Commonwealth of Massachusetts
Town of Northbridge
PROCEEDINGS OF FALL ANNUAL TOWN MEETING
TUESDAY, OCTOBER 27, 2015 – 7:00 P.M.
Northbridge Middle School
Linwood Avenue

The Fall Annual Town Meeting was called to order at 7:06 p.m. by the Moderator, Harold D. Gould, Jr., at the Northbridge Middle School Auditorium on Linwood Avenue, in Whitinsville, in said Northbridge, Massachusetts. The Moderator declared the Town Quorum of 50 present. The number of registered voters in attendance at 7:03 p.m. was 108. The invocation was given by Rev. Thomas G. Landry, Pastor of St. Peter's Church, and was followed by the pledge of allegiance to the American Flag.

Upon motion made and seconded and voted unanimously, the reading of the warrant and the return of service thereof were dispensed with.

ARTICLE 1: Voted **APPROVED** Unanimous
Moved and seconded that the Town vote to pass over Article 1.

(Board of Selectmen)
To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury and/or transfer from the unexpended appropriated funds of one or more of the departments of the Town the following sums of money and authorize the payment of prior year bills; or take any other action relative thereto.

ARTICLE 2: Voted **APPROVED** Majority
Moved and seconded that the Town vote to amend the votes taken under Article 3 of the 2015 Spring Session of the Annual Town Meeting (May 5, 2015), appropriations and transfers under the Omnibus Budget Article, as follows:

BUDGET ADJUSTMENTS:

GENERAL GOVERNMENT:
CONSERVATION
Line 9A: Conservation Personnel
By **raising and appropriating** the additional sum of $15,000
Total General Government: $15,000

PUBLIC SAFETY:
FIRE DEPARTMENT
Line 15A: Fire Dept. Personnel
By **transferring from Line 26A [Veterans Personnel]**
the additional sum of $42,000
Total Public Safety: $42,000

EDUCATION:
Line 20: School District
By **raising and appropriating** the additional sum of $113,000
Total Education: $113,000

BUILDING, PLANNING AND CONSTRUCTION COMMITTEE:
Line 21F: Building, Planning, & Construction Committee Expenses
By **raising and appropriating** the sum of $30,000
Total Building, Plan & Construction Comm.: $30,000

CULTURE & RECREATION:
MEMORIALS
Line 30A: Soldiers Memorials
By **raising and appropriating** the additional sum of $10,000
Total Culture & Recreation: $10,000

Total Article 2: $210,000

ARTICLE 3: Voted **APPROVED** Voice Vote
2/3 vote attained.
Moderator declared 2/3 vote by
Virtue of Town By-Law C3-106
Moved and seconded that the Town vote to raise and appropriate the sum of $125,000 to the Stabilization Fund.

ARTICLE 4: Voted **APPROVED** Unanimous
Moved and seconded that the Town vote to appropriate and transfer the sum of $39,213 from the Town Building Maintenance Fund, established pursuant to Chapter 438 of the Acts of 2012, for maintenance of Town-owned buildings and facilities in Fiscal Year 2016.

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ARTICLE 5: Voted **APPROVED** Majority
Moved and seconded that the Town vote to transfer the sum of $187,000.79 from Fund 8210, Health Insurance Trust Fund, to the Other Post Employment Benefits (OPEB) Trust Fund, for the purpose of initial funding of such benefits as they become due in the future.

ARTICLE 6: Voted **APPROVED** Unanimous
Moved and seconded that the Town vote to transfer from available funds in the Treasury (Overlay Surplus) the sum of $66,630 for the Triennial Revaluation analysis of properties of the Town of Northbridge in accordance with Massachusetts General Laws Chapter 40 section 56 and Chapter 58 sections 1, 1A, and 3.

ARTICLE 7: Voted **APPROVED** Unanimous
Moved and seconded that the Town vote to raise and appropriate the sum of $25,000 for the purpose of purchasing a 2015 14-passenger Minibus for use by the Northbridge Senior Center of the Council on Aging.

