

PROCEEDINGS

SEMI-ANNUAL TOWN MEETING
OCTOBER 21, 2002

The Semi-Annual Town Meeting began at 7:45PM after the conclusion of the Special Town Meeting. There were 104 members present.

The Moderator read the Warrant.

**NORTH ATTLEBOROUGH WARRANT
FOR THE REPRESENTATIVE
SEMI-ANNUAL TOWN MEETING
MONDAY, OCTOBER 21, 2002
AT 7:00 P.M.
THE COMMONWEALTH OF MASSACHUSETTS**

Bristol, ss.

To either of the Constables of the Town of North Attleborough:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the legal voters of the Town of North Attleborough to meet at the North Attleborough Middle School Cafetorium, 564 Landry Avenue, in said North Attleborough on

MONDAY, THE TWENTY-FIRST OF OCTOBER, 2002 A.D.

At 7:00 p.m., then and there to act upon the following articles to wit:

And you are hereby directed to serve this warrant by posting up attested copies thereof in at least seventeen public places in said Town and also in one place in each of the voting precincts within the Town at least twenty-one days before the time of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk on or before the time of said meeting.

Given our hands and seal of the Town of North Attleborough on this August 29, 2002.

**Mark C. Fisher, Chairman
John C. Rhyno, Vice-Chairman
Marjorie A. Kraskouskas
Bradley A. Plante
James C. Wood**

BRISTOL, ss.

Pursuant to this within warrant, I have notified the inhabitants of the Town of North Attleborough within described, to meet at the time and place for the purpose within mentioned by posting attested copies of this warrant in seventeen (17) public places in said town twenty-one (21) days before the time of said meeting.

**Chief Michael P. Gould, Sr.
Constable
Town of North Attleborough**

- 1. Central Fire Station**
- 2. Richards Memorial Library**
- 3. Town Offices**
- 4. Cushman Union Church**
- 5. Oldetown Church**
- 6. Chamber of Commerce**
- 7. Falls Post Office**

8. Cumberland Farms-Kelley Boulevard
9. Registry of Motor Vehicles
10. Housing for the Elderly (Circle Court)
11. Housing for the Elderly (Center)
12. Housing for the Elderly (Elm Terrace)
13. Attleboro Toyota
14. Fleet Bank (Center)
15. Fireside Nissan
16. Department of Public Works (Smith Street)
17. North Attleborough Federal Credit Union

ARTICLE 1 UNPAID LEGAL FEES

ZONING BOARD, APPEALS

To see if the Town will vote to raise and appropriate or transfer from available funds the amount of \$1,147.50 or some other sum for legal expenses incurred by the Zoning Board of Appeals, including \$1,147.50 in unpaid bills incurred prior to June 30, 2002, and to determine how said appropriation shall be raised whether by taxation, transfer of available funds or otherwise. Or to do or act in any manner relative thereto. Zoning Board of Appeals SEE ATTACHED

PURPOSE AND JUSTIFICATION

A bill received by Zoning Board of Appeals for legal work was not received by the Town until after the commencement of Fiscal Year 2003. The total bill includes costs for legal work incurred in both Fiscal Year 2002 and Fiscal Year 2003.

FINANCE COMMITTEE VOTE: 5-1

4/5 VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to raise and appropriate from taxation the amount of \$1,147.50 for legal expenses incurred by Zoning Board of Appeals.

FINANCE COMMITTEE REASON: This expense was incurred in FY02 and must be paid.

The RTM members unanimously approved the Finance Committee's recommendation as read.

ARTICLE 2 FY03 BUDGET APPROPRIATION

CHARTER COMM.

To see if the Town will vote to raise and appropriate, transfer or appropriate from available funds the amount of \$11,850 or some other sum to be expended by and under the direction of the Charter Commission for the purposes of conducting business relevant to the communication of information to and from town citizens and in support of all other business, legal and otherwise of the Charter Commission. Or to do or act in any manner relative thereto. Charter Commission . SEE ATTACHED

PURPOSE AND JUSTIFICATION

The Charter Commission has attached a basic budget proposal to enable the Commission to carry out its charge. This budget explains the breakdown of the items for which these funds are requested.

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to raise and appropriate from taxation the amount of \$11,850 to be expended by and under the direction of the Charter Commission for the purposes of conducting business relevant to the communication of information to and from Town citizens and in support of all other business legal and otherwise of the Charter Commission.

FINANCE COMMITTEE REASON: This funding will enable the Charter Commission to communicate information to the Town's citizens.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 3 SUPPLEMENT TRANSPORTATION EXPENSE

SCHOOL COMM.

To see if the Town will vote to appropriate the sum of \$70,920.00, or any other sum, to supplement Article 5, Line 42B - School Department Transportation Expenses of the Annual Town Meeting for the Fiscal Year 2003. Said sum

shall be raised by taxation, transfer of available funds or otherwise. Or to do or act in any manner relative thereto.
School Committee

PURPOSE AND JUSTIFICATION

Increasing enrollments in both Special Education and Regular Day programs along with an aging fleet of Special Education vehicles have made this necessary,

FINANCE COMMITTEE VOTE: 6-1

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to raise and appropriate from taxation the sum of \$70,920.00 to supplement Article 5, Line 42B-School Department Transportation Expenses of the Annual Town Meeting for Fiscal Year 2003.

FINANCE COMMITTEE REASON: Approval of this article will provide the necessary funding for the increased enrollment of the special education students.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 4 LEGAL FEES ACCOUNT

CABLE TV ADVISORY COM.

To see if the Town will vote to appropriate and set up an account for the fifty-cents fee per subscriber which is paid annually in March to the town by AT&T. These moneys to then specifically be used for the legal fees of the Cable TV Advisory Committee. Or to do or act in any manner relative thereto. Cable TV Advisory Committee

PURPOSE AND JUSTIFICATION

At the most recent negotiations, the legal fees exceeded \$25,000.00.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be indefinitely postponed.

