (3) Personnel policy.
    - (a) The Personnel Board, consistent with the Town Charter and applicable state and federal laws, shall develop and recommend a town personnel policy to be approved by the Board of Selectmen and administered by the Town Manager.

- (b) The town personnel policy shall encompass modern personnel practices, provide for equitable and fair treatment of town employees, reflect the town's commitment to equal employment opportunity and affirmative action and provide for a merit-based performance evaluation system; provided, further, that nothing in said policy shall infringe upon a department director's ability to supervise and discipline other employees subject to an appropriate appeal process to the Town Manager.
- (c) At a minimum, the policy shall consist of the following components:
  - [1] Applicability to different classes of employees.
  - [2] Recruitment and selection of employees.
  - [3] Pay and classification plan.
  - [4] Rules of conduct and hours of work.
  - [5] Employee benefits.
  - [6] Leaves of absence.
  - [7] Maintenance of personnel records.
  - [8] Disciplinary procedures.
  - [9] Grievance hearing processes.
  - [10] Federal and state required elements (e.g., ADA).
- (d) Before the Personnel Board makes any recommendations to the Board of Selectmen regarding the personnel policy, it shall hold a duly advertised public hearing at which employees and the public may have the opportunity to express their views with respect to any proposed amendments.
- (e) Upon receipt from the Personnel Board of a proposed change in the personnel policy, the Board of Selectmen shall place on its next available agenda the proposal for discussion, inviting the Personnel Board to attend. The Board of Selectmen may accept, reject or amend the proposal of the Personnel Board. The Town Manager shall be responsible for administration and enforcement of the personnel policy and any amendments thereof.
- (f) The Board of Selectmen and/or the Town Manager may at their own volition propose changes to the personnel policy by adhering to the following procedures:
  - [1] A draft of the proposed policy change shall be sent to the Personnel Board for public hearing and recommendation to the Board of Selectmen.
  - [2] The Personnel Board, from receipt of the draft proposal, shall have 30 days to conduct a public hearing and report back to the Board of Selectmen with its recommendation.

- [3] Should the Personnel Board fail to conduct a public hearing and report back to the Board of Selectmen within the allocated 30 days, the Board of Selectmen may conduct its own public hearing on the proposed change, after which it may take final action.
  - (4) The Personnel Board shall file an annual report of its activities, including its recommendations to the Board of Selectmen, by a time established by the Town Manager to allow for its inclusion in the annual town report.
- D. Interrelationships.
- (1) Board of Selectmen: The Personnel Board consults with the Board of Selectmen on the issues of personnel policy and legislation necessary to effectuate sound personnel management in the Town. [**Amended 10-24-2006 ATM, Art. 23**]
  - (2) Town Manager: The Town Manager provides clerical and professional assistance to the Board in the areas prescribed, and meets regularly with the Board in furtherance of its objectives. [**Amended 10-24-2006 ATM, Art. 23**]
  - (3) Other boards: The Personnel Board shall make itself available to other boards and departments in order to provide advice on personnel matters.

**§ 4-316. Playgrounds and Recreation Commission.**

- A. Establishment. The Playgrounds and Recreation Commission consists of five members. (See MGL c. 45.) [**Amended 10-24-2006 ATM, Art. 23; 10-28-2008 ATM, Art. 5**]
- B. Mode of appointment. The members of the Playgrounds and Recreation Commission are appointed by the Board of Selectmen. [**Amended 10-24-2006 ATM, Art. 23**]
- C. Authorities and responsibilities. The Playgrounds and Recreation Commission advises and otherwise assists the Town Manager in the establishment of rules and regulations concerning the use of all playground and athletic fields, including those under the jurisdiction of the School Committee except during the regular school year or at other times when such facilities are reserved for use for Town of Northbridge school activities. The Playgrounds and Recreation Commission further advises and otherwise assists the Town Manager in establishing rules and regulations for development, servicing and delivery of recreational activities in the Town. The Playgrounds and Recreation Commission is an advisory committee of the Town.
- D. Interrelationships.
  - (1) Board of Selectmen: The Playgrounds and Recreation Commission advises the Board of Selectmen relative to the establishment of policies concerning recreational programming within the Town. [**Amended 10-24-2006 ATM, Art. 23**]
  - (2) Town Manager: The Playgrounds and Recreation Commission interacts with the Town Manager to ensure that rules and regulations concerning playgrounds, athletic fields, and the development and delivery of recreational activities are

effective. The Playgrounds and Recreation Commission receives administrative support from the Town Manager for this purpose.

- (3) Department of Public Works (DPW): The Department of Public Works has responsibility for the day-to-day maintenance of land and facilities. Additionally, the DPW shall oversee all construction, repairs, maintenance and improvement of playgrounds, parks, athletic fields, and facilities. The Playground and Recreation Commission shall make recommendations on maintenance, repairs, and improvements to recreational facilities and shall submit proposed capital projects through the Town Manager to the DPW for inclusion in the Capital Improvement Plan. **[Added 10-24-2006 ATM, Art. 23]**
- (4) The Playgrounds and Recreation Commission may receive gifts, bequests or devises of personal property or interests in real property in the name of the town, subject to the approval of the Board of Selectmen. The Playgrounds and Recreation Commission may receive monetary gifts for development of a Playgrounds and Recreation fund, and expend the same, subject to the General Laws and the approval of the Board of Selectmen. **[Added 10-24-2006 ATM, Art. 23]**

**§ 4-317. (Reserved)** <sup>5</sup>

**§ 4-318. Registrars of Voters.**

- A. Establishment. The Board of Registrars of Voters consists of the Town Clerk and three other persons. (See MGL c. 51.) **[Amended 10-24-2006 ATM, Art. 23]**
- B. Mode of appointment. Members of the Board of Registrars of Voters are appointed by the Board of Selectmen, so that they represent the two leading political parties, and in no case shall an appointment be made as to cause the Board of Registrars of Voters to have more than two members, including the Town Clerk, of the same political party. Every such appointment shall be made from a list to be submitted by the town committee of the political party from the members of which the position is to be filled, containing the names of three enrolled members of such party resident in the Town, selected by a majority vote at a duly called meeting of such committee. **[Amended 10-24-2006 ATM, Art. 23]**
- C. Authorities and responsibilities. The Board of Registrars of Voters hold voter registration sessions, certify the signatures on nomination papers and petitions, hold hearings and decide disputes over signatures on nomination papers, prepare an annual list of persons (the, so-called, "street list") and all other duties as cited in MGL c. 51. The Board of Registrars of Voters is a regulatory and ministerial committee of the Town.
- D. Interrelationships.