Moved and seconded to move the previous question.
Voted **APPROVED** Voice Vote
2/3 vote attained.
Moderator declared 2/3 vote by virtue of Town Bylaw C. 3-106.

ARTICLE 8: Voted **APPROVED** Unanimous
Moved and seconded that the Town vote to accept, as a donation, parcels of land located off Highland Street, containing approximately 50.0 acres, being Assessors' Map parcels 15-86, 15-634, 15-635 and 15-636, said parcels also being shown on a plan entitled "Plan of Lots Highland Street Northbridge, Massachusetts" prepared by Heritage Design Group dated July 14, 2015, a copy of which is on file in the Office of the Town Clerk, and Assessors' Map parcel 15-83; and to authorize the Board of Selectmen and the Conservation Commission to take all actions and execute all documents necessary and appropriate for such acceptance and acquisition, and specifically, the execution and/or acceptance of a conservation restriction establishing open space use limitations for such parcels.

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ARTICLE 9: Voted **APPROVED** Unanimous
Moved and seconded that the Town vote to accept as a public way, Deane Way [Hillside Garden Estates] as heretofore laid out by the Board of Selectmen, a copy of which layout is on file with the Office of the Town Clerk, and further authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, easements in said way for the purpose for which public ways are used in the Town.

ARTICLE 10: Voted **APPROVED** Unanimous
Moved and seconded that the Town vote to pass over Article 10.

(Building, Planning and Construction Committee)
To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury and/or transfer from the unexpended appropriated funds of one or more of the departments of the Town a sum of money for the purpose of financing the design and construction of a DPW Building at 11 Fletcher Street, including renovation of the current administration building and garage, permitting, site improvements and soil remediation, said sum to be expended under the direction of the Building, Planning and Construction Committee, and that to meet this appropriation the Treasurer/Collector, with the approval of the Board of Selectmen, be authorized to borrow said sum under M.G.L. Chapter 44, section 7(3) and 3(A), as amended, or any other enabling authority, and to issue bonds or notes of the Town therefor; and to authorize the Building, Planning and Construction Committee to take any action necessary to carry out this construction and renovation project provided, however, that no debt shall be incurred hereunder unless and until the Town first votes to exempt from the provisions of M.G.L. Chapter 59, Section 21C (Proposition 2½, so-called), the amounts required to pay the principal and interest of said debt; or take any other action relative thereto.

ARTICLE 11: Voted **APPROVED** Majority
Moved and seconded that the Town vote to amend its general bylaws by addition of the following section:
6-119. Whitinsville Social Library. The building located at 17 Church Street in the village of Whitinsville shown on Assessor's map 15A parcel 135 shall be known only as the "Whitinsville Social Library".

ARTICLE 12: Voted **APPROVED** Unanimous

Moved and seconded that the Town vote to pass over Article 12.

(Petition Article)

To see if the Town will vote to amend its general bylaws by addition of the following:

9-901. Sex Offender Residency

FINDINGS AND INTENT

A. It is the intent of this by-law to serve and to protect the Town's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the Town by creating areas around locations where children, or the elderly regularly congregate in concentrated numbers wherein certain registered sex offenders are prohibited from loitering and establishing temporary or permanent residence.

B. After careful consideration, the Town finds that this by-law is the most narrowly tailored means of limiting, to the fullest extent possible, the opportunity for registered sex offenders to approach or otherwise come in contact with children, or the elderly in places where children, or the elderly would naturally congregate, and that the protection of the health and safety of our children, and elderly is a compelling governmental interest.

C. By the enactment of this or any other by-law, the Town understands that it cannot remove the threat posed to or guarantee the safety of children, or the elderly, or assure the public that registered sex offenders will comply with the mandates of this statute. This by-law is intended to create a civil, non-punitive regulatory scheme in order to protect children, and the elderly to the extent possible under the circumstances and not as a punitive measure of any kind.