FINANCE COMMITTEE REASON: This article was not properly written to allow consideration.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 5 LEGAL FEES

CABLE TV ADVISORY COM.

To see if the Town will vote to appropriate \$25,000 to be raised by taxation, transfer from available funds, borrowing or otherwise to retain a lawyer for the purpose of re-licensing. Or to do or act in any manner relative thereto. Cable TV Advisory Committee

PURPOSE AND JUSTIFICATION

During the most recent negotiations, an excess of \$25,000.00 was expended.

FINANCE COMMITTEE VOTE: 6-1

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to raise and appropriate from taxation the amount of \$7,500 to retain a lawyer for the purpose of re-licensing.

FINANCE COMMITTEE REASON: Approval of this article will provide the initial funding for negotiations.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 6 CAPITAL IMPROVEMENT PLAN

BOARD, SELECTMEN

To see if the Town will vote to appropriate a sum of money to be raised by taxation, by transfer from available funds, enterprise funds, by borrowing or otherwise, for various capital and special projects of the Town, including but not limited to constructing, reconstructing, adding to, equipping and furnishing public buildings, and other public facilities, purchasing equipment, constructing, reconstructing roads and other public ways, constructing improvements to the Town's water and sewerage systems, purchasing equipment and undertaking other capital projects, including costs incidental and related to such projects, or to take any other action relative to the foregoing matters.

PART 1: That the sum of \$13,013,535 (Total of Items 1-30, inclusive: \$12,634,500, plus bonding costs of \$379,035), or any other sum, hereby is appropriated for various capital projects, special projects and equipment as shown below, and expended under the direction of the Town Board/Official indicated, or the Municipal Building

Committee, if applicable. Said sum to be raised by General Tax, by transfer from available funds, by borrowing or otherwise and provided further that any funds appropriated hereunder shall remain within the capital budget under the jurisdiction of the Town Board/Official indicated, or Municipal Building Committee, if applicable, until expended or released unless transferred by Town Meeting.

I. ONGOING CAPITAL MAINTENANCE EFFORTS (Items 1-11, inclusive total \$434,000)

ITEM	AMOUNT	DESCRIPTION	REQUESTOR
1.	\$15,000	Protective Clothing	Board of Fire Commissioners
2.	\$12,000	Breathing Apparatus	Board of Fire Commissioners
3.	\$60,000	Student Transportation Vehicle	School Committee
4.	\$100,000	Hazardous Materials Removal and Abatement (Lead and Asbestos) from School Buildings	School Committee
5.	\$20,000	Computer Replacement	Management Information Services (MIS) Director
6.	\$52,000	Revaluation	Board of Assessors
7.	\$7,000	Town Hall - Copier Replacement	Board of Selectmen
8.	\$10,000	Playground Equipment - Repair/Replacement	Park Commissioners
9.	\$100,000	Roads and Sidewalks	Board of Public Works - Highway Department
10.	\$50,000	Vehicle Replacement - Truck	Board of Public Works - Highway Department
11.	\$8,000	Open Top Containers (2)	Solid Waste Department

II. ADDITIONAL FY 2003 CAPITAL PROJECTS (ITEMS 12-30, inclusive total \$12,200,500)

12.	\$40,000	Elm Street Station - Roof Repair	Board of Fire Commissioners
13.	\$56,000	Police Vehicles	Police Chief
14.	\$182,000	Dam Repair - Falls Pond	Conservation Commission
15.	\$4,400,000	Conversion Project - Community School	School Committee
16.	\$1,700,000	BPW - Administration Bldg	Board of Public Works - Administration
17.	\$444,000	Americans with Disabilities Improvements - Engineering & Design	Board of Selectmen
18.	\$1,000,000	Municipal Fiber Net	North Attleborough Electric Commissioners
19.	\$700,000	Fiscal Management - hardware software (per recommendation of CY 2002 Software Study)	Management Information Systems (MIS)
20.	\$353,500	Roosevelt School - Roof Replacement	School Committee
21.	\$795,000	Roof Repair/Replacement - Amvet, Early Learning Center, Allen Avenue, Falls Schools	School Committee
22.	\$200,000	Telephone & Telecommunications Systems Replacement - NAHS, Falls, Roosevelt, Allen Ave, Amvet schools	School Committee
23.	\$650,000	Aerial Ladder Truck	Board of Fire Commissioners
24.	\$170,000	Whitings Dam Repairs	Conservation Commission
25.	\$40,000	Vehicle - Truck	Park Commissioners
26.	\$500,000	Ball Fields - Columbia Field & Town Forest	Park Commissioners
27.	\$90,000	Repair of Bleachers - NAHS	School Committee
28.	\$190,000	Conversion Project - Woodcock Administration Bldg	School Committee
29.	\$390,000	St. Mark's Pond Dam Rehabilitation	Conservation Commission

30. \$300,000 GIS - Phase III Management Information Systems (MIS)

And that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow the sum of \$13,013,535, or any other sum, under and pursuant to the statutes cited above, or any other enabling authority, and issue bonds or notes of the Town therefore; and the requested sum of \$12,634,500 be expended by the Town Board/Official listed or by the Municipal Building Committee, for project costs; and the sum of \$379,035 be expended under the direction of the Town Treasurer for issuance costs; and that betterment assessments therefore shall be levied under the provisions of Town By-Laws where applicable for these purposes.

PART 2: To authorize any of the above named boards or departments to apply for, accept, and expend any state or federal grants that are or may become available for these purposes. Or to do or act in any manner relative thereto.
Board of Selectmen

PART I

FINANCE COMMITTEE VOTE: 7-0

ROLL CALL MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to raise and appropriate from taxation the amount of \$159,000 for the following equipment, capital improvements, and/or special projects to be expended under the direction of the Town Board/Official indicated:

- | | | |
|-------------|--------------------------------|--|
| 1. \$15,000 | Protective Clothing | Board of Fire Commissioners |
| 2. \$12,000 | Breathing Apparatus | Board of Fire Commissioners |
| 3. \$60,000 | Student Transportation Vehicle | School Committee |
| 5. \$20,000 | Computer Replacement | Management Information Services (MIS) Director |
| 6. \$52,000 | Revaluation | Board of Assessors |

FINANCE COMMITTEE REASON: Approval of this article will provide funding for on-going maintenance items.

