

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NORTHBRIDGE
WARRANT FOR SPRING ANNUAL TOWN MEETING
TRANSACTION OF TOWN BUSINESS
TUESDAY, MAY 3, 2011 - 7:00 P.M.**

WORCESTER, ss:

To any Constable of the Town of Northbridge in said County,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the Inhabitants of the Town of Northbridge, qualified to vote in Town elections and Town affairs, to meet in the Northbridge Middle School Auditorium on Linwood Avenue, in Whitinsville, in said Northbridge, Massachusetts, on Tuesday, May 3, 2011 at 7:00 o'clock P.M., then and there to act on the following articles:

ARTICLE 1: (Board of Selectmen)

To see if the Town will vote to amend the votes taken under Article 3 of the 2010 Spring Session of the Annual Town Meeting (May 4, 2010), and under Article 2 of the 2010 Fall Session of the Annual Town Meeting (October 26, 2010), appropriations and transfers under the Omnibus Budget Article; or take any other action relative thereto.

ARTICLE 2: (Board of Selectmen)

To see if the Town will vote to amend the vote taken under Article 5 of the 2010 Spring Session of the Annual Town Meeting (May 4, 2010), appropriation for expenses and debt service to operate the Water Enterprise Operation of the Department of Public Works for FY 2011, by increasing the original appropriation sum of \$1,352,586 by \$200,000 to the new sum of \$1,552,586, said increase to be applied to the Expenses line item of the budget resulting in a new total of \$1,412,300 for Expenses; said additional sum to be offset by the sum of \$200,000 from revenues received by the Water Department during Fiscal Year 2011; or take any other action relative thereto.

ARTICLE 3: (Finance 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 Health Insurance Stabilization Fund such sums of money not to exceed \$37,777,648 to defray the necessary and usual expenses of the several departments of the Town for FY 2012, beginning July 1, 2011 and ending June 30, 2012; or take any other action relative thereto.

ARTICLE 4: (Board of Selectmen)

To see if the Town will vote to raise and appropriate and/or transfer from the Retained Earnings Account of the Sewer Enterprise Fund a sum of money to operate the Sewer Enterprise Operation of the Department of Public Works for FY 2012; or take any other action relative thereto.

ARTICLE 5: (Board of Selectmen)

To see if the Town will vote to raise and appropriate and/or transfer from the Retained Earnings Account of the Water Enterprise Fund a sum of money to operate the Water Enterprise Operation of the Department of Public Works for FY 2012; or take any other action relative thereto.

ARTICLE 6: (Board of Selectmen)

To see if the Town will vote to appropriate a sum of money and such additional funds as may become available from the Commonwealth's Department of Transportation, Chapter 90 Bond Issue proceeds, to be used by the Department of Public Works for the repair and maintenance of Town roads in conformance with MGL and further to see if the Town will vote to meet said appropriation by borrowing and to authorize the Treasurer/Collector, with approval of the Board of Selectmen, to issue bonds or notes of the Town therefor in anticipation of the receipt of said State Aid; or take any other action relative thereto.

ARTICLE 7: (Board of Selectmen)

To see if the Town will vote to authorize the Treasurer/Collector to enter into a compensating balance agreement or agreements for FY 2012, pursuant to Chapter 44, Section 53F of the M.G.L.; or take any other action relative thereto.

ARTICLE 8: (Playground & Recreation Commission)

To see if the Town will vote to reauthorize a revolving account pursuant to M.G.L. Chapter 44, Section 53E 1/2 for the Playground & Recreation Commission, to credit to such account any grants, donations, program user fees and fund raising proceeds received by said Commission and to authorize said Commission to expend from such account amounts required to maintain the Town's playgrounds and recreation fields, to make improvements thereto and to purchase, lease or rent equipment and support facilities for programs and activities taking place thereon provided, however, that the total amount which may be expended from the account in FY 2012 is \$20,000; or take any other action relative thereto.

ARTICLE 9: (Board of Selectmen)

To see if the Town will vote to amend the vote taken under Article 13 of the 2010 Spring Session of the Annual Town Meeting (May 4, 2010), to authorize the transfer and expenditure of \$7,000.00 of the unexpended balance of the special revenue account established under said article for the purpose of purchasing park benches utilizing recycled materials and installing them in various parks and common areas, said sum to be expended under the direction of the Department of Public Works; or take any other action relative thereto.