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5. Editor's Note: Former § 4-317, Recycling Committee, as amended, was repealed 10-25-2011 ATM, Art. 7.

- (1) Board of Selectmen: Interaction with the Board of Selectmen is minimal; the main function of the Board of Registrars of Voters concerns itself with elective matters.
- (2) Town Manager: The Manager provides staff assistance through the employment of poll workers, ballot counters, supervision and facilities for the conduct of electoral matters. **[Amended 10-24-2006 ATM, Art. 23]**

**§ 4-319. Youth Commission.**

- A. Establishment. The Youth Commission consists of seven members. (See MGL c. 40, § 8E.) **[Amended 10-24-2006 ATM, Art. 23]**
- B. Mode of appointment. The members of the Youth Commission are appointed by the Board of Selectmen. Members appointed shall provide a balanced and diverse representation of the community's interests and concerns. At least three members shall be high school students. **[Amended 10-24-2006 ATM, Art. 23]**
- C. Authorities and responsibilities. The Youth Commission shall be responsible for carrying out programs which may be designed or established to meet the opportunities, challenges and problems of the youth of the Town. The Youth Commission advises and assists the Board of Selectmen and Town Manager in the development of policies, programs and delivery of services for the health and welfare of youth and their families. The Youth Commission shall regularly assess the needs of youth as individuals and community members and work with the School Department, Recreation Department, Police Department and other town departments, multiple-member bodies and community groups in coordinating or developing mutual efforts to address these needs. The Youth Commission further advises and otherwise assists the Town Manager in utilization of all federal, state and municipal programs and services available to youth and provides education and referral resources to all members of the community. The Youth Commission is an advisory committee of the Town.
- D. Interrelationships.
  - (1) Board of Selectmen: The Youth Commission advises the Board of Selectmen relative to the establishment of policies concerning youth and family service programming within the Town. **[Amended 10-24-2006 ATM, Art. 23]**
  - (2) Town Manager: The Youth Commission interacts with the Town Manager to ensure that the development and delivery of youth and family services are effective. The Youth Commission receives administrative support from the Town Manager.
  - (3) Other town agencies: As necessary, the Youth Commission interacts and meets with the Playgrounds and Recreation Commission and the School Committee.

**§ 4-320. Safety Committee. [Added 10-25-2011 ATM, Art. 7]**

- A. Establishment. The Safety Committee is advisory and consists of seven members.
- B. Mode of appointment. The Chief of Police, Fire Chief, Director of the Department of Public Works or his designee and the Town Planner are ex officio members of the Committee. One member is appointed by the School Committee and two additional members are appointed by the Board of Selectmen, one of whom is a local business person.
- C. Authorities and responsibilities. The Committee renders opinions and makes recommendations on public safety issues.
- D. Interrelationships. The Committee renders opinions and makes recommendations upon written requests from the Board of Selectmen, Planning Board, Zoning Board of Appeals and other boards and officers of the Town.

**§ 4-321. Town Manager Screening Committee. [Added 10-25-2011 ATM, Art. 7]**

- A. Establishment. A Town Manager Screening Committee of five members shall be established whenever the office of Town Manager is vacant for the purpose of soliciting, receiving and evaluating applications for the position of Town Manager.
- B. Mode of appointment. Two members shall be appointed by the Moderator, one member shall be appointed by the School Committee, one member shall be appointed by the Personnel Board and one member shall be appointed by the Planning Board.
- C. Authorities and responsibilities. The Screening Committee shall review all applications that are received by it, screen all such applicants by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient.
- D. Interrelationships. Not more than 120 days following the date on which the Committee meets to organize, the Committee shall submit to the Board of Selectmen the names of not fewer than three nor more than five persons whom it believes to be best suited to perform the duties of the office of Town Manager.
- E. Dissolution. Upon the appointment of a Town Manager, the Committee established hereunder shall be considered discharged.

SECTION 4-400  
**OFFICERS AND EMPLOYEES**

**§ 4-401. Town Accountant.**

- A. Establishment. There shall be a Town Accountant.(See MGL c. 41, §§ 44 to 61.)
- B. Mode of appointment. The Town Manager shall appoint a Town Accountant. The Town Accountant shall hold no other town office involving the receipt or disbursement of money.

## C. Authorities and responsibilities.

- (1) The Town Accountant shall examine the books and accounts of all town officers and multiple-member bodies entrusted with the receipt, custody or expenditure of money, and all original bills and vouchers on which money has been or may be paid from its treasury. The Town Accountant shall have free access to such books, accounts, bills and vouchers for the purpose of examination, and shall examine the same at least once in each year, and annually report in writing the result of such examinations. The Town Accountant shall, at least once a year, verify the cash balance of each town office by actual count of the cash and shall in the annual report of the Town Accountant certify, under oath, the facts so found.
- (2) The Town Accountant shall, at least once every year, audit the accounts of the trustees of any property the principal or income of which, in whole or in part, was bequeathed or given in trust for public uses for the benefit of the Town, or for the benefit of the inhabitants of the Town, and examine and estimate the funds, securities and evidences of property held by such trustees.
- (3) The Town Manager and all boards, committees, heads of departments and officers authorized to spend money shall approve and transmit to the Town Accountant all bills, drafts, orders and payrolls chargeable to the respective appropriations of which they have the expenditure. The Town Accountant shall examine all such bills, drafts, orders and payrolls, and, if found correct, shall draw a warrant upon the treasury for the payment of the same, and the Treasurer shall pay no money from the treasury except upon such warrant prepared by the Town Accountant and

approved by the Town Manager. The Town Accountant may disallow and refuse to approve for payment any claim as fraudulent, unlawful or excessive, and in such case the Town Accountant shall file with the Town Treasurer a written statement of the reasons for such refusal.

