The Fall Annual Town Meeting was called to order at 7:03 p.m. by the Moderator, Harold D. Gould, Jr., at the Northbridge Middle School Auditorium on Linwood Avenue, in Whittinsville, in said Northbridge, Massachusetts. The Moderator declared the Town Quorum of 50 present (attendance at 7:00 P.M. was 102). The invocation was given by Rev. Patricia R. Furber, a Minister in the United Church of Christ, presently assisting Rev. Robert Sherwood at the Village Congregational Church and was followed by the pledge of allegiance to the American Flag.

The following tellers were appointed by the Moderator and duly sworn in by the Town Clerk: Sharon Susienka, Norman Armstrong, Denis LaTour, Barbara Gaudette, Philip Cyr, and Homer Rajotte.

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 transfer from Line 21B [DPW Expenses] the following sums of money and authorize the payment of prior year bills as follows:

<table>
<thead>
<tr>
<th>Total</th>
<th>Vendor</th>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>$31.49</td>
<td>Aubuchon Hardware</td>
<td>Department of Public Works</td>
</tr>
<tr>
<td>$883.12</td>
<td>Whittinsville Water Co.</td>
<td>Department of Public Works</td>
</tr>
<tr>
<td>$532.19</td>
<td>Town of Northbridge Water</td>
<td>Department of Public Works</td>
</tr>
<tr>
<td>$6,140.00</td>
<td>Sepe Tree</td>
<td>Department of Public Works</td>
</tr>
<tr>
<td>$225.00</td>
<td>Donavan Door Co.</td>
<td>Department of Public Works</td>
</tr>
<tr>
<td>$56.96</td>
<td>Koopman Lumber</td>
<td>Department of Public Works</td>
</tr>
<tr>
<td>$16.53</td>
<td>Poland Springs</td>
<td>Department of Public Works Sewer Division</td>
</tr>
<tr>
<td>$2,659.97</td>
<td>Whittinsville Water Co.</td>
<td>Department of Public Works Sewer Division, and</td>
</tr>
<tr>
<td>$2,267.65</td>
<td>Town of Northbridge Water</td>
<td>Department of Public Works Sewer Division.</td>
</tr>
</tbody>
</table>

**ARTICLE 2:** Voted **APPROVED** Unanimous

Moved and seconded that the Town vote to amend the votes taken under Article 3 of the 2012 Spring Session of the Annual Town Meeting (May 1, 2012), appropriations and transfers under the Omnibus Budget Article as follows:

**BUDGET TRANSFERS**

**CULTURE AND RECREATION:**

Line 28B: Recreation Expenses  
By raising and appropriating the additional sum of  
**TOTAL RECREATION:** $15,000

**NON-DEPARTMENTAL:**

Line 42: Property & Liability Insurance  
By transferring from Line 41 [Employee Insurance Benefits]  
the sum of  
$60,000

Line 42: Property & Liability Insurance  
By transferring from Line 39 [Workers’ Compensation]  
the sum of  
**TOTAL NON-DEPARTMENTAL:** $100,000  
**TOTAL ARTICLE 2:** $115,000

**ARTICLE 3:** Voted **APPROVED** Unanimous

Moved and seconded that the Town vote to pass over Article 3.

(University of Selectmen)  
To see if the Town will vote to raise and appropriate and/or transfer from available funds [free cash] a sum of money to fund the costs of a lease or use arrangement for the American Legion Ballfield and Parking Lot; or take any action relative thereto.

Attendance at 7:15 P.M. was 124.
ARTICLE 4: Voted APPROVED Unanimous
Moved and seconded that the Town vote to pass over Article 4.

(Board of Selectmen)
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 and/or borrow a sum of money to fund the purchase of property and a building or buildings to be used for construction of a new DPW Facility, said sum to be expended under the direction of the Board of Selectmen; and to authorize the Board of Selectmen to apply for grants and/or loans under any applicable state or federal program to be used in support of such purchase, and to expend any such grant and/or loan funds received, without the necessity of further appropriation; or take any other action relative thereto.

ARTICLE 5: Voted APPROVED Unanimous
Moved and seconded that the Town vote to authorize the Board of Selectmen to acquire by purchase, gift, or eminent domain permanent easements and temporary construction easements over properties located on Sutton Street in conjunction with the reconstruction of Sutton Street, the easement parcels being shown on plans on file in the Office of the Town Clerk, including a plan entitled “The Preliminary Right-of-Way Plans for Sutton Street in the Town of Northbridge”, Revision #2 dated 8/24/12; and to transfer from Chapter 90 proceeds the sum of $35,000 for said acquisitions.

ARTICLE 6: Voted APPROVED Unanimous
Moved and seconded that the Town vote to pass over Article 6.