ARTICLE 10: (School Committee)

To see if the Town will vote to transfer from available funds in the Treasury and/or from the Stabilization Fund, and/or from the undesignated fund balance (Free Cash) the sum of \$45,095 to be expended by the School Department to pay the cost incurred for emergency snow removal from the roofs of school buildings; or take any other action relative thereto.

ARTICLE 11: (School Committee)

To see if the Town will vote to appropriate and transfer from account number 16102200-495199, "Receipts Reserved-Insurance Proceeds," a sum not to exceed one hundred and fifty thousand dollars (\$150,000) for the purpose of reconstruction of the front entrance canopy at the W.E. Balmer School, said sum to be expended under the direction of the School Committee; or take any other action relative thereto.

ARTICLE 12: (Board of Selectmen)

To see if the Town will vote to rescind the vote taken under Article 7 of the warrant for the 2010 Fall Session of the Annual Town Meeting [October 26, 2010]; or take any other action relative thereto.

ARTICLE 13: (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, or eminent domain two permanent easements and eight temporary construction easements over properties located on the easterly and westerly sides of Douglas Road in conjunction with the reconstruction of the Douglas Road Bridge over the Mumford River, the easement parcels being shown on plans on file in the Office of the Town Clerk, including a plan entitled "Town of Northbridge Douglas Road over the Mumford River Bridge No. N-21-004," Massachusetts Department of Transportation Project File No. 604161; and to raise and appropriate and/or transfer from the undesignated fund balance (free cash) a sum of money for said acquisition; or take any other action relative thereto.

ARTICLE 14: (Board of Selectmen)

To see if the Town will vote to raise and appropriate the sum of \$460,000 to purchase and equip a new fire truck, contingent upon the passage of a capital outlay expenditure exclusion under the provisions of Proposition 2½ so-called, MGL Chapter 59, Section 21C(i½), for FY 12 (July 1, 2011 to June 30, 2012); or take any other action relative thereto.

ARTICLE 15: (Board of Selectmen)

To see if the Town will vote to appropriate the sum of \$225,000, to be expended under the direction of the Director of Public Works, for the purpose of financing the preparation of a Comprehensive Wastewater Management Plan as outlined in the Massachusetts Department of Environmental Protection's "Guide to Comprehensive Wastewater Management Planning" for maintenance, repair and expansion of the Town's sanitary sewer system and wastewater treatment plant; that to meet this appropriation the sum of \$225,000 be transferred from the Retained Earnings Account of the Sewer Enterprise Fund, or the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$225,000 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws or any other enabling authority, that the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof, that the Board of Selectmen be authorized to enter into a project regulatory agreement with the Department of Environmental Protection, and that the Board of Selectmen be authorized to expend all funds available for the project and to take any other action necessary to carry out the project; or take any other action relative thereto.

ARTICLE 16: (Board of Selectmen)

To see if the Town will vote to appropriate a sum of money, to be expended under the direction of the Director of Public Works, for the purpose of financing the final design and construction of a project to upgrade and modernize the sludge management equipment at the Northbridge Wastewater Treatment Plant including computerized monitoring and control technology, additional sludge thickening and storage capacity, additional pumping capacity, chemical storage and feed equipment and odor control systems, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow a sum of money and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws or any other enabling authority, that the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof, that the Board of Selectmen be authorized to enter into a project regulatory agreement with the Department of Environmental Protection, and that the Board of Selectmen be authorized to acquire any fee, easement or other interest in land necessary for the project, whether by eminent domain, purchase or gift, to expend all funds available for the project and to take any other action necessary to carry out the project; or to take any other action relative thereto.

ARTICLE 17: (Board of Selectmen)

To see if the Town will vote to raise and appropriate and/or transfer from available funds and/or borrow a sum of money for the lease, purchase, or lease-purchase of a multi-purpose municipal tractor with snow blower attachment, vee plow, angle plow, and complete with radio equipment, warning lights and other accessories, for the use of the Department of Public Works and, if by borrowing, to authorize the Treasurer with the approval of the Board of Selectmen, to borrow said sum of money and issue bonds or notes therefor under Chapter 44 of the General Laws or any other enabling authority; or take any other action relative thereto.