- (4) The Town Accountant shall keep a complete set of books and the accounts shall be kept, so far as practicable, in conformity with the classifications and forms prescribed by the Director of Accounts in accordance with MGL c. 44, § 43. The Town Accountant shall have custody of all contracts of the Town.
- (5) The Town Accountant shall immediately upon the close of the calendar year compile statements in tabulated form showing the amounts appropriated and the amounts expended from each appropriation during the preceding fiscal year, the amounts appropriated for the current fiscal year and the amounts expended from such appropriations during the first six months of such year and the amounts estimated to be expended from such appropriations during the second six months of such year, and the estimates for the next ensuing fiscal year, and shall forthwith furnish a copy thereof to the Town Manager, and to the Finance Committee.
- (6) The Town Accountant shall make an annual report, to be published as a town document.

**§ 4-402. Animal Control Officer.**

- A. Establishment. There shall be an Animal Control Officer who shall have all of the powers and duties of a dog officer, as provided in MGL c. 140, § 151A, and all of the powers and duties of a field driver, as provided in MGL c. 49, §§ 22 to 41.
- B. Mode of appointment; term of office. The Town Manager shall, annually, appoint an Animal Control Officer and such assistants as may be required and authorized and who shall hold office for one year or until their successors are qualified.
- C. The Animal Control Officer shall come under the control and jurisdiction of the Northbridge Police Department. [Added 10-24-2006 ATM, Art. 231<sup>6</sup> ]
- D. Authorities and responsibilities.
  - (1) The Animal Control Officer shall attend to all complaints or other matters pertaining to dogs and other animals in the Town.
  - (2) The Animal Control Officer shall be responsible for the enforcement of all laws relating to the care, custody and control of dogs (MGL c. 140, §§ 136A - 174). The Animal Control Officer shall be responsible for the enforcement of all laws relating to the care, custody and control of other animals found at large in the town (MGL c. 49, §§ 22 - 41).

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6. Editor's Note: This Article also redesignated former Subsection C as Subsection D.

**§ 4-403. Animals, Inspector of.**

- A. Establishment. There shall be an Inspector of Animals as provided in MGL c. 129, §§ 15 to 25.
- B. Mode of appointment; term of office. The Town Manager shall annually, in March, nominate one or more Inspectors of Animals, and before April first, shall send to the Director of Animal Health of the commonwealth the name, address and occupation of each nominee. Such nominee shall not be appointed until approved by the Director of Animal Health of the commonwealth (MGL c. 129, § 15).
- C. Authorities and responsibilities. Each Inspector of Animals shall comply with and enforce all orders and regulations directed to him by the Director of Animal Health (MGL c. 129, § 18). Inspectors of Animals shall make regular and thorough inspections of all neat cattle, sheep and swine found within the town limits. Such inspections shall be made at such times and in such manner as the Director of Animal Health shall from time to time order. Inspectors of Animals shall also from time to time make inspections of all other domestic animals within the limits of the town if they know, or have reason to suspect, that such animals are affected with or have been exposed to any contagious disease, and shall immediately inspect all domestic animals and any place where any such animals are kept whenever directed so to do by the Director of Animal Health (MGL c. 129, § 19).

**§ 4-404. Appraiser, Principal.**

- A. Establishment. There shall be a Principal Appraiser.
- B. Mode of appointment; term of office. The Town Manager, after consultation with the members of the Board of Assessors shall appoint the Principal Appraiser.
- C. Authorities and responsibilities.
  - (1) The Principal Appraiser shall appraise real and personal property in the town; perform field measurements and inspections of residential and commercial buildings, including new buildings, additions, major alterations, demolition and partial construction; also inspects land and land changes resulting from map changes, deed transfers and subdivision changes, using appropriate appraisal techniques, makes estimate of market value of properties; keeps apprised of all deed transfers and checks deeds for ownership.
  - (2) The Principal Appraiser maintains record file system on permanent properties including collected data and calculated cost with depreciation, current market and assessed valuation considered.
  - (3) The Principal Appraiser performs other related duties, as required.

**§ 4-405. Buildings, Inspector of.**

- A. Establishment. There shall be a Building Inspector as provided in MGL c. 143, § 3.

- B. Mode of appointment. The Town Manager shall appoint a Building Inspector. The person appointed as Building Inspector shall have at least the qualifications as are provided in MGL c. 143, § 3.
- C. Authorities and responsibilities.
- (1) The Building Inspector shall make inspections, issue such permits and enforce such regulations and bylaws as may be required by the Town or under the State Building Code and may for such purposes, at all reasonable times, enter upon premises to carry out such lawful procedures. The Building Inspector shall be responsible for the enforcement of the provisions of MGL c. 143 and 780 CMR within the Town.
  - (2) The Building Inspector shall serve as the Zoning Enforcement Officer as provided in MGL c. 40A, § 7.
  - (3) The Building Inspector shall serve as one of the Fence Viewers. **[Added 10-25-2011 ATM, Art. 7]**

**§ 4-406. Civil Defense, Director of.**

- A. Establishment. There shall be a Department of Civil Defense as provided in Chapter 639 of the Acts of 1950, as amended.
- B. Mode of appointment. The Town Manager shall appoint a Director of Civil Defense.
- C. Authorities and responsibilities. The Director of Civil Defense shall be responsible for preparing and carrying out all emergency functions and services, including but not limited to police and fire-fighting services; medical and other health services; rescue engineering and air-raid warning services; evacuation of persons from stricken areas; emergency welfare services; communications; radiological, chemical and other special weapon of defense; emergency transportation; existing or property assigned functions of plant protection; temporary restoration of public utility services and other functions. The Director of Civil Defense shall have all other powers and duties given to directors of civil defense by general laws of the commonwealth and the Town bylaws.