D. Registered sex offenders pose a clear threat to the children, and the elderly residing or visiting in the community. Because registered sex offenders are more likely than any other type of offender to reoffend for another sexual offense, the Town desires to impose safety precautions in furtherance of the goal of protecting the children and elderly. The purpose of this by-law is to reduce the potential risk of harm to children and the elderly the community by impacting the ability for registered sex offenders to be in contact with unsuspecting children and the elderly in locations that are primarily designed for use by or are primarily used by children and the elderly, the grounds of a public or private school for children, a center or facility that provides day care or children's services, a park, other public recreational facility, elderly housing facilities or the Senior Citizens Center. The Town desires to add location restrictions to such offenders to the extent state law is silent.

DEFINITIONS

The following words, terms and phrases, when used in this by-law, shall have the meanings ascribed to them in this by-law, except where the context clearly indicates a different meaning:

CHILD or CHILDREN: Person or persons under 18 years of age.

DAY-CARE CENTER: Any establishment, whether public, private or parochial, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Department of Early Education and Care.

ELDER or ELDERLY: Person or persons over 60 years of age.

ELDERLY HOUSING FACILITY/SENIOR CITIZENS CENTER/OVER 55 COMMUNITY: Includes any building or buildings which provides a group residence for the elderly or a location where the elderly gather and/or reside and is located within the Town of Northbridge.

ESTABLISHING A RESIDENCE: To set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, by means of purchasing real property or entering into a lease or rental agreement for real property (including a renewal or extension of a prior agreement whether through written execution or automatic renewal).

LOITERING: To remain for more than fifteen (15) minutes within a five hundred (500) foot distance of the location in question.

PARK: Includes active and passive public land designated for recreational or athletic use by the Town of Northbridge and located within the Town of Northbridge.

PERMANENT RESIDENCE: A place where a person lives, abides, lodges or resides for 14 or more consecutive days.

RECREATIONAL FACILITY: Includes, but is not limited to, a playground, a forest preserve, conservation area, jogging trail or running track, hiking trail, beach, wading pool, soccer field, baseball field, football field, or basketball court, whether publicly or privately owned, to which the public has a right of access as an invitee and which is located within the Town of Northbridge.

REGISTERED SEX OFFENDER: For the purposes of this by-law shall mean: a) any person who is designated as a sexually violent predator pursuant to Chapter 6, § 178K(2)(c), of the Massachusetts General Laws and who is required to register as a sex offender pursuant to the guidelines of the Sex Offender Registry Board; b) any person who is required to register as a sex offender pursuant to Chapter 6, § 178C of the Massachusetts General Laws and for so long as such person is finally classified as a Level 3 offender pursuant to the guidelines of the Sex Offender Registry Board; and c) any person who is required to register as a sex offender pursuant to Chapter 6, § 178C of the Massachusetts General Laws, for so long as such person is finally classified as a Level 2 offender pursuant to the guidelines of the Sex Offender Registry Board, and who has committed a sex offense against a child, an elder and/or a mentally retarded person.

Level 1 Sex Offenders: Where the Sex Offender Registry Board determines that the risk of re-offense by an offender is low and the degree of dangerousness posed to the public by that offender is not such that a public safety interest is served by public availability, the Sex Offender Registry Board shall give that offender a Level 1 designation. Information on Level 1 offenders will not be available to the public. Neither the police nor the Sex Offender Registry Board has authority to disseminate information to the general public identifying a Level 1 offender. Information identifying Level 1 offenders may only be given to the Department of Correction, any county correctional facility, the Department of Youth

Services, the Department of Social Services, the Parole Board, the Department of Probation and the Department of Mental Health, all city and town police departments and the Federal Bureau of Investigation for law enforcement purposes.

Level 2 Sex Offenders: Where the Sex Offender Registry Board determines that the risk of re-offense is moderate and the degree of dangerousness posed to the public is such that a public safety interest is served by public availability of registration information, it shall give a Level 2 designation to the sex offender. The public shall have access to the information regarding a Level 2 offender through the Local Police Department and through the Sex Offender Registry Board.