ARTICLE 18: (Board of Selectmen)

To see if the Town will vote to raise and appropriate the sum of \$160,000 for the purpose of purchasing a new heavy duty dump truck with combination body and snow plow, complete with warning lights and radio equipment, for use by the Department of Public Works Highway Division, contingent upon the passage of a capital outlay expenditure exclusion under the provisions of Proposition 2½ so-called, MGL Chapter 59, Section 21C(i½), for FY 12 (July 1, 2011 to June 30, 2012); or take any other action relative thereto.

ARTICLE 19: (Board of Selectmen)

To see if the Town will vote to raise and appropriate and/or borrow a sum of money for the repair of Town roads and, if by borrowing, to authorize the Treasurer with the approval of the Board of Selectmen, to borrow said sum of money and issue bonds or notes therefor under Chapter 44 of the General Laws or any other enabling authority provided, however, that no debt shall be incurred hereunder until and unless the Town first votes to exempt from the provisions of Proposition 2½, so-called, the amounts required to pay the principal and interest of said debt; or take any other action relative thereto.

ARTICLE 20: (Board of Selectmen)

To see if the Town will vote to transfer a sum of money from account number 15124200 "Receipts Reserved-Insurance Proceeds Highway Department" to Line 21B, DPW Highway Division Expenses, for the purpose of demolition and debris removal of a failed structure located at the DPW Garage; said funds to be expended under the direction of the Department of Public Works; or take any other action relative thereto.

ARTICLE 21: (Board of Selectmen)

To see if the Town will vote to transfer the care, custody and control of a portion of the Northbridge Wastewater Treatment Plant site located at 644 Providence Road, and shown on Assessors' Map 24 as parcel 126, to the Board of Selectmen for the purpose of lease or other transfer, and to authorize the Board of Selectmen to enter into a lease or transfer agreement for, and take all actions necessary in connection with, the use of such portion of the site for the installation of solar panels and related power generation and distribution equipment; to authorize the Board of Selectmen to enter into a solar power purchase agreement for a term of more than three years, on such terms and conditions as the Selectmen deem in the best interest of the Town; and to authorize the Board of Selectmen to take all actions necessary to administer and implement such power purchase agreement; or take any other action relative thereto.

ARTICLE 22: (Board of Selectmen)

To see if the Town will vote to accept the provisions of MGL Chapter 138, §33B, which states that the local licensing authority of any city or town which accepts said section may authorize licensees under section twelve of Chapter 138 (sales for on premises consumption), to sell alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday; or take any other action relative thereto.

ARTICLE 23: (Planning Board)

To see if the Town will vote to amend the Town of Northbridge Zoning Bylaw Section 173-18 [Floodway and Floodplain Districts] as follows:

1. By deleting the text of sub-paragraph (1) of paragraph B, District delineation, and inserting new text, as follows:
B. District delineation. [Amended 11-13-2001 ATM, Art. 12]

Delete

~~(1) The boundaries of the Floodway and Floodplain Districts are shown on the Zoning Map; the Northbridge Flood Insurance Rate Map (FIRM) dated February 2, 2002. The exact boundaries of the Floodplain District are defined by the one hundred year water surface elevations shown on the FIRM and further defined by the flood profiles contained in the Flood Insurance Study dated February 2, 2002 (Study).~~

Insert (revised language to reflect countywide mapping format)

(1) The Floodplain Overlay District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Northbridge designated as Zone A and AE, on the Worcester County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRM that are wholly or partially within the Town of Northbridge are panel numbers 25027C0837E, 25027C0840E, 25027C0841E, 25027C0842E, 25027C0843E, 25027C0844E, 25027C0863E, 25027C1002E, 25027C1006E, 25027C1007E, 25027C1026E and 25027C1030 dated July 4, 2011. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.

2. By deleting from sub-paragraph (2) of paragraph B, District delineation, the words "one hundred year" as shown below:

Delete (reference to one-hundred year)

(2) The floodway boundaries are further defined by the Flooding Data Tables contained in the Flood Insurance Study. The FIRM, FBFM and Study are incorporated herein by reference and are on file in the office of the Town Clerk. In the event of discrepancy between the Zoning Map and the FIRM, FBFM or Study, the FIRM, FBFM or Study shall control.