Jim Wood (P8) made a motion to amend the Finance Committee recommendation as follows: *Amend Article 6 by inserting Item #11 in the amount of \$8,000 for the purpose of Open Top Containers to be expended under the direction of the Solid Waste Department and that said sum shall be transferred from Landfill Retained Earnings.*

Motion seconded.

Motion carried.

AMENDED FINANCE COMMITTEE RECOMMENDATION: That the Town vote to raise and appropriate from taxation the amount of \$167,000 for the following equipment, capital improvements, and/or special projects to be expended under the direction of the Town Board/Official indicated:

- | | | |
|---------------------|--------------------------------|--|
| 1. \$15,000 | Protective Clothing | Board of Fire Commissioners |
| 2. \$12,000 | Breathing Apparatus | Board of Fire Commissioners |
| 3. \$60,000 | Student Transportation Vehicle | School Committee |
| 5. \$20,000 | Computer Replacement | Management Information Services (MIS) Director |
| 6. \$52,000 | Revaluation | Board of Assessors |
| 11. \$ 8,000 | Open Top Containers | Solid Waste Department |

The RTM members unanimously approved Part 1 of Article 6 as amended.

PART II

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to authorize any of the above-named boards or departments to apply for, accept, and expend any state or federal grants that are or may become available for these purposes.

FINANCE COMMITTEE REASON: Approval of this article would provide the proper authorization for Town to apply for, accept, and expend any state or federal grants.

The RTM members approved Part II of Article 6 as read.

ARTICLE 7 RENOVATIONS: COMMUNITY SCHOOL

SCHOOL COMM.

To see if the Town will vote to appropriate the sum of \$5,884,596.00, or any other sum, to be expended under the jurisdiction of the School Committee for completion of the renovations at Community School and any other incidental costs related thereto. Said sum shall be appropriated by taxation, transfer of available funds, bonding or otherwise. Or to do or act in any manner relative thereto. School Committee

PURPOSE AND JUSTIFICATION

Phase 2, Year 1 of conversion, rehabilitation project at Community School. Phase I was completed in September 1998 with a bond of \$613,700.00, Article 7 & 8. Architectural & Engineering drawings in the amount of \$341,000.00 were approved at April 1999 RTM, and were finished in the spring of 2001 for this school. Due to a lack of funding for the past three years, please note that this funding request has been revised. These figures have been adjusted to reflect inflation and rising construction costs. They are applicable for a projected June 2003 start date. If approved by RTM, the Town of North Attleborough would be eligible for reimbursement of approximately 2.9 million dollars of the total project.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be indefinitely postponed.

FINANCE COMMITTEE REASON: The Town cannot afford this expense. The citizens of the Town voted down this proposal by a 3 to 1 vote.

After much discussion, Christine Schromm (P1) made a motion to move the question.

Motion seconded.

Motion carried.

The RTM members approved the Finance Committee's recommendation as read. 59-Yes and 47-No.

ARTICLE 8 WINDOW REPLACEMENT: COMMUNITY SCHOOL

SCHOOL COMM.

To see if the Town will vote to appropriate the sum of \$570,000.00, or any other sum, to be expended under the jurisdiction of the School Committee for the replacement of windows at the Community School. Said sum shall include the cost of printing and advertising the specifications, window construction and installation, lead abatement, architectural fees. Engineering fees, construction administration fees, and any other incidental costs related thereto. Said sum shall be appropriated by taxation, transfer of available funds, bonding or otherwise. Or to do or act in any manner relative thereto. School Committee

PURPOSE AND JUSTIFICATION

Windows in the entire building need to be replaced. They are the original windows, are single-paned, have wood casings which are peeling badly (probably lead paint chips), and are in danger of falling out. This is potentially a health and safety issue. Sixty-six percent of the above monies are reimbursable and would bring a return to the Town in the amount of \$377,112.00.

FINANCE COMMITTEE VOTE: 4-3

2/3 ROLL-CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the sum of \$587,100 be hereby appropriated for remodeling, reconstructing or making extraordinary repairs to the Community School, consisting of replacement of windows, and for costs incidental and related thereto; that to meet said appropriation, the Treasurer with the approval of the Selectmen is hereby authorized to borrow the sum of \$587,100 at one time or from time to time under and pursuant to Chapter 44, Section 7(3A), of the General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the Town therefore; and that of such sum \$570,000 shall be expended under the direction of the School Committee for project costs and \$17,100 shall be expended by the Town Treasurer for issuance costs.

FINANCE COMMITTEE REASON: This will begin the rehab of the Community School.

The RTM members approved the Finance Committee's recommendation with a 2/3's roll call vote. Yes -103 No- 3.

ARTICLE 9 RECONSTRUCTION: FALLS POND DAM

CONSERVATION COMM.

To see if the Town will vote to raise and appropriate the sum of \$182,000, or any other sum, for reconstruction and construction costs at Falls Pond Dam, and for costs incidental and related thereto. And to determine how said appropriation, including issuance costs, if any, shall be raised - by taxation, by borrowing, by transfer of available funds or otherwise. Said sum to be expended by and under the direction of the Conservation Commission for project costs, and the Town Treasurer for issuance costs. Or to do or act in any manner relative thereto.

Conservation Commission SEE ATTACHED

PURPOSE AND JUSTIFICATION

This article is being submitted to supplement funds obtained through the Department of Environmental Management to complete Phase II of repairs to Falls Pond Dam.

