

COMMONWEALTH OF MASSACHUSETTS
TOWN OF NORTHBRIDGE
PROCEEDINGS OF THE FALL ANNUAL TOWN MEETING
TUESDAY, OCTOBER 24, 2023 - 7:00 P.M.
Northbridge Middle School
Linwood Avenue

The meeting was called to order by the Town Moderator, Henry J. Lane at 7:05 at the Northbridge Middle School on Linwood Avenue, in Whitinsville, in Northbridge, Massachusetts. The Moderator declared a quorum in attendance at the time.

The invocation was given by Pastor Joel Vande Werken, of the Fairlawn Christian Reformed Church, and was followed by the pledge of allegiance to the American Flag.

The moderator indicated that all voting would be electronic unless otherwise indicated by him. He indicated that he would not appoint tellers or a deputy moderator. Instructions were given for addressing Town Meeting. He made introductions of the key participants.

A motion was made and seconded to dispense with the reading of the Warrant. Voted unanimously to dispense with the reading of the Warrant.

ARTICLE 1: **VOICE VOTE** **DECLARED UNANIMOUS BY MODERATOR**
Moved by Selectman Brian Paulhus, and seconded, to **pass over** article 1 as there were no prior year bills to be paid.

WARRANT ARTICLE:

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 various sums of money and authorize the payment of prior year bills; or take any other action relative thereto.

There was no further discussion.

ARTICLE 2: **VOICE VOTE** **DECLARED UNANIMOUS BY MODERATOR**
Moved by Selectman Charles Ampagoomian, and seconded that the town vote to amend the votes taken under Article 3 of the 2023 Spring Session of the Annual Town Meeting (May 2, 2023), appropriations and transfers under the Omnibus Budget Article, to raise and appropriate, and/or to transfer from available funds in the Treasury and/or the Health Insurance Stabilization Fund to supplement appropriations under the Omnibus Budget Article as follows:

CODE ENFORCEMENT [Raise and Appropriate]

Line 17A: Personnel

By increasing the amount previously raised and appropriated by

\$ 1,700.00

CODE ENFORCEMENT [Weights and Measures Reserve Account]

Line 17A: Personnel

By reducing the amount previously raised and appropriated by

\$ 1,700.00
(\$ 0.00)

TOTAL CODE ENFORCEMENT NET:

EDUCATION:

Line 20C: Blackstone Regional

By reducing the amount previously raised and appropriated by

\$ 64,511.00
(\$64,511.00)

TOTAL EDUCATION:

NON-DEPARTMENTAL:

Line 41: Employee Insurance Benefits [Overlay Surplus]

By reducing the amount previously raised and appropriated by

\$100,000.00

NON-DEPARTMENTAL:

Line 41: Employee Insurance Benefits [Raise and Appropriate]

By increasing the amount previously raised and appropriated by

\$ 64,511.00
(\$35,489.00)

TOTAL NON-DEPARTMENTAL:

One voter raised questions, which were answered by Town Manager Adam Gaudette.

ARTICLE 3: **54 YES / 0 NO** **DECLARED UNANIMOUS BY MODERATOR**
Moved by Board of Selectmen Chairman Russell Collins, and seconded, that the town **pass over** article 3. He explained that the Bylaw Review Committee did not have ample time to review town counsel notes on their recommendations. Such review and report to be presented at the Spring Town Meeting.

WARRANT ARTICLE:

To see if the Town will vote to approve the grammatical and stylistic amendments to the Code of Northbridge (Bylaws) in accordance with the final report of the Bylaw Review Committee appointed in 2021 pursuant to Section 8-9(b) of the Home Rule Charter, said report being on file with the Town Clerk; or take any other action relative thereto.

Finance Committee member James Barron reported the committee voted unanimously to pass over article 3.

There was no further discussion.

ARTICLE 4: **31 YES / 1 NO** **DECLARED A VOTE BY MODERATOR**

Moved by Chairman Russell Collins, and seconded, that the town **pass over** article 4 for the same reasons.

WARRANT ARTICLE:

To see if the Town will vote to approve the substantive amendments to the Code of the Town of Northbridge (Bylaws) in accordance with the final report of the Bylaw Review Committee appointed in 2021 pursuant to Section 8-9(b) of the Home Rule Charter, said report being on file with the Town Clerk; or take any other action relative thereto.

Mr. Barron reported the Finance Committee voted unanimously to pass over article 4.

There was no further discussion.

ARTICLE 5: **26 YES / 28 NO** **DECLARED NOT A VOTE BY MODERATOR**
 To see if the Town will vote to amend the General Bylaws by adding new Section 9-1100 entitled Graffiti Violations and Removal and inserting said section in the Code of the Town of Northbridge as follows:

SECTION 9-1100
 GRAFFITI VIOLATIONS AND REMOVAL
 [Added 10-NN-2023 ATM; art. NN]
§ 1101 Definitions.