Within the Floodplain District, where the ~~one hundred year~~ flood elevation is not provided on the FIRM and existing flood elevation is not provided on the FIRM, any proposed user or applicant shall obtain any existing flood elevation data and it shall be reviewed by the Building Inspector, who may rely on it to comply with this chapter or the Building Code if it is sufficiently detailed and accurate.

3. By deleting from sub-paragraph (6) of paragraph C, Floodway use regulations, the phrase “A1-A30 and” as shown below:

Delete (reference to Zones A1 –A30 /FEMA has new mapping zone details)

C. Floodway use regulations. Only the following uses of low flood damage potential and causing no obstructions to flood flows shall be allowed, provided that they do not require structures, fill or storage of materials or equipment:

- (1) Agricultural uses such as farming, grazing, truck farming, horticulture and forestry and nursery uses.
- (2) Outdoor recreational uses, including fishing, boating and play areas, etc.
- (3) Conservation of water, plants and wildlife; wildlife management; and foot- , bicycle and horse paths.
- (4) Temporary nonresidential structures used in connection with fishing or with growing, harvesting or storage of crops raised on the premises.
- (5) Buildings lawfully existing prior to May 10, 1983.
- (6) In Zones ~~A1-A30 and~~ AE, along watercourses that have a regulatory floodway designated on the Northbridge FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. [Amended 10-28-1997 ATM, Art. 21; 11-13-2001 ATM, Art. 12]

4. By deleting from sub-paragraph (a) of paragraph E, Base flood elevation and floodway data, the phrase “A1-A30” as shown below:

Delete (reference to Zones A1–A30 /FEMA has new mapping zone details)

E. Base flood elevation and floodway data. [Added 10-28-1997 ATM, Art. 21]

- (a) Floodway data. In Zones A, ~~A1-A30~~ and AE, along watercourses that have not had a regulatory floodway designated, the base available federal, state, local or other floodway data shall be used to prohibit the encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (b) Base flood elevation data. Base flood elevation data must be provided by applicants, based upon a study for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones.

5. By inserting in sub-paragraphs (c) and (e) of paragraph G, Notification of watercourse alteration, addresses for the NFIP State Coordinator and NFIP Program Specialist as shown below in bold type:

Add (update addresses)

G. [Added 10-28-1997 ATM, Art. 21] Notification of watercourse alteration. The town will notify, in a riverine situation, the following of any alteration or relocation of a watercourse:

- (a) Adjacent communities.
- (b) Bordering states (optional).
- (c) NFIP State Coordinator **Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700 Boston, MA 02114-2104**
- (d) Massachusetts Office of Water Resources, 100 Cambridge Street, Boston, MA 02202.
- (e) NFIP Program Specialist. **Federal Emergency Management Agency, Region I
99 High Street, 6th Floor Boston, MA 02110**
- (f) FEMA Region I, RM 462, J.W. McCormack Post Office and Courthouse, Boston, MA 02109;

or take any other action relative thereto.

ARTICLE 24: (Planning Board)

To see if the Town will vote to amend the Town of Northbridge Zoning Map and Zoning Bylaw Section 173-4 [Establishment of Zoning Map] by expanding the Business –One (B-1) Zoning District to include the parcels designated as Assessors’ Map 14 Parcel(s) 57, 56 and 55, said properties being located on Church Street within the vicinity of Plummer’s Corner (Providence Road / Church Street) and currently zoned Residential –Three (R-3); or take any other action relative thereto.

ARTICLE 25: (Planning Board)

To see if the Town will vote to amend the Town of Northbridge Zoning Bylaw Section 173-12 [Table of Use Regulations] to allow the use of “water filter plant” within the Residential, Business and Industrial Zones By-Right (P) and in the Heritage Zone via Special Permit (S) as follows:

(§ 173-12. Table of Use Regulations. (Editor’s Note: The Table of Area is included at the end of this chapter) [Amended 5-13-1980 ATM, Art. 39]

In the Table of Use Regulations, the uses permitted by right in the district shall be designated by the letter P. Those uses that may be permitted by special permit in the district, in accordance with § 173-47, shall be designated by the letter S. Uses designated "-" shall not be permitted in the district.)