**§ 4-407. Town Clerk.**

- A. Establishment. There shall be a Town Clerk.
- B. Mode of appointment. The Town Manager shall appoint a Town Clerk.
- C. Authorities and responsibilities. The Town Clerk shall be the keeper of vital statistics for the Town, the custodian of the Town Seal and of all other records of the Town, shall administer the oath of office to all Town officers who are required to be sworn to their office, be the clerk of the Town Meeting, shall issue all such licenses and permits as are provided by law and shall be responsible for the conduct of all elections held in the Town and of all other matters relating to elections. The Town Clerk shall have all of the other powers, duties and responsibilities which are given to town clerks by general laws.

**§ 4-408. Collector-Treasurer.**

- A. Establishment. There shall be a Town Collector-Treasurer. (See MGL c. 41, §§ 35 - 47.)
- B. Mode of appointment. The Town Manager shall appoint a Town Collector-Treasurer.
- C. Authorities and responsibilities. The Town Collector-Treasurer shall collect all accounts due to the Town. The Collector-Treasurer shall, upon receiving a tax list and warrant from the Board of Assessors collect the taxes, and any interest thereon. The Collector-Treasurer shall have all of the other powers, duties and responsibilities which are given to collectors of taxes by general laws. (See MGL c. 41, § 38; c. 60, generally.) The Collector-Treasurer shall receive and take charge of all money belonging to the Town. The Collector-Treasurer shall, according to the orders of the Town or its authorized officers, pay out and account for all disbursements in behalf of the Town. The Collector-Treasurer shall annually render a true account of receipts and disbursements and report on all official acts. The Town Collector-Treasurer shall have all of the other powers and duties which are given to town treasurers by general laws (MGL c. 41, §§ 35 - 43A).

**§ 4-409. Constables.**

- A. Establishment. There shall be one or more constables. (See MGL c. 41, §§ 91 through 95.)
- B. Mode of appointment. The Board of Selectmen shall appoint constables for terms of three years each.
- C. Authorities and responsibilities. Constables may serve certain civil writs and processes. They have the powers of sheriffs to require aid in the execution of their duties. Constables take due notice of and prosecute all violations of law, respecting the observance of the Lord's Day, profane swearing and gaming. Constables also serve all processes directed to them by the Board of Selectmen of the Town, for notifying of Town Meetings and elections or for other purposes. (See MGL c. 41, §§ 61 through 95.)

**§ 4-410. Counsel, Town.**

- A. Establishment. There shall be a Town Counsel.
- B. Mode of appointment; term of office. The Board of Selectmen shall, annually, appoint some qualified attorney or firm to serve as Town Counsel for the ensuing year. **[Amended 10-24-2006 ATM, Art. 23]**
- C. Authorities and responsibilities.
  - (1) The Town Counsel shall be responsible for the legal affairs of the Town and shall personally provide, or, shall personally supervise the provision by others, of all legal services necessary for the proper and efficient conduct of the Town's affairs. The Town Counsel shall keep the Board of Selectmen fully apprised of the status of all legal matters affecting the town by frequent oral and written reports either directly to it or to it through the Town Manager. At least monthly the Town

Counsel shall file a written report summarizing activities during the preceding month. In all matters assigned for trial to outside attorneys provision shall be made requiring such Counsel to meet with the Board of Selectmen, at such times as may be determined by the Board of Selectmen, for pretrial conferences and status reports.

- (2) The Town Counsel shall devote some portion of time, to be determined by the Board of Selectmen from time to time, to consist of regular office hours at the Town Hall, for the convenience of Town agencies. The Town Counsel shall also be available to meet and confer with Town officers and employees, department heads and multiple-member bodies at any time mutually convenient to the parties.
- (3) The duties of the Town Counsel shall specifically include, but are not to be construed as limited to, the following matters:
  - (a) Title examination for all real estate and other property to be acquired by the Town, approval of deeds and other instruments in writing under which the Town takes title to the same.
  - (b) Draft all deeds, leases, conveyances and releases to be executed in behalf of the Town and all contracts, bonds, obligations or other agreements in writing whereby the Town assumes any pecuniary, contractual or other liability to be executed by any Town official, board, department or committee by virtue of any special or general authorization.
  - (c) Draft formal orders, notices, votes, adjudications or decrees for the layout, relocation, alteration or discontinuance of Town ways and for the taking of lands or interests in lands, in behalf of the Town, by purchase or eminent domain, for any municipal purpose.
  - (d) Attend all Town Meetings and, at the request of the Moderator thereof, advise the Town Meeting on questions of law relating to the subject matter of any matter before the Town Meeting and as to the form of proposed votes or motions or the legality of any particular action proposed to be taken by the Town Meeting.
  - (e) Provide advice or opinion to all elective or appointive Town officers, multiple-member bodies or departments as to any function of their respective offices or on any specific question of law in relation thereto.
  - (f) Appear and act as attorney for the Town or for any Town officer in their official capacity, in any suit, action, complaint or court proceedings in which the Town, or such Town officer in their official capacity, is a party plaintiff or a party defendant, subject to the advice and consent of the Board of Selectmen.
  - (g) Appear and act for the Town and its officers, boards and committees before state and county boards and officials, executive departments and committees of the legislature, in all proceedings involving the rights, duties or interests of the Town, subject to the request and direction of the Board of Selectmen.