- A. graffiti – Means one or more letters, symbols, marks, designs, drawings or murals, however made, on any structure, place, or thing but does not include any of the following:
 - (1) A sign, public notice or traffic control mark authorized by state or local authority
 - (2) A public notice authorized by state or local authorities
- B. hate graffiti – Means graffiti that demeans a person or group or class of persons based on race, color, ancestry, place of origin, physical or mental disability, sex or sexual orientation of such person or group or class of persons.
- C. notice to comply – Means a notice to comply issued pursuant to § 1104 of this by-law.
- D. real property – Means land including any buildings, structures or other improvements thereon.
- § 1102 Prohibition.**
 - No person shall place graffiti on or cause graffiti to be placed on or displayed from
 - A. any wall, fence, structure or other thing in any street or public place;
 - B. real property adjacent to a street or public place; or
 - C. any motor vehicle or other moveable object.

§ 1103 Requirement.

Every owner or occupier of real property shall at all times keep any wall, fence, building, structure or thing that is located on that real property free of graffiti.

§ 1104 Notice to comply.

Where a person has failed to comply with § 1103 of this by-law, any officer of the Northbridge Police Department or another agent designated by the Northbridge Police Department may give notice in writing requiring the removal of the graffiti from the real property.

§ 1105 Service of the notice to comply.

A notice to comply is deemed to be served on an owner or occupier of real property when it has been mailed by registered or certified mail to the address of the owner shown on the last revised real estate record; delivered in hand to the owner or occupier of the real property or placed in a mailbox or other receptacle for the receipt of mail on the real property; or posted on the real property.

§ 1106 Failure to comply.

If, in the case of hate graffiti or graffiti containing profane words, symbols, marks, designs or drawings, an owner or occupier fails to comply with the notice to comply within 7 days of being served, or if, in the case of graffiti other than hate graffiti, an owner or occupier fails to comply with the notice to comply within 14 days of being served, then the town, its employees, its agents or its contractors may enter onto the real property and effect compliance at the cost of the offender.

§ 1107 Offense and penalty.

Every person who violates a provision of this by-law shall be punished by a fine of \$100 for every offense. The fine shall be assessed on the date when the owner or occupier who has violated this by-law is served in the manner described in § 1105, and every day or part thereof during which the violation continues after the said date of service shall constitute a separate offense.

§ 1108 Enforcing authority.

The enforcing authority shall be the Northbridge Police Department.

Finance Committee member David Graham reported the committee voted 3-1 in favor of the article.

Several residents raised questions and concerns. Answers were provided.

ARTICLE 6: **54 YES / 1 NO** **DECLARED A VOTE BY MODERATOR**

Moved by Selectman Paulhus, and seconded, that the town **pass over** article 6. He explained that town counsel indicated that the conservation commission has the right to adopt their own rules and regulations, and no town meeting vote was required.

WARRANT ARTICLE:

To see if the Town will vote to adopt regulations pertaining to the use of conservation lands for inclusion in Division 5, Chapter 205 of the Town of Northbridge Code, a copy of which is on file with the Town Clerk. The regulations will apply to the use of all lands under the management of the Conservation Commission unless their use is otherwise regulated under a Conservation Restriction; or take any other action relative thereto.

Finance Committee member Sean Ferry reported the committee voted unanimously to pass over article 6.

ARTICLE 7: **8 YES / 49 NO** **DECLARED NOT A VOTE BY MODERATOR**
Moved by petitioner Michael J. Wilkes, and seconded, that the town vote to adopt article 7 directly as written in the Warrant.

The moderator asked if there were any objections to not reading the entire petition. There were none.