FINANCE COMMITTEE VOTE: 7-0

2/3 ROLL-CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the sum of \$187,460 be hereby appropriated for the reconstruction and construction costs at Falls Pond Dam and for costs incidental and related thereto; that to meet said appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow the sum of \$187,460, at one time or from time to time under and pursuant to Chapter 44, Section 7(7), of the General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes to the Town therefore; that the Conservation Commission with the approval of the Board of Selectmen is authorized to apply for, accept, and expend any State or Federal grants that may be available for such purposes; that of such sum \$182,000 shall be expended under the direction of the Conservation Commission for project costs and \$5,460 shall be expended by the Town Treasurer for issuance costs.

FINANCE COMMITTEE REASON: These repairs are necessary for the safe operation of the Falls Pond Dam.

2/3's Roll Call Vote required. The Moderator informed the body that unanimity dispenses with the calling of the 2/3 roll call according to the Town By-Laws. The RTM members unanimously approved the Finance Committee's recommendation as read.

ARTICLE 10 RECONSTRUCTION: DPW ADMIN. BLDG.

BOARD, PUBLIC WORKS

To see if the Town will vote to raise and appropriate the sum of \$1,784,475.00 or any other sum to be expended by and under the jurisdiction of the Municipal Building Committee for the purpose of constructing an addition and/or remodeling, reconstructing or making extraordinary repairs including furnishings, equipment and related items to the DPW Administration Building located at 240 Smith Street, and to determine how said appropriation shall be raised, by taxation, by transfer of available funds or by borrowing under the Mass. General Laws, Chapter 44 as amended or revised. And to authorize the Municipal Building Committee to apply for, accept and expend any State or Federal Grants available or that may become available for these purposes; and that the sum of \$1,732,500.00, or any other sum be expended under the direction of the Municipal Building Committee, and that in addition the sum of \$51,975.00 shall also be borrowed to be expended by the Town Treasurer for issuance cost. Or to do or act in any manner relative thereto. Board of Public Works

PURPOSE AND JUSTIFICATION:

The Board of Public Works conducted a "Space Needs Analysis" and "Air Quality Study" in 1998/99 for its facility at 240 Smith Street. The results of the two studies concluded that: approximately two and one half times more work space was needed for Department of Public Works operations; the current building has several code violations, and that there was dangerously high levels of carbon monoxide in the building as a result of non-existent/poor HVAC systems. Annual Town Meeting of 1999 approved \$95,000.00 to design the renovations/expansion work, which is now complete. Approval of this article will allow construction of the renovations to begin, which will take 8 months to finish.

In March of 1999, staff and visitors to the Administration/Highway building began experiencing severe health symptoms during times when a strong odor of gasoline/diesel and other fumes became noticeable within the building. There had been sporadic complaints by the staff at 240 Smith Street in the past about this problem, however; during that period the presence of fumes had become more intense.

As a result of these complaints, the Board of Public Works initiated an independent study of the air quality at the Department of Public Works building. OccuHealth, Inc. of Mansfield, MA conducted a Level I Indoor Air Quality Survey. The study indicated that there is migration of gas/diesel and other fumes into the Department of Public Works Admin/Highway building. Along with this problem, there have been dangerously high levels of carbon monoxide detected.

Due to the possible detrimental health effects on Department of Public Works employees and visitors, the building was abandoned and Department of Public Works staff was relocated to a leased temporary trailer located at the site. Obviously this is not a long-term solution for housing one of the three main Town Departments. Plus, construction costs and leasing expenses continue to increase making the project more costly the longer it is delayed.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be indefinitely postponed.

FINANCE COMMITTEE REASON: The Town cannot afford this expense. The citizens of the Town voted down this proposal by a 7-1 ratio.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 11 REPAIR: DPW GARAGE

BOARD, PUBLIC WORKS

To see if the Town will vote to raise and appropriate the sum of \$47,000 or any other amount by taxation, by transfer from available funds, or by borrowing under Chapter 44 of the General Laws, as amended to repair and improve the Highway and Fleet Maintenance garage floor drainage system and vehicle and equipment washing facilities at 240 Smith Street. Said funds to be expended under the direction of the Board of Public Works.

Or to do or act in any manner relative thereto. Board of Public Works

PURPOSE AND JUSTIFICATION

FINANCE COMMITTEE VOTE: 7-0

2/3 VOTE

FINANCE COMMITTEE RECOMMENDATION: That the sum of \$48,410 is hereby appropriated for the purpose of making extraordinary repairs, including improving the Highway and Fleet Maintenance garage floor drainage system and vehicle and equipment washing facilities at 240 Smith Street, and for costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow the sum of \$48,410, at one time or from time to time, under and pursuant to Chapter 44 Section 7(3A), of the General Laws, as amended, or any other enabling authority, and to issue bonds or notes of the Town therefore; and that of such sum, \$47,000 shall be expended by the Board of Public Works for project costs, and \$1,410 shall be expended by the Town Treasurer for issuance costs.

FINANCE COMMITTEE REASON: The proposed repairs/improvements to this facility are necessary to keep the Town in compliance with EPA requirements.

The RTM members approved the Finance Committee's recommendation as read. 2/3's vote obvious to the Moderator.

ARTICLE 12 10-WHEEL CAB/CHASSIS

BOARD, PUBLIC WORKS

To see if the Town will vote to raise and appropriate the sum of \$30,000, plus issuance costs or any other amount by taxation, by transfer from available funds, or by borrowing under Chapter 44 of the General Laws, as amended to purchase a used 10-wheel cab and chassis and a new sander hopper to be used under the jurisdiction of the Department of Public Works. Or to do or act in any manner relative thereto. Board of Public Works SEE

ATTACHED

PURPOSE AND JUSTIFICATION

This purchase will replace a 1975 GMC sander, which was purchased by the Town in 1986. This vehicle no longer passes State inspection and the cost to repair to bring to inspection standards are more than the value of the truck.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to raise and appropriate from taxation the amount of \$30,000 to purchase a used 10-wheel cab and chassis and a new sand hopper to be used under the jurisdiction of the Department of Public Works.