- (h) Appear for and defend any Town officer against whom in person any suit or proceedings in court has been brought, founded on an official action performed in good faith relative to a matter in which the Town in its corporate capacity has a duty to perform, a right to defend or an interest to protect, provided that the Board of Selectmen, at the request of such officer, directs the Town Counsel, in writing, so to do.
  - (i) Advise the Board of Selectmen with respect to the question of whether or not to compromise and settle claims or suits against the Town.
  - (j) Develop, organize and maintain, in current status, all Town legal files and records, including both paper and computer data information.
  - (k) Perform such other duties related to the office of Town Counsel as may from time to time be assigned by vote of the Board of Selectmen.
- (4) Additional counsel; special counsel. No Town agency shall, unless authorized by a vote of the Town, or a vote of the Board of Selectmen, employ, advise with or consult any attorney or counselor at law, other than the Town Counsel, with regard to its duties, or to any Town business; provided, however, that whenever a jurisdictional dispute shall arise between two or more Town agencies and the matter appears to be one which is proper for a judicial determination such authorization shall not be denied. In such cases it is recognized that the Town Counsel might be embarrassed or inconvenienced by a conflict of interest or by the appearance of a conflict of interest. To avoid this, separate, independent counsel shall be employed by the Town. The Town Counsel shall decide which agency (if any) it wishes to represent.

#### § 4-411. Fence Viewers.

- A. Establishment. There shall be two or more Fence Viewers as provided in MGL c. 49, §§ 1-21.
- B. Mode of appointment; term of office. The Town Manager shall annually appoint two or more Fence Viewers, one of whom shall be the Building Inspector, to hold office for one year and until their successors are qualified. [Amended 10-25-2011 ATM, Art. 7]
- C. Authorities and responsibilities. The Fence Viewers shall be responsible for the enforcement of MGL c. 49, §§ 1 - 21, and may determine when a partition fence is required. They shall have all of the other powers and duties given to Fence Viewers by the general laws of the commonwealth.

#### § 4-412. Fire Chief and Fire Department.

- A. Establishment. There shall be a Fire Department, headed by a Fire Chief. (See MGL c. 48, §§ 42-44.)
- B. Mode of appointment. The Town Manager shall appoint a Fire Chief who shall appoint such number of firefighters as may otherwise be authorized.

- C. Authorities and responsibilities. The Fire Chief shall be responsible for the organization, training and direction of Fire Department personnel involving firefighting, fire prevention, firesafety inspection and investigation and emergency medical services. The

Fire Chief shall have full charge of extinguishing fires, shall be in immediate control of all town property used by the Department, and of the officers and firefighters, who shall obey his orders. The Fire Chief shall have the powers, duties and responsibilities of a forest warden as provided in MGL c. 48, §§ 8 through 12. The Fire Chief has other extensive authority, in fire prevention, pursuant to the provisions of MGL c. 148, and other authority.

**§ 4-413. Forest Warden.**

- A. Establishment. There shall be a Forest Warden. (See MGL c. 48, § 8.)
- B. Mode of appointment. The Fire Chief shall serve by virtue of office as Forest Warden.
- C. Authorities and responsibilities.
  - (1) The Forest Warden may appoint deputies to assist him in his duties and may discharge them, and he or his deputies may, if in their judgment there is any danger from a forest fire, employ assistance or require any male person in their town between the ages of 18 and 50 to aid in the extinguishment or prevention.
  - (2) The Forest Warden may arrest without warrant any person found in the act of setting, maintaining or increasing a fire in violation of MGL c. 48, § 13.

**§ 4-414. Gas Piping and Gas Appliances, Inspector of.**

- A. Establishment. There shall be an Inspector of Gas Piping and Gas Appliances as provided in MGL c. 143, § 30.
- B. Mode of appointment; term of office. The Town Manager shall appoint an Inspector of Gas Piping and Gas Appliances annually, in June, who shall serve until a successor has been appointed and qualified.
- C. Authorities and responsibilities. The Inspector of Gas Piping and Gas Appliances is responsible for the enforcement of the rules and regulations adopted by the Gas Regulatory Board, created by MGL c. 25, § 12H. The Inspector of Gas Piping and Gas Appliances shall have all other powers and duties given to an Inspector of Gas Piping and Gas Appliances by the general laws of the commonwealth (MGL c. 143, § 30).

**§ 4-415. Lockup officer.**

- A. Establishment There shall be a Keeper of the Lockup. (See MGL c. 40, § 35.)
- B. Mode of appointment. The Town Manager shall, annually, after consultation with the Police Chief, appoint a Keeper of the Lockup.
- C. Authorities and responsibilities. The Keeper of the Lockup shall have the care and custody of the town lockup and of all persons who are committed to the lockup, as provided in MGL c. 40, §§ 34 - 37, inclusive.

**§ 4-416. Measurers of Wood and Bark.**

- A. Establishment. There shall be one or more Measurers of Wood and Bark. (See MGL c. 94, §§ 296 to 303.)
- B. Mode of appointment. The Sealer of Weights and Measures shall serve by virtue of office as a Measurer of Wood and Bark.
- C. Authorities and responsibilities. The Measurers of Wood and Bark shall be responsible for the enforcement of the laws relating to the sale of wood and bark within the town as provided in MGL c. 94: §§ 296 to 303, inclusive.

**§ 4-417. Parking Clerk.**

- A. Establishment. There shall be a Parking Clerk. (See MGL c. 90, § 20A.)
- B. Mode of appointment. The Town Manager shall appoint the Parking Clerk.
- C. Authorities and responsibilities. The Parking Clerk shall report to the Town Manager and shall supervise and coordinate the processing of parking notices in the town as provided in MGL c. 90, § 20A-E.