Level 3 Sex Offenders: Where the Sex Offender Registry Board determines that the risk of re-offense is high and the degree of dangerousness posed to the public is such that a substantial public safety interest is served by active dissemination, it shall give a level 3 designation to the sex offender. The public shall have access to the information regarding a Level 3 offender through the Local Police Departments and through the Sex Offender Registry Board.

SCHOOL: Any public or private educational facility that provides educational instruction to children in grades pre-K through 12.

SCHOOL BUS STOP: Any area designated by the public school district or by a private or parochial school within the Town of Northbridge as a school bus stop.

SEX OFFENDER and SEX OFFENSE: The same meanings as provided for in MGL c. 6, § 178C.

TEMPORARY RESIDENCE: A place where a person lives, abides, lodges or resides for a period of less than 14 consecutive days or 14 days in the aggregate during any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges or resides and which is not the person's permanent residence; but "temporary residence," shall not include residence at a hospital or other health care or medical facility for less than 14 consecutive days or 14 days in the aggregate during any calendar year.

RESIDENCY RESTRICTIONS

A. Prohibition. A registered sex offender is prohibited from establishing a permanent residence or temporary residence within 1,000 feet of any school, day-care center, park, recreational facility, elderly housing facility, over 55 Community or Senior Citizens Center; provided, however, that the prohibition contained in this by-law shall not apply to any level 3 offender, to the extent and in the manner such Level 3 offender is already governed by MGL c. 6, § 178K(2)(e).

B. Evidentiary matters; measurements. For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest outer property line of any school, day-care center, park, recreational facility, elderly housing facility, over 55 Community or Senior Citizens Center.

C. Exceptions. A registered sex offender residing within 1,000 feet of any school, day-care center, park, recreational facility, elderly housing facility, over 55 Community or Senior Citizens Center does not commit a violation of this by-law if any of the following apply:

(1) The registered sex offender established the permanent residence prior to the effective date of this by-law, and:

(a) Permanent residence was established by purchasing the real property where the residence is established, as long as the registered sex offender continues to reside in and does not move to another restricted location in Northbridge different from the permanent residence established prior to the effective date of this bylaw;

(b) Permanent residence was established through a valid, fixed-term, written lease or rental agreement, executed prior to the effective date of this by-law, as long as the registered sex offender continues to reside within and does not move to another restricted location in Northbridge different from the permanent residence established prior to the effective date of this by-law; or

(c) Permanent residence was established through a verbal lease or rental agreement at the will of the landlord, as long as the registered sex offender continues to reside within and does not move to another restricted location in Northbridge different from the permanent residence established prior to the effective date of this by-law.

(2) The registered sex offender is a minor living with his or her parent(s) or legal guardian(s), which parent(s) or legal guardian(s) has (have) established a permanent residence.

(3) The school, day-care center, park, recreational facility, elderly housing facility, over 55 Community or Senior Citizens Center within 1,000 feet of the registered sex offender's permanent residence was opened after the registered sex offender established the permanent residence.

D. Forfeiture of exception. If, either after the effective date of this by-law or after a new school, day-care center, park, recreational facility, elderly housing facility, over 55 Community or Senior Citizens Center opens, a complaint or an indictment is issued by a court against a registered sex offender otherwise enjoying an exception under Subsection C that such sex offender has committed another sex offense, he/she will immediately forfeit that exception and be required to comply with this by-law.

E. Notice to move. A registered sex offender who resides on a permanent or temporary basis within 1,000 feet of any new school, day-care center, park, recreational facility, elderly housing facility, over 55 Community or Senior Citizens Center shall be in violation of this by-law and shall, within 30 days of receipt of written notice of the registered sex offender's noncompliance with this by-law, move from said location to a new location, but said location may not be within 1,000 feet of any new school, day-care center, park, recreational facility, elderly housing facility, over 55 Community or Senior Citizens Center. It shall constitute a separate violation for each day beyond the 30 days the registered sex offender continues to reside within 1,000 feet of any new school, day-care center, park, recreational facility, elderly housing facility, over 55 Community or Senior Citizens Center. Furthermore, it shall be a separate violation each day that a registered sex offender shall move from one location in the Town to another that is within 1,000 feet of any new school, day-care center, park, recreational facility, elderly housing facility, over 55 Community or Senior Citizens Center.