FINANCE COMMITTEE REASON: This is an economical replacement of outdated equipment.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 13 CONSTRUCTION: SEWER SYSTEM MAPLE STREET

R. STACK

To see if the Town will vote to raise and appropriate the sum of \$140,100.00 for the construction and inspection services for approximately 970 feet of a low-pressure sewer system and appurtenances in Commonwealth Avenue and Maple Street. Said appropriation to be raised by taxation, by transfer of available funds, or by borrowing under Chapter 44, as amended of the General Laws. And to authorize the Board of Public Works to apply for, accept and expend any State or Federal grants available, or that may become available for these purposes. The sum of \$136,000.00 to be expended under the direction of the Board of Public Works and the sum of \$4,100.00 to be expended by the Town Treasurer for issuance costs; and to assess 100% betterments under provisions of Article XVII of the Town By-Laws. Or to do or act in any manner relative thereto. Petition

PURPOSE AND JUSTIFICATION

This article will allow for the construction of the sanitary sewer infrastructure for the portion of Commonwealth Ave. and Maple Street, which are to be reconstructed as part of a Public Works Economic Development (PWED) grant. The PWED grant is for the Commonwealth Ave./Toner Blvd roadway improvement project. It is important to finish this utility work prior to the completion of the Commonwealth Ave./Toner Blvd project so that the new road surface will not have to be disturbed by utility work.

FINANCE COMMITTEE VOTE: 5-2

2/3 ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote the sum of \$140,100 be, hereby, appropriated for construction of approximately 970 feet of a low-pressure sewer system and appurtenances in Commonwealth Avenue and Maple Street, and for costs incidental and related thereto; that to meet said appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow the sum of \$140,100, at one time or from time to time, under and pursuant to Chapter 44, Section 7(1), of the General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the Town therefore; that the Board of Public Works with the approval of the Board of Selectmen is authorized to apply for, accept, and expend any State or Federal grants that may be available for such purposes; that of such sum \$136,000 shall be expended under the direction of Board of Public Works for project costs and \$4,100 shall be expended by the Town Treasurer for issuance costs; and to asses 100 percent betterments under the provisions of Article XVII, Betterments, Section 1 of the Town By-Laws.

FINANCE COMMITTEE REASON: People are willing to pay 100-percent betterments and can be completed in a timely manner.

The RTM members approved the Finance Committee’s recommendation with a 2/3 roll call vote. Yes-95 No-3 1-Abstained.

At 10:10PM a motion was made and seconded to adjourn to Wednesday October 23, 2002 at 7PM.
Motion carried.

Town Clerk, Patricia A. McNielly, opened the adjourned session of the Semi-Annual Town Meeting on Wednesday, October 23, 2002 at 7:09PM. With 78 RTM members present, we have a quorum.

Pledge of Allegiance to the Flag.

ARTICLE 14 CONSTRUCTION: SEWER SYSTEM MAPLE STREET

R. STACK

To see if the Town will vote to raise and appropriate the sum of \$140,100.00 for the construction and inspection services for approximately 970 feet of a low-pressure sewer system and appurtenances in Commonwealth Avenue and Maple Street. Said appropriation to be raised by taxation, by transfer of available funds, or by borrowing under Chapter 44, as amended of the General Laws. And to authorize the Board of Public Works to apply for, accept, and expend any State or Federal grants available, or that may become available for these purposes. The sum of \$136,000.00 to be expended under the direction of the Board of Public Works and the sum of \$4,100.00 to be expended by the Town Treasurer for issuance costs; and to assess 66% betterments under provisions of Article XVII of the Town By-Laws. Or to do or act in any manner relative thereto. Petition

PURPOSE AND JUSTIFICATION

This article will allow for the construction of the sanitary sewer infrastructure for the portion of Commonwealth Ave. and Maple Street, which are to be reconstructed as part of a Public Works Economic Development (PWED) grant. The PWED grant is for the Commonwealth Ave./Toner Blvd roadway improvement project. It is important to finish this utility work prior to the completion of the Commonwealth Ave./Toner Blvd project so that the new road surface will not have to be disturbed by utility work.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be indefinitely postponed.

FINANCE COMMITTEE REASON: The sewer system installation was approved in the previous article that allowed for 100 percent paid betterments.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 15 RECLASSIFICATION OF ATP POSITION

BOARD, ASSESSORS

To see if the Town will vote to amend the Personnel By-Laws, Classification Plan, Schedule "A" by moving the Administrative Assistant Assessor position from the current level of "ATP-9" to an "ATP-10" level. Additional funding of \$943.00 necessary to meet the minimum ban range will be taken from the existing salary line. Or to do or act in any manner relative thereto. Board of Assessors SEE ATTACHED

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Personnel By-Laws, Classification Plan, Schedule "A" by moving the Administrative Assistant Assessor position from the current level of "ATP-9" to an "ATP-10" level.

FINANCE COMMITTEE REASON: The human resources director has evaluated this position and has recommended this ATP reclassification.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 16 AMEND MILITARY LEAVE BY LAW

MRS. R. BURNS

To see if the Town will vote to amend the Personnel By-Law: Section 11 Other Leave B2 Military Service by deleting "An employee of the Town who is a member of the National Guard or a Military Reserve component of the United States Armed Forces and who is called-up to active duty during a national emergency shall for duration of the period that he or she is activated be paid the difference between his/her regular weekly straight-time compensation and the total weekly compensation that he/she receives for such military service."

Add the following:

An employee of the Town who is a member of the National Guard or a Military Reserve component of the United States Armed Forces and who is called-up to active duty during a national emergency or during an operation, shall for the duration of the period that he or she is activated be paid the difference between his/her regular weekly straight-time compensation to include any additional stipends, allowances, holiday pay or other compensation that any other member of such department would receive, and the base salary that he/she receives for such military service. Or to do or act in any manner relative thereto. Petition SEE ATTACHED

PURPOSE AND JUSTIFICATION

To afford all town employees who serve in the National Guard or Military Reserve Component equal benefits, and to protect town employees from suffering loss of pay during active duty assignment.