WARRANT ARTICLE: Town of Northbridge An Ordinance Relative to Excessive and Unreasonable Noise Chapter 9 § 300 (a) Findings and Declaration of Policy (1) Findings. The residents of the town hereby finds that excessive and unnecessary noise is a significant threat to the health, welfare, safety, and the quality of life of the public; that excessive and unnecessary noise over an extended period of time leads to hearing loss; that excessive and unnecessary noise may interfere with personal communication, cause sleep disturbances, create anxiety and distress and aggressive behavior. The residents of the town further find that a substantial body of science and technology exists by which excessive and unnecessary noise may be substantially abated. (2) Declaration of Policy. In consideration of the above findings, and recognizing that Amendment Article 97 to the Constitution of the Commonwealth of Massachusetts establishes that the people have a right to be free from excessive and unnecessary noise, it is hereby declared to be the public policy of the town to reduce the ambient noise level in the town to safe and reasonable levels and to eliminate the episodic creation of excessive and unnecessary noise so as to preserve, protect and promote the public health, safety, welfare and peace and quiet of the inhabitants of the town, to prevent injury to human, plant and animal life and property, to foster the convenience and comfort of its inhabitants, and to facilitate the enjoyment of the natural attractions of the town. (b) Definitions - For purposes of this section 1A, the following words shall have the meanings respectively set forth below: "A" level - means the total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit of measurement is the dB(a). Ambient - means the background level of sound immediately preceding the sound produced by the object or person under scrutiny and, when measured mechanically or electronically, is the A-weighted sound level that is exceeded 90% of the time measured during equipment operating hours. Device - means any mechanism which actually produces sound when operated or handled. Motorcycle - means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including any bicycle with a motor or driving wheel attached, except a tractor or a motor vehicle designed for carrying golf clubs and not more than four persons, an industrial three-wheel truck, or a motor vehicle on which the operator and passengers ride within an enclosed cab. Motor Vehicle - means any device which is propelled by an engine, other than a motorcycle, in or upon which a person or material may be transported on the ground and which is intended to be operated upon a public highway. Person - means any individual, partnership, group, company, corporation, association, firm, organization, governmental agency, administration or department, or any other group of individuals, or any officer or employee thereof. Plainly Audible - means any sound that can be detected by a person using his or her unaided hearing faculties. (As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound). Public Place - shall include any public way, any private way open to public use and on the official map of the town or any way for vehicular travel in any town park, playground, public school property or land under the control of any town department. Residential Area - shall include any area zoned for residential development containing housing which may vary significantly between, and through, residential areas. These include single-family housing, multi-family residential, mobile homes, or any other type of dwelling. Sound Level Meter - means any instrument including a microphone, amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specific manner. Sound Reproduction Device - means any device, electronic or otherwise, which is capable of producing, reproducing or amplifying sound, including but not limited to any musical instrument, radio, television, tape recorder, compact disc or DVD player, public address ("P.A.") or other sound amplifying system. Sound Signal - means any sound produced by an electronic sound signal device designed to transmit information. (c) Sound Levels for Motor Vehicles (1) No person shall operate any motor vehicle or any sound reproduction device within any motor vehicle in such a manner that the vehicle or sound reproduction device is plainly audible in a public place at a distance of 50 feet or more in any direction from the vehicle. (2) Except where necessary to avoid a collision with another motor vehicle or with a pedestrian, no person shall operate a horn or warning device from any motor vehicle or motorcycle such that the sound emanating from such act is plainly audible in a public place at a distance of 125 feet or more from said vehicle or motorcycle. (3) No person shall operate any siren in any public place except authorized employees of public entities

not be plainly audible at a distance of 50 feet or more from said public park, playground, playing field, or public property or building.

(2) Sound from parades, rallies, public assemblies, demonstrations, special events, sporting events or sound trucks may for brief periods reasonably exceed the sound level limits contained herein; provided, however, that no person shall increase the amplification level of the sound generated by such activities to the point where it is consistently and plainly audible in a public place at a distance of more than 50 feet from the perimeter of the property containing such activity.

(3) Sound from bells, chimes, or carillons from a structure operated for noncommercial purposes.

(4) Sound from snow blowers, snowplows, and other snow removal equipment during or immediately after a snowfall, and the use of power equipment necessary for emergency repairs or debris removal due to severe weather.

(5) Sound from lawfully permitted fireworks displays.

(g) Enforcement and Penalties

The penalty for the first violation of this section 1A shall be a verbal warning by the enforcement authority. The second violation will result in a fine of one hundred (\$100.00) dollars, with each subsequent offense for the calendar year being one hundred and fifty (\$150.00) dollars. The provisions of this section 1A shall be enforced using the noncriminal disposition process as provided in Massachusetts General Laws, chapter 40, § 21D by the chief of police and every town police officer and official and any other individual listed as an "enforcing person" under the relevant provision.

Mr. Wilkes presented and spoke in favor of the article.

Finance Committee member Steven Gogolinski reported the committee voted unanimously to oppose this article.

Chairman Collins reported the Board of Selectmen voted unanimously to oppose this article.

A resident asked if town counsel had reviewed the article.

Town Counsel David Doneski reported he had reviewed the article and found nothing illegal.

Action having been completed on all 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 8:00 p.m. to dissolve the Warrant and adjourn the Fall Annual Town Meeting.
There were 60 voters in attendance.

A TRUE COPY

ATTEST:


Linda B. Zywien, CMC
Town Clerk