F. Penalties. Any violation of this section shall be enforced by noncriminal disposition pursuant to MGL c. 40, § 21D, as follows:

(1) First offense by registered sex offender: noncriminal fine of $150 and notification to offender that he/she has 30 days to move.

(2) Subsequent offense by registered sex offender: noncriminal fine of $300 and notification to offender's parole officer and/or probation officer, and the commonwealth's Sex Offender Registry Board, that the sex offender has violated a municipal by-law.

SAFETY ZONES

A. Prohibitions.

(1) A registered sex offender is prohibited from entering upon the premises of a school or day-care center unless previously authorized specifically in writing by the school administration or day-care center owner.

(2) A registered sex offender is prohibited from entering upon the premises of an elderly housing facility, over 55 Community or Senior Citizens Center, unless previously authorized in writing by the on-site manager of the elderly housing facility, over 55 Community or Senior Citizens Center.

(3) A registered sex offender is prohibited from entering upon the premises of a park or any recreational facility.

(4) A registered sex offender, after having received notice from the Northbridge Police Department that he/she is loitering by having remained for more than fifteen (15) minutes within five hundred (500) feet of a school, a day care center, a park, any recreational facility, elderly housing facility, over 55 Community or Senior Citizen Center, is prohibited from continuing to so loiter. For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the registered sex offender to the outer property line of the school, a day-care center, a park, any recreational facility, elderly housing facility, over 55 Community or Senior Citizens Center.

(5) A registered sex offender, after having received notice from the Northbridge Police Department that he/she is loitering by having remained for more than fifteen (15) minutes within five hundred (500) feet of a school bus stop, is prohibited from continuing to so loiter; provided, however, that this prohibition shall not apply on days when the schools within the Town of Northbridge are not in session.

B. Exceptions.

(1) The prohibitions defined in this by-law shall not be construed or enforced so as to prohibit a registered sex offender from exercising his or her right to vote in any federal, state or municipal election, conducting town and/or police business or from attending any religious service.

(2) The prohibitions defined in this by-law do not apply to a registered sex offender's place of residence when such residence is accepted under this by-law.

C. Penalties.

(1) Any violation of this section may be enforced by noncriminal disposition pursuant to MGL c. 40, § 21D, resulting in a noncriminal fine of $150 for a first violation and a noncriminal fine of $300 for each additional violation of this section. A registered sex offender commits a separate offense for each and every violation of this section.

EXEMPTIONS

The provisions of this by-law shall not be applicable to registered sex offenders incarcerated in any facilities owned, maintained and/or operated by the Town Of Northbridge and/or the State of Massachusetts.

ENFORCEMENT

A. The Northbridge Police Department shall be charged with the enforcement of this by-law.

B. A written list describing the prohibited areas defined in this by-law inclusive of school bus stops, as well as a map depicting the residency restriction areas and a map depicting the safety zones exclusive of school bus stops, shall be created by the Town Planner and maintained by the Northbridge Police Department. As to school bus stops, the list and not the map depicting the safety zones shall govern. The Board of Selectmen shall review both the list and the maps no less than every October for changes, and upon said review shall vote to accept the list and the maps, including changes if any. The list, the maps and a copy of this by-law will be available to the public at the Northbridge Police Department and Northbridge Town Clerk's office, and on the Town of Northbridge's website;

Or take any other action relative thereto.

Action having been completed on all of the Articles on the Warrant for the Fall Annual Town Meeting, a motion was made and seconded to dissolve the Warrant and adjourn the Town Meeting.

Voted unanimously at 8:12 p.m. to dissolve the Warrant and adjourn the Fall Annual Town Meeting.

A TRUE COPY

ATTEST: Doreen A. Cedrone
Doreen A. Cedrone, CMC, CMMC
Town Clerk

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