(Board of Selectmen)
To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, or eminent domain, an easement or other land interest for the purpose of establishing and maintaining a drainage swale and/or retention area and related appurtenances on property adjacent to Sutton Street in the vicinity of the existing railroad crossing; and to appropriate a sum of money for such acquisition; or take any other action relative thereto.

ARTICLE 7: Voted APPROVED Unanimous
Moved and seconded that the Town vote to pass over Article 7.

(Board of Selectmen)
To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, or eminent domain, an easement or other land interest in property located at or near 2-4 Fletcher Street for the purpose of accessing and maintaining Douglas Road and the Douglas Road bridge in order to maintain the roadway and bridge and their related appurtenances; and to appropriate a sum of money for such acquisition; or take any other action relative thereto.

ARTICLE 8: Voted APPROVED Unanimous
Moved and seconded that the Town vote to pass over Article 8.

(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 Stabilization Fund and/or borrow a sum of money to fund a project to repair the concrete apparatus floor slabs and/or the Rockdale Fire Station; and, if by borrowing, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum and to issue bonds or notes therefor under Chapter 44 of the General Laws or any other enabling authority; said sum to be expended under the direction of the Building, Planning, and Construction Committee; or take any other action relative thereto.

ARTICLE 9: Voted APPROVED Unanimous
Moved and seconded that the Town vote to pass over Article 9.

(School Committee)
To see if the Town will vote to raise and appropriate and/or transfer from the FY 13 Omnibus Budget and/or transfer from the unexpended undesignated fund balance (free cash) and/or transfer from the Stabilization Fund a sum of money for the purpose of replacing the gymnasium floor at the W. Edward Balmer School; said funds to be expended under the direction of the School Committee; or take any other action relative thereto.

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

(School Committee)
To see if the Town will vote to raise and appropriate and/or transfer from the FY 13 Omnibus Budget and/or transfer from the unexpended undesignated fund balance (free cash) and/or transfer from the Stabilization Fund a sum of money for the purpose of installing approximately 45,000 square feet of sod at Lasell Field; said funds to be expended under the direction of the School Committee; or take any other action relative thereto.
ARTICLE 11:
Voted [APPROVED] Unanimous
Moved and seconded that the Town vote to raise and appropriate the sum of $76,500 for 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 12:
Voted [APPROVED] Unanimous
Moved and seconded that the Town vote to raise and appropriate the sum of $223,500 and transfer said sum to the Stabilization Fund.

ARTICLE 13:
Voted [APPROVED] Unanimous
Moved and seconded that the Town vote to accept the provisions of M.G.L. Chapter 59, Section 5, Clause 54, allowing the Town to establish a minimum fair cash value required for personal property accounts to be taxed, and to establish the minimum amount of $3,000, effective as of FY 2014.

ARTICLE 14:
Moved and seconded that the Town vote to authorize the Board of Selectmen to petition the General Court to adopt special legislation in substantially the following form:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

An act relative to the establishment of a building maintenance fund in the Town of Northbridge.

Section 1. Notwithstanding any general or special law to the contrary, the town of Northbridge is hereby authorized to establish a building maintenance fund for the purpose of safekeeping and investment of the proceeds received by the Town pursuant to agreements for payment in lieu of taxes for alternative energy facilities situated in the town, including solar and wind energy facilities (alternative energy pilot agreements).

Section 2. The town shall deposit with the town treasurer all proceeds received by the Town from any such PILOT Agreements, such proceeds to be held in the building maintenance fund. Interest on funds so deposited and held shall remain with and become part of the fund and may be expended as part of the building maintenance fund in accordance with the provisions of this act.

Section 3. The town treasurer shall be the custodian of the fund and may deposit such proceeds in national banks or invest the proceeds by deposit in savings banks, cooperative banks or trust companies organized under the laws of the commonwealth, or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the commonwealth or in federal savings and loan associations situated in the commonwealth.

Section 4. Monies contained in said fund may be appropriated at an annual or special town meeting. Monies in the fund may be appropriated for any purpose related to the maintenance of town and school buildings and facilities or for any lawful purpose.

Section 5. The town manager shall oversee expenditures from the fund, and may make recommendations to the board of selectmen or to any town board or committee regarding the use of monies in the fund. The town manager may also establish policies for expenditures from the fund, including priorities and schedules for such expenditures.

Section 6. This act shall take effect upon its passage.

Motion to amend the main motion:
Voted [APPROVED] Unanimous
Moved and seconded that the main motion with respect to Section 4 be amended by deleting therefrom the second sentence and inserting in place thereof the following new sentence: “Monies in the fund may be appropriated for any purpose related to the maintenance of town-owned buildings and facilities.”