FINANCE COMMITTEE VOTE: 6-1

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town of North Attleborough personnel By Law Section: 11, Other Leave, Paragraph B2 as follows: An employee of the Town who is a member of the National Guard or a Military Reserve component of the United States Armed Forces and who is called up to active duty during a national emergency shall for the duration of the period that he or she is activated be paid the difference between his or her base weekly straight-time compensation and the base weekly compensation that he or she receives for such military service.

FINANCE COMMITTEE REASON: This recommendation promotes parity with all Town employees.

Mark C. Fisher, Chairman of the Board of Selectmen, began discussion by reading the following letter into the record from Attorney Paul V. Mulkern, Jr., lawyer for the Town in labor negotiations:

Board of Selectmen, Town Hall, 43 So. Washington St., No. Attleborough, MA 02760

Dear Members of the Board:

You have asked for my observations concerning Article 16 of the Warrant for the October 17, 2002 Town Meeting.

Article 16 seeks to amend Section 11 (B)(2) of the Personnel By-Laws. Section 11 (b)(2) currently provides that:

An employee of the Town who is a member of the National Guard or a Military Reserve component of the United States Armed Forces and who is called up to active duty during a national emergency shall for the duration of the period that he or she is activated be paid the difference between his/her regular weekly straight time compensation and the total weekly compensation that he/she receives for such military service.

Article 16 would amend Section 11 (B)(2) to provide as follows:

An employee of the Town who is a member of the National Guard or a Military Reserve component of the United States Armed Forces and who is called up to active duty during a national emergency or during an operation shall for the duration of the period that he or she is activated be paid the difference between his/her regular weekly straight time compensation to include any additional stipends, allowances, holiday pay or other compensation that any other member of such department would receive and the base salary that he/she receives for such military service. Or to do or act in any manner relative thereto.

The Finance Committee has recommended that Section 11(B)(2) be amended to provide as follows:

An employee of the Town who is a member of the National Guard or a Military Reserve component of the United States Armed Forces and who is called up to active duty during a national emergency shall for the duration of the period that he or she is activated be paid the difference between his or her base weekly straight time compensation and the base weekly compensation that he or she receives for such military service.

The subject matter of Article 16 is paid leave of absence. Paid leave of absence is a mandatory subject of collective bargaining. Town of Danvers, 3 MLC 1559 (1977). It is deeply questionable whether the Town's best interests are served when issues that are properly the subject of collective bargaining are brought before the Town Meeting by anyone. The collective bargaining process allows the interested parties (Employer and collective bargaining groups) to consider the proposal in the context of the Town's overall compensation and benefit scheme. That process also allows the parties through discussion and analysis to refine the proposal such that it is clearly expressed and devoid of ambiguities.

By contrast, Article 16 seems rife with ambiguities. For example, it refers to "regular weekly straight-time compensation to include any additional stipends, allowances, holiday pay or other compensation that any other member of such department would receive." Taken literally, the quoted language would seem to anticipate that the employee on military leave would receive any stipend, allowance, holiday pay or other form of compensation that any other member of the department receives. But that would almost certainly include benefits that the employee did not ordinarily receive when he was actively working for the Department. For example, the Fire contract provides that an EMT-P who is assigned to ambulance duty receives a differential of 8 1/2% of his/her base pay. The quoted section of Article 16, if read literally, would require that the employee on military leave be paid that 8 1/2% differential even though he/she didn't hold EMT-P certification and even though he/she was not assigned to the ambulance prior to going on military leave.

Because the consideration of warrant articles that impact mandatory subjects of bargaining has the potential to subvert the collective bargaining process, and because these articles so frequently create ambiguities in the administration of an employer's compensation and benefit scheme, I have found that municipal Finance Committees usually recommend that those articles be "Indefinitely Postponed."

In the instant case, the Finance Committee has recommended an amendment to Article 16. However, without detailed definitions of newly proposed terms such as “base weekly straight time compensation” and “ base weekly compensation that he or she receives for such military service” the meaning of the amended article will be unclear. Moreover, it can be argued that any change to the existing bylaw that effects employees in a collective bargaining unit and that does not emanate from the collective bargaining process has the potential to undermine that process.

I hope that this analysis is helpful to you. If you have any questions, please contact me.

Sincerely, Paul V. Mulkern, Jr.

After much discussion, Bart Steele (P7) made a motion to move the question.

Motion seconded.

Motion carried.

The RTM members defeated the Finance Committee’s recommendation as read.

ARTICLE 17 RETIREMENT BOARD: STIPENDS

RETIREMENT BOARD

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 32, Section 20(6) for the purpose of authorizing the payment of an annual stipend to the Retirement Board Members (Elected, Appointed and Ex-Officio). Or to do or act in any manner relative thereto. Retirement Board SEE ATTACHED

PURPOSE AND JUSTIFICATION

To compensate the Retirement Board Members in the amount of \$3,000.00 per year per member; to be paid from the Investment Income of the Retirement System; for their extensive work involved with the ongoing and new issues dealing with the many changes and growth of the Retirement System.

FINANCE COMMITTEE VOTE: 7-1

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be indefinitely postponed.

FINANCE COMMITTEE REASON: The Massachusetts General Law that dictates the compensation of the retirement board does not allow the Town any latitude in establishing an amount that would be in parity with the other boards/committees who serve this Town.

After some discussion, the RTM members defeated the Finance Committee’s recommendation as read.

Jim Wood (P8) presented the following Affirmative Action: *To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 32, Section 20(6) for the purpose of authorizing the payment of an annual stipend to the Retirement Board Members (Elected, Appointed and Ex-Officio). Or to do or act in any manner relative thereto.*

Motion seconded.

The RTM members approved the Affirmative Action as presented.