[EXISTING]

Table of Use Regulations
Use

Zoning Districts

R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3'	I-1	I-2	H
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Public utility,
except power plant,
water filter plant,
sewage treatment
plant and refuse facility

P	P	P	P	P	P	P	P	P	P	P	S
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Power plant, **water filter plant,** sewage treatment
plant and refuse facility

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[PROPOSED]

Proposed Zoning Amendment (ADD “water filter plant” as an allowable use within ALL Zoning Districts as defined below)

Table of Use Regulations
Use

Zoning Districts

R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3'	I-1	I-2	H
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Public utility, **water filter plant**
except power plant,
~~**water filter plant,**~~
sewage treatment
plant and refuse facility

P	P	P	P	P	P	P	P	P	P	P	S
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Power plant, ~~**water filter plant,**~~ sewage treatment
plant and refuse facility;

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or take any other action relative thereto.

ARTICLE 26: (Retirement Board)

To see if the Town will vote to approve the acceptance of a supplemental annual allowance, fixed at the rate of \$9,000, pursuant to the provisions of MGL Chapter 32, Section 101, as amended by Sections 27 and 28 of Chapter 131 of the Acts of 2010, in order to increase the benefit paid under Section 101 – Allowance to widows of disabled public employees; supplemental annual allowance – from \$6,000 per year to \$9,000 per year; or take any other action relative thereto.

ARTICLE 27: (Retirement Board)

To see if the Town will vote to approve the acceptance of an increase in the maximum base amount on which the annual COLA (cost-of-living adjustment) for retirement benefits is calculated from \$12,000 per year to \$14,000 per year, pursuant to Section 103(j) of MGL Chapter 32, as amended by Section 19 of Chapter 188 of the Acts of 2010; or take any other action relative thereto.

ARTICLE 28: (Building, Planning & Construction Committee)

To see if the Town will vote to raise and appropriate and/or transfer from the undesignated fund balance (free cash) and/or transfer from unexpended appropriated funds and/or transfer from the Reserve Fund and/or transfer from the Stabilization Fund a sum of money for the purpose of performing a forensic inspection, examination, evaluation and assessment including destructive test cuts, if necessary, of the slate roof and its associated components of the Whitinsville Social

Library building, said sum to be expended under the direction of the Building, Planning and Construction Committee; or take any other action relative thereto.

ARTICLE 29: (Charter Review Committee)

To see if the Town will vote, pursuant to M.G.L. C. 43B, to propose the several Amendments to its Home Rule Charter in accordance with the Report and Recommendations of the Charter Review Committee appointed in 2010 pursuant to Section 7-8(a) of the Charter, excepting, however, from the scope of this Article, the proposed amendments to Article 3, Sections 3-3(a) and 3-3(b) and Article 8, Section 8-2, said Report, Recommendations and Amendments being on file with the Town Clerk; or take any other action relative thereto.

ARTICLE 30: (Charter Review Committee)

To see if the Town will vote, pursuant to M.G.L. C. 43B, to propose the Amendments to Article 3, Sections 3-3(a) and 3-3(b) of its Home Rule Charter in accordance with the Report and Recommendations of the Charter Review Committee appointed in 2010 pursuant to Section 7-8(a) of the Charter, said Report, Recommendations and Amendments being on file with the Town Clerk; or take any other action relative thereto.

ARTICLE 31: (Charter Review Committee)

To see if the Town will vote, pursuant to M.G.L. C. 43B, to propose the Amendment to Article 8, Section 8-2 of its Home Rule Charter in accordance with the Report and Recommendations of the Charter Review Committee appointed in 2010 pursuant to Section 7-8(a) of the Charter, said Report, Recommendations and Amendment being on file with the Town Clerk; or take any other action relative thereto.

And you are directed to serve this warrant by posting attested copies thereof at the Whitinsville Post Office, Town Clerk's Office, and Brian's Restaurant in Linwood, all in Precinct 1; Office of Polyfoam Corp., and Gary's Variety in Northbridge in Precinct 2; North Main Variety, in said Whitinsville in Precinct 3; the Northbridge Post Office and Northbridge Center Congregational Church Bulletin Board in Precinct 4; twenty-eight (28) days at least before the time and place of meeting aforesaid.

WHEREOF FAIL NOT, and make due return of the warrant, with your doings thereon, to the Town Clerk at the time and place of said meeting. GIVEN under our hand this 4th day of April in the year Two Thousand Eleven.

SELECTMEN OF NORTHBRIDGE

James R. Marzec, Chairman

Charles Ampagoomian, Jr.

Thomas J. Melia

Daniel J. Nolan

James J. Athanas