Main Motion As Amended:
Voted [APPROVED] Unanimous

ARTICLE 15:
Voted [APPROVED] Unanimous
Moved and seconded that the Town vote to amend the following Sections of the Town’s Zoning By-laws:

A) With respect to Section 173-16.1A (Forest Products Overlay District), by adding thereto the following new Paragraph (1): “(1) The boundaries of the Forest Products Overlay District (FPOD) are shown on a map entitled Northbridge, Massachusetts Zoning Overlay Districts prepared by CMRPC (Central Mass Regional Planning Commission) dated October 2012.”.
B) With respect to Section 173-18B (Floodway and Floodplain Districts), by adding thereto the following new Paragraph (3): “(3) The boundaries of the Floodway and Floodplain Districts are shown on a map entitled Northbridge, Massachusetts Zoning Overlay Districts prepared by CMRPC (Central Mass Regional Planning Commission) dated October 2012.”.

C) With respect to Section 173-72A (Aquifer Protection Districts), by adding thereto the following new Paragraph (1): “(1) The boundaries of the Aquifer Protection Districts (Zone 1 and Zone 2) are shown on a map entitled Northbridge, Massachusetts Zoning Overlay Districts prepared by CMRPC (Central Mass Regional Planning Commission) dated October 2012.”.

D) With respect to Section 173-91A (Open Space Development Overlay District), by adding thereto the following new Paragraph (1): “(1) The boundaries of the Open Space Development Overlay District are shown on a map entitled Northbridge, Massachusetts Zoning Overlay Districts prepared by CMRPC (Central Mass Regional Planning Commission) dated October 2012.”.

E) With respect to Section 173-99A (Route 146 Corridor Overlay District Bylaw), by deleting therefrom the words “Route 146 Corridor Overlay District” in the fourth sentence and substituting in place thereof the following new language: “Northbridge, Massachusetts Zoning Overlay Districts prepared by CMRPC (Central Mass Regional Planning Commission) dated October 2012.”.

F) With respect to Section 173-125 (Historic Mill Adaptive Reuse Overlay District Bylaw), by adding thereto the following new sentence: “The boundaries of the Historic Mill Adaptive Reuse Overlay District are shown on a map entitled Northbridge, Massachusetts Zoning Overlay Districts prepared by CMRPC (Central Mass Regional Planning Commission) dated October 2012.”

**ARTICLE 16:**

Voted **APPROVED** Unanimous

Moved and seconded that the Town vote to accept as a public way, Sandtrap Court [Shining Rock Golf Community] as heretofore laid out by the Board of Selectmen, a copy of which layout is on file with 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 17:**

Moved and seconded that the Town vote to borrow the sum of $1,800,000.00 to procure the services of an Engineering firm to prepare plans using construction referred to as MGL 44e to build a DPW facility, salt shed and wash bay on either the property on Providence Road known as the Waste Water Treatment Facility or on Fletcher Street on the current DPW site, and to authorize the Board of Selectmen to borrow said sum under M.G.L. Chapter 44 or any other enabling authority and to issue bonds or notes of the Town therefor; said funds to be expended under the direction of the Building, Planning & Construction Committee, or take any other action relative thereto. Said facility is for the storage of DPW vehicles, maintenance, shops, and materials storage. The DPW offices will be relocated to available Town-owned office space as determined by the Town Manager. Any funds remaining from the 1.8 million dollars may be used by the Building, Planning and Construction Committee to assist the Town Manager in removing as many structures as possible from the existing site off Fletcher Street, add loam, landscape and plant grass.

Motion to amend the main motion:

Voted **DEFEATED**

STANDING VOTE: **YES 47 NO 73**

Moved and seconded that the main motion be amended by adding the following words after the last sentence: “provided, however, that no debt shall be incurred hereunder until and unless the Town votes to exempt from the provisions of Proposition 2 1/2, so called, the sums required to pay the principal and interest on such debt.”

Moved and seconded moving the question. Voted **APPROVED**

2/3 vote attained
Moderator declared 2/3 vote by
Virtue of Town ByLaw C3-106

Vote on Main Motion:

Voted **DEFEATED**

SECRET BALLOT: **YES 69 NO 118**

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 9:34 P.M. to dissolve the Warrant and adjourn the Fall Annual Town Meeting.

A TRUE COPY ATTEST: _Doreen A. Cedrone, CMC/CMMC Town Clerk_
THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

December 27, 2012

Doreen Cedrone, Town Clerk
Town of Northbridge
7 Main Street
Whitinsville, MA 01588

RE: Northbridge Fall Annual Town Meeting of October 23, 2012 - Case # 6573
Warrant Article # 15 (Zoning)

Dear Ms. Cedrone:

Article 15 - We approve the amendments to the Town’s by-laws, and the map, adopted under Article 15 on the Warrant for the Northbridge Fall Annual Town Meeting that convened on October 23, 2012. We will return the approved map to you by regular mail.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MARTHA COAKLEY
ATTORNEY GENERAL

Nicole B. Caprioli
By: Nicole B. Caprioli,
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4448
nicole.caprioli@state.ma.us

cc: Town Counsel David Doneski (via electronic mail)