ARTICLE 18 STREET ACCEPTANCES

PLANNING BOARD

To see if the Town will vote to accept the following streets as public ways, said streets having been constructed as per Planning Board specifications:

Pine Cone Lane from Station 0+00 at Mt Hope Street to Station 6+28.42;

Pine Tree Drive from Station 0+00 at Pine Cone Lane to Station 8+80.55 at the easterly terminus of Grant Street Extension;

Stonewood Circle from Station 0+00 at Pine Tree Drive to Station 4+77.15;

Grant Street Extension from the present terminus of Grant Street located easterly of Smith Street, from Station 0+00 easterly to Station 2+44.68 at the westerly terminus of Pine Tree Drive;

Bertram Road easterly from the easterly terminus of that portion of Bertram Road located easterly from South Broadway a distance of about 160 feet, which was accepted by Article 35 at the March 1960 Annual Town Meeting, to approximately Station 3+72, a distance of approximately 212 feet.

The above-mentioned streets are shown on the five attached as-built plans, which are also on file with the Town Clerk. Or to do or act in any manner relative thereto. Planning Board SEE ATTACHED

PURPOSE AND JUSTIFICATION

These five streets, having been built to Town requirements and specifications, should be accepted as public ways.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to accept the following streets as public ways, said streets having been constructed as per Planning Board specifications:

Pine Cone Lane from Station 0+00 at Mt Hope Street to Station 6+28.42;

Pine Tree Drive from Station 0+00 at Pine Cone Lane to Station 8+80.55 at the easterly terminus of Grant Street Extension;

Stonewood Circle from Station 0+00 at Pine Tree Drive to Station 4+77.15;

Grant Street Extension from the present terminus of Grant Street located easterly of Smith Street, from Station 0+00 easterly to Station 2+44.68 at the westerly terminus of Pine Tree Drive;

Bertram Road easterly from the easterly terminus of that portion of Bertram Road located easterly from South Broadway a distance of about 160 feet, which was accepted by Article 35 at the March 1960 Annual Town Meeting, to approximately Station 3+72, a distance of approximately 212 feet.

FINANCE COMMITTEE REASON: The planning board has approved this street acceptance.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 19 STREET ACCEPTANCE

E. PARISEAU

To see if the Town will vote to accept North Pond Terrace as a public way. Said street having been constructed and completed as per Department of Public Works, the Highway Dept., and the Planning Board specifications.

North Pond Terrace is located on the Westerly side of Mt. Hope Street, and extends 400+/- feet to Cul-de-sac as shown on plans by W.T. Whalen Engineering Co., North Attleboro, MA, July 18, 2002. Drawn for Edward P.

Pariseau, Sr., Ed Pariseau, Jr. Or to do or act in any manner relative thereto. Petition SEE ATTACHED

PURPOSE AND JUSTIFICATION

North Pond Terrance, having been built to town requirements and specifications and available to use by all persons, should be classified as a "Public Way".

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be indefinitely postponed.

FINANCE COMMITTEE REASON: At the time of voting, this street did not meet all the requirements of the planning board.

The RTM members defeated the Finance Committee's recommendation as read.

John Donahue (P7) presented the following Affirmative Action: *That the Town vote to accept North Pond Terrace as a public way. Said street having been constructed and completed as per Department of Public Works, the Highway Dept., and the Planning Board specifications. North pond Terrace is located on the Westerly side of Mt. Hope Street, and extends 400+/- feet to Cul-de-sac as shown on plans by W.T. Whalen Engineering Co., North Attleboro, MA July 18, 2002. Drawn for Edward P. Pariseau, Sr., Ed Pariseau, Jr.*

He then read the following letter addressed to the Moderator into the minutes: *Dear Mr. Duggan: Article 19 on the October 21, 2002 Semi-Annual Town Meeting is to see if the Town will vote to accept North Pond Terrace as a public way. North Pond Terrace is the only street within the North Pond Estates subdivision. The Planning Board recommends that, at this time, North Pond Terrace be accepted as a public way. At the Planning Board meeting held on October 17, 2002, continued to October 19, 2002 for a field trip, the Board conducted a final inspection of the roadway's construction, and voted to approve said construction and release the bond held on the North Pond Estates subdivision. For the Planning Board, Donald Cerrone, Vice-Chairman.*

Motion seconded.

The RTM members unanimously approved the Affirmative Action as presented.

ARTICLE 20 EASEMENTS:LOOMIS & CAMPUS ROAD BOARD, PUBLIC WORKS

To see if the Town will vote to authorize the Board of Selectmen to acquire on behalf of the Town for municipal sewer purposes, by purchase or by gift, permanent easements to install, maintain, repair and replace underground sewer pipes and related appurtenances in the following parcels of land all being shown on a plan entitled, "Easement Plan of Lands Loomis Street & Campus Road, North Attleborough, MA Prepared for: Beta Group, Inc. Scale: 1" = 40'; Date: August 6, 2002:

<u>Owners</u>	<u>Location</u>	<u>Easement</u>	<u>Area</u>
Joseph E. Best	Loomis Road	Easement "A"	1,816 sq. ft.
Joseph E. Best, Thomas A. Roy, and Joyce L. Roy	Campus Road	Easement "B"	47 sq. ft.
Joseph E. Best, Thomas A. Roy, and Joyce L. Roy	Campus Road	Easement "C"	826 sq. ft.

Said easements to be under the control and custody of the Department of Public Works and to raise and appropriate the sum of \$1,100.00 or any other amount for the foregoing purposes by taxation, by transfer of available funds, or otherwise. Said plan on file with the Town Clerk's Office. Or to do or act in any manner relative thereto. Board of Public Works SEE ATTACHED

PURPOSE AND JUSTIFICATION

These easements will allow the public sewer to be installed to Campus Road.