**§ 4-418. Plumbing Inspector.**

- A. Establishment. There shall be a Plumbing Inspector as provided in MGL c. 142, § 11.
- B. Mode of appointment. The Town Manager shall appoint the Plumbing Inspector annually, in June, who shall serve until a successor has been appointed and qualified.
- C. Authorities and responsibilities. The Plumbing Inspector shall be responsible for the enforcement of all rules and regulations with regard to the construction, alteration and repair of all plumbing in the Town. (See MGL c. 142, §§ 11 - 13, and c. 142, generally).

**§ 4-419. Police Chief and Police Department.**

- A. Establishment. There shall be a Police Department headed by a Chief of Police, as provided in MGL c. 41, §§ 96 through 99A.
- B. Mode of appointment; term of office. The Town Manager shall appoint a Chief of Police and such other officers as may otherwise be authorized.
- C. Authorities and responsibilities.
  - (1) The Chief of Police shall plan, direct and administer the activities of the Police Department in supplying the public safety services under the police, including law enforcement, crime prevention and traffic safety.
  - (2) The Chief of Police shall from time to time make suitable regulations governing the Police Department and the police officers.

- (3) The Chief of Police shall be in immediate control of all town property used by the Department, and of the police officers, whom he shall assign to their respective duties and who shall obey his orders.

**§ 4-420. Public Works, Department and Director of.**

- A. Establishment. There shall be a Department of Public Works, headed by a Director of Public Works, which shall be responsible for the performance of all public works related activities of the Town including operation, maintenance, repair, design, and construction of all public works. [Amended 10-24-2006 ATM, Art. 23]
- B. Mode of appointment; term of office. The Department of Public Works shall be under the direct control and supervision of a Director of Public Works who shall be appointed by and who shall be responsible to the Town Manager. The Director of Public Works shall serve for an indefinite term. The Director of Public Works shall be a person especially fitted by education, experience and training to perform the duties of the office.
- C. Authorities and responsibilities.
  - (1) The Department of Public Works shall assume all of the duties and responsibilities related to public works activities which prior to the adoption of the Home Rule Charter were performed by or under the Tree Warden, Director of Public Works, Sewer Commissioners, Cemetery Commissioners, Playground and Recreation Commission and Board of Selectmen.
  - (2) The Director of Public Works shall be responsible for the supervision and coordination of all activities of the Department of Public Works in accordance with state statutes, town bylaws, administrative code and rules and regulations.
  - (3) The office of Tree Warden shall be continued as a division within the Department of Public Works, and an individual shall be appointed to serve in such capacity. A Board of Playground and Recreation Commissioners shall continue to serve, by appointment, to plan, supervise, operate and conduct programs of sport and recreational activities, but it shall have no responsibility for the day-to-day maintenance of land or facilities.

**§ 4-421. Superintendent of Shade Tree Management and Pest Control.**

- A. Establishment. There shall be a Superintendent of Shade Tree Management and Pest Control. See MGL c. 132, § 13.
- B. Mode of appointment. The Director of Public Works shall serve by virtue of office as Superintendent of Shade Tree Management and Pest Control (MGL c. 132, § 13).
- C. Authorities and responsibilities. The Superintendent of Shade Tree Management and Pest Control shall be responsible for the suppression of the public nuisances named in MGL c. 132, § 11, including gypsy and brown tailed moths, tent caterpillars, cankerworms, Oriental hag moths, fall webworm, Japanese beetle and other insects which destroy forest and shade tree foliage. (MGL c. 132, § 13; see c. 132, generally)

**§ 4-422. Veterans' Services Director.**

- A. Establishment. There shall be a Veterans' Services Director as provided in MGL c. 115, § 10.
- B. Mode of appointment. The Town Manager shall appoint the Veterans' Services Director.
- C. Authorities and responsibilities.
  - (1) The Veterans' Services Director shall furnish information, advice and assistance to veterans relative to employment, education, medical care, pensions and other benefits to which they are or may be entitled (MGL c. 115, §§ 10 - 14).
  - (2) The Veterans' Services Director shall also serve as the veterans' graves officer responsible to see that every veteran's grave is suitably kept and cared for. (See MGL c. 115, § 9.)
  - (3) The Veterans' Services Director shall also serve as the veterans' burial agent responsible to see that the body of any indigent veteran, or dependent of such veteran, is property interred. (See MGL c. 115, § 8.)

**§ 4-423. Sealer of Weights and Measures.**

- A. Establishment. There shall be a Sealer of Weights and Measures. (See MGL c. 98, §§ 34 through 56D.)
- B. Mode of appointment; term of office. The Town Manager shall appoint a Sealer and may appoint one or more deputies to act under the direction of the Sealer of Weights and Measures.
- C. Authorities and responsibilities. The Sealer of Weights and Measures shall test, adjust and seal all devices used for the weighing or measuring of commodities and be responsible for the enforcement of all laws relating to weights and measures.

**§ 4-424. Tree Warden.**

- A. Establishment. There shall be a Tree Warden. (See MGL c. 87, § 2.)
- B. Mode of appointment. The Director of Public Works shall serve by virtue of office as the Tree Warden.
- C. Authorities and responsibilities. The Tree Warden shall have the care and custody of all public shade trees, shrubs and growths in the Town, except those within a state highway or under the control of the Park Commissioners (MGL c. 87, § 2).

**§ 4-425. Wiring Inspector.**

- A. Establishment. There shall be a Wiring Inspector. (See MGL c. 166, § 32.)

- B. Mode of appointment; term of office. The Town Manager shall, annually in June, appoint a Wiring Inspector to hold office for one year. The Inspector shall be a licensed electrician.
- C. Authorities and responsibilities.
  - (1) The Wiring Inspector shall administer and enforce the provisions of the Commonwealth of Massachusetts Electrical Code.
  - (2) The Wiring Inspector shall supervise every wire over or under streets or buildings and every wire within a building designed to carry an electric light, heat or power current (MGL c. 166, § 32).

## Chapter 5

### FINANCIAL REGULATIONS

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| § 5-101. Purchasing and other procurements.        | § 5-107. Fees and charges by municipal agencies.                      |
| § 5-102. Trust Funds.                              | § 5-108. Licenses and permits of delinquent taxpayers.                |
| § 5-103. Employee off-duty work details.           | § 5-109. Due dates for payments to town, interest on unpaid balances. |
| § 5-104. Disposal of surplus property.             | § 5-110. Acceptance of gifts, grants, bequests, etc.                  |
| § 5-105. Restriction on use of municipal vehicles. | § 5-111. Budget Calendar.   |
| § 5-106. Town Clerk's fees.                        | § 5-112. Betterments.   |

**[HISTORY: Adopted by the Annual Town Meeting 10-28-1997, Art. 26. Amendments noted where applicable.]**

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#### **§ 5-101. Purchasing and other procurements.**

The Town Manager shall be the Chief Procurement Officer of the Town of Northbridge for purposes of MGL c. 30B and, in addition, shall have all of the powers of a purchasing agent, as provided in MGL c. 41, § 103. The Town Manager, acting as Chief Procurement Officer and as purchasing agent, may delegate all or any portion of the responsibility for purchases and procurements to other officers and agencies but, notwithstanding any such delegation, shall retain the authority to supervise every purchase and procurement.

#### **§ 5-102. Trust Funds.**

The Town Treasurer shall be the custodian of all funds given or bequeathed to the Town for any purpose and shall manage and invest such sums in the same manner and with the same restrictions as apply to how other municipal funds are managed and invested. The Town Treasurer shall annually file a report which shall be printed in the annual Town report, which shows the beginning balance in each fund, the interest earned during the year just ended, the amount expended (and unless an account is given elsewhere, the purposes for which such funds were expended) and the ending balance in each such account.

#### **§ 5-103. Employee off-duty work details.**

All money received by the Town as compensation for work performed by one of its employees on an off-duty work detail shall be deposited in the Town treasury and kept in a fund separate from other municipal funds. As provided in MGL c. 44, § 53C, the funds in such account may be used, without further appropriation, to compensate the employee for such services. A surcharge of 10% shall be added to the fee charged by the municipal agency

for the service which shall be paid by the person requesting the service. This fee shall be to cover the cost of administering the fund.

**§ 5-104. Disposal of surplus property.**

- A. Personal property. Subject to such regulations regarding such disposition as may be promulgated by the Town Manager, the disposal of surplus personal property shall be governed by the provisions of MGL c. 30B, § 15.
- B. Real property. Subject to such regulations regarding such disposition as may be promulgated by the Town Manager, the disposal of surplus real property shall be governed by the provisions of MGL c. 30B, § 16.

**§ 5-105. Restriction on use of municipal vehicles.**

Town-owned vehicles are to be used only for the conduct and furtherance of Town business and for no other purpose. No Town vehicle shall in any circumstances be used for personal purposes.

**§ 5-106. Town Clerk's fees.**

- A. The fees to be charged by Town Clerks for recording various documents and providing copies of documents and records are set out in detail in MGL c. 262, § 34. The said section authorizes towns, by bylaw, to charge fees different than those established in the said c. 262, § 34. The Town of Northbridge does hereby adopt the following schedule of fees to apply in the office of its Town Clerk.
- B. The following fees are hereby established and shall be collected by the Town Clerk in lieu of the fees otherwise provided: **[Amended 10-24-2006 ATM, Art. 23]**

<b>Service</b>	<b>Fee</b>
(1) For filing and indexing assignment for benefit of creditors	\$10.00
(11) For entering amendment of a record of the birth of child born out of wedlock subsequently legitimized	\$10.00
(12) For correcting errors in a record of birth	\$10.00
(13) For furnishing certificate of a birth	\$10.00
(13A) For furnishing an abstract copy of a record	\$10.00
(14) For entering delayed record of birth	\$10.00
(20) For filing certificate of a person conducting business under any title other than his real name	\$25.00

Service	Fee
(21) For filing, by a person conducting business under any title other than his real name, of a statement of change of his residence or of his discontinuance, retirement or withdrawal from or of a change of location of such business	No charge
(22) For furnishing a certified copy of a certificate of a person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business	\$5.00
(24) For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the commonwealth	\$25.00
(25) For correcting errors in a record of death	\$10.00
(30) For furnishing a certificate of death	\$10.00
(30A) For furnishing an abstract copy of a record of death	\$10.00
(37) For issuing and recording licenses to keepers of intelligence offices	\$25.00
(38A) For issuing and recording licenses to junk collectors	\$50.00
(39) For issuing and recording pawnbrokers' license	\$100.00
(42) For entering notice of intention of marriage and issuing certificates thereof	\$20.00
(43) For entering certificate of marriage filed by persons married out of the commonwealth	\$5.00
(44) For issuing a certificate of marriage	\$10.00
(44A) For furnishing an abstract copy of a record of marriage	\$10.00
(45) For correcting errors in a record of marriage	\$10.00
(54) For recording power of attorney	\$10.00
(57) For recording a certificate of registration granted to a person to engage in the practice of optometry or issuing a certified copy thereof	\$25.00
(58) For recording the name of the owner of a certificate of registration as a physician or osteopath in the commonwealth	\$25.00
(62) For recording an order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and an increase in number of wires and cable or attachments under the provisions of MGL c. 166, § 22	\$40.00
Additional streets	\$10.00
(66) For examining records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than \$5	\$5.00

<b>Service</b>	<b>Fee</b>
(67) For copying any manuscript or record pertaining to a birth, marriage or death (per page)	\$5.00
(69) For receiving and filing of a complete inventory of all items to be included in a closing-out sale, etc. (first page)	\$10.00
For each additional page	\$2.00
(75) For filing a copy of a written instrument or declaration of trust by the trustees of an association or trust or any amendment thereof as provided by MGL c. 182§ 2	\$20.00
(78) For recording a deed of lot or plot in a public burial or cemetery (first page)	\$10.00
(79) Recording any other documents (first page)	\$10.00
Each additional page	\$2.00

C. Additional fees to be charged by Town Clerk: **[Added 10-24-2006 ATM, Art. 23]**

Notarization and associated services fee, per document: \$1.25

**§ 5-107. Fees and charges by municipal agencies.**

- A. Any municipal agency which is otherwise authorized to issue a license, certificate or permit, or to render a service or to perform work for a person or class of persons, may from time to time fix a reasonable fee for the license, certificate, permit or for rendering the service or for performing the work in the manner provided in MGL c. 40, § 22F.
- B. No municipal agency shall establish a fee or charge pursuant to this section without the prior review and consent of the Town Manager and if the agency is appointed by the Board of Selectmen or by the School Committee without the consent of its appointing authority.

**§ 5-108. Licenses and permits of delinquent taxpayers.**

The Town may deny any application for, or revoke or suspend a building permit or any local license or permit, including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, including amounts assessed under the provisions of MGL c. 40, § 21-D, or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

- A. Notice to Town agencies of tax delinquency. The Treasurer/Collector or other municipal officials responsible for records of all municipal taxes, assessments, betterments and

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

- B. Written notice to be given before suspension or revocation takes effect. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Treasurer/Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Treasurer/Collector; provided, however, that written notice is given to the party and the Treasurer/Collector, as required by applicable provisions of law, and the party is given hearing, to be held not earlier than 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party.
- C. Hearing. The Treasurer/Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceedings and shall not be relevant to or introduced in any proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Treasurer/Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges payable to the Town as of the date of issuance of said certificate.
- D. Payment agreement. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- E. Waiver. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in MGL c. 268A, § 1, in the business or activity conducted in or on said property.
- F. Exceptions. This section shall not apply to the following licenses and permits granted under the Massachusetts General Laws: open burning (c. 48, § 13); bicycle permits (c. 85, § 11A); sales of articles for charitable purposes (c. 101, § 33); children's work

permits (c. 149, § 69); clubs, associations dispensing food or beverages licenses (c. 140, § 21E); dog licenses (c. 140, § 137); fishing, hunting, trapping licenses (c. 131, § 12); marriage licenses (c. 207, § 28); and theatrical events, public exhibition permits (c. 140, § 181).

**§ 5-109. Due dates for payments to town, interest on unpaid balances.**

- A. Unless some other provision is made by law which permits a longer time for payment, all bills for the payment of any sum due to the Town of Northbridge, for whatever purpose, shall be due on the 31st day following the date such bill has been issued.
- B. Interest shall be added to any balance which remains unpaid after such 31st day at the same rate as is provided in MGL c. 59, § 57.

**§ 5-110. Acceptance of gifts, grants, bequests, etc.**

- A. Any municipal agency may accept grants, gifts or bequests of funds from any other level or unit of government, from a charitable entity, from a private corporation, or from an individual or group of individuals when such funds are to be expended for purposes within the jurisdiction of the said municipal agency.
- B. All such funds so received shall be deposited with the Town Treasurer-Collector, held as a separate account and invested and reinvested by such officer in the manner provided for other municipal funds. The interest earned on such accounts shall remain with the funds so established and may be expended for the purposes for which the fund was established by the terms of the gift, grant, bequest or otherwise.
- C. The municipal agency may expend the funds in such accounts, with the approval of the Board of Selectmen, for the purposes as specified in the gift or grant or bequest.
- D. The Treasurer-Collector shall keep a list of all such funds as may be established pursuant to this section which shall be kept in a place for convenient public examination during regular office hours. A summary of the receipts and disbursements in each account so established shall be published annually in the Town Report.
- E. This section is designed to implement and apply the provisions of MGL c. 44, § 53A.

**§ 5-111. Budget Calendar. [Amended 10-24-2006 ATM, Art. 23]**

- A. In order to enable the Town Manager to prepare the Town's operating budget as required by Charter, the School Committee and all other municipal departments shall annually submit their proposed budgets for the ensuing fiscal year to the Town Manager not later than October 31.
- B. The Town Manager shall annually submit a draft of his proposed budget for the ensuing fiscal year to the Board of Selectmen and the Finance Committee not later than December 31.

- C. Not later than February 15, or 14 days after the Governor submits his proposed budget to the legislature pursuant to MGL c. 29 § 7H, whichever occurs later, the School Committee shall submit any proposed revisions to its proposed budget for the ensuing year to the Town Manager.
- D. The Town Manager shall submit the final draft of his proposed operating budget to the Board of Selectmen not later than February 28.
- E. The Board of Selectmen shall review and approve the proposed budget and the Town Manager shall forward the approved budget to the Finance Committee not later than March 15.

**§ 5-112. Betterments.**

- A. Whenever the Town shall construct or improve a public work, in the nature of a public utility, including but not limited to a sanitary sewer, or waterline, a private way or other improvement which provides a benefit to a particular class or group of persons and not to the public generally, the costs of such installation shall be apportioned as nearly as possible on the following basis:
  - (1) Seventy-five percent to the benefiting landowners.
  - (2) Twenty-five percent to the Town.
- B. Such allocation of costs shall be made after all state and federal reimbursements have been deducted from the total cost of the work.
- C. The provisions of MGL c. 80 shall govern the implementation of this section.<sup>1</sup>

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1. Editor's Note: Former Subsection D, concerning apportionment of costs for the Edgemere Area Sewer Extension Project, added 5-1-2001 STM, Art, 2, which immediately followed this subsection, was repealed 10-25-2011 ATM, Art. 7.