FINANCE COMMITTEE VOTE: 7-0

2/3 VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to authorize the Board of Selectmen to acquire on behalf of the Town for municipal sewer purposes, by purchase or by gift, permanent easements to install, maintain, repair and replace underground sewer pipes and related appurtenances in the following parcels of land all being shown on a plan entitled, "Easement Plan of Lands Loomis Street & Campus Road, North Attleborough, MA Prepared for: Beta Group, Inc. Scale: 1" = 40'; Date: August 6, 2002:

<u>Owners</u>	<u>Location</u>	<u>Easement</u>	<u>Area</u>
Joseph E. Best	Loomis Road	Easement "A"	1,816 sq. ft.
Joseph E. Best, Thomas A. Roy, and Joyce L. Roy	Campus Road	Easement "B"	47 sq. ft.
Joseph E. Best, Thomas A. Roy, and Joyce L. Roy	Campus Road	Easement "C"	826 sq. ft.

Said easements to be under the control and custody of the Department of Public Works and to raise and appropriate from taxation the sum of \$1,100.00 for the foregoing purposes.

FINANCE COMMITTEE REASON: This easement is needed for the continuation of the sewer system at Lake Cuomo. The proper documentation has been provided and reviewed by legal counsel.

The RTM members approved the Finance Committee's recommendation as read. 2/3's vote obvious to the Moderator.

ARTICLE 21 EASEMENT RELOCATION: ANGELINA DR/THOMAS CIRCLE J. REZZA

To see if the Town will vote to authorize the Board of Selectmen to release to Joseph P. Rezza of 26 Dodge Avenue, North Attleborough, Massachusetts, all of his rights, title and interest in the Drainage Easement in and over Lot 213 as shown on that plan of land entitled, "Modification of "WOODLAND PARK DEFINITIVE PLAN" dated December 5, 1996, revised through October 6, 1997, Dunn-McKenzie, Inc., Land Surveyor and Civil Engineering, 124 Washington Street, Suite 103, Foxborough, Massachusetts 02035, said plan having been recorded at the Bristol

County Northern District Registry of Deeds in Taunton, Massachusetts in Plan Book 368, Page 258 and a copy of which is attached hereto, and on file with the Town Clerk, in consideration of Joseph P. Rezza, conveying to the Town for nominal consideration for municipal drainage purposes a Drainage Easement in and over a portion of the said Lot 213 as shown on a plan entitled "EASEMENT RELOCATION PLAN ANGELINA DRIVE/THOMAS CIRCLE Prepared for Joseph Rezza," Dated July 25, 2002. Hutchins - Trowbridge Associates. Inc., Engineers - Surveyors-Land Planners, 200 Chauncy Street, Mansfield, said plan to be recorded at the Bristol County Northern District Registry of Deeds along with the Easement, upon approval by the Board of Selectmen of this Article. Copies of the Easement and Plan of Easement are attached hereto and incorporated herein. Said easement area to be under the control of and custody of the Department of Public Works. or to do or act in any manner relative thereto. Petition SEE ATTACHED

PURPOSE AND JUSTIFICATION

Petitioner has been working with the Town Planner to submit the attached revised easement. Upon approval, the Town will return the current Easement to the Petitioner and the Petitioner will record the Easement and the Easement Plan. This will make the resulting lot buildable, which it is not as the easement plan currently exists.

FINANCE COMMITTEE VOTE: 6-0-1

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be indefinitely postponed.

FINANCE COMMITTEE REASON: This proposal for easement relocation lacks approval from the planning board.

The RTM members approved the Finance Committee’s recommendation as read.

After a short break, Ronald Lagasse (P6), made a motion to reconsider Article 21.

Motion seconded.

Motion carried. 2/3’s vote obvious to the Moderator.

Ronald Lagasse (P6), presented the following Affirmative Action: *That the Town vote to authorize the Board of Selectmen to release to Joseph P. Rezza of 26 Dodge Avenue, North Attleborough Massachusetts, all of his rights, title and interest in the Drainage Easement in and over Lot 213 as shown on that plan of land entitled, “Modification of Woodland Park Definitive Plan”, dated December 5, 1996, revised through October 6, 1997, Dunn-McKenzie, Inc. Land surveyor and Civil Engineering, 124 Washington Street, Suite 103, Foxborough, Massachusetts 02035, said plan having been recorded at the Bristol County Northern District Registry of Deeds in Taunton, Massachusetts in Plan Book 368, Page 258 and a copy of which is attached hereto, and on file with the Town Clerk, in consideration of Joseph P. Rezza, conveying to the Town for nominal consideration for municipal drainage purposes a Drainage Easement in and over a portion of the said Lot 213 as shown on a plan entitled EASEMENT RELOCATION PLAN ANGELINA DRIVE/THOMAS CIRCLE Prepared for Joseph Rezza, Dated July 25, 2002, Hutchins-Trowbridge Associates Inc. Engineers Surveyors Land Planners, 200 Chauncy Street, Mansfield, said plan to be recorded at the Bristol County Northern District Registry of Deeds along with the Easement, upon approval be the Board of Selectmen of the Article. Copies of the Easement and Plan of Easement are attached hereto and incorporated herein. Said easement area to be under the control of and custody of the Department of Public Works.*

Motion seconded.

The RTM members approved the Affirmative Action as presented. 2/3’s vote obvious to the Moderator.

ARTICLE 22 LAND TRANSFER: 3.5 ACRES LESTAGE

BOARD, SELECTMEN

To see if the Town will vote to approve the transfer of approximately 3 1/2 or more acres of property on the so-called LeStage property, from the Board of Selectmen to the Park Commission. Or to do or act in any manner relative thereto. Board of Selectmen

PURPOSE AND JUSTIFICATION

The proposed transfer will provide property to the Park Commission for its oversight for future needs.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be indefinitely postponed.

FINANCE COMMITTEE REASON: This article was indefinitely postponed at the request of the petitioner.

The RTM members approved the Finance Committee’s recommendation as read.

ARTICLE 23 TRANSFER: LESTAGE PROPERTY

E. FARMER

To see if the Town will vote to transfer the LeStage property located on High Street to a non-profit educational center or to the Conservation Commission or to the Park and Recreation Department in order to establish a community farm to promote organic farming, land preservation and community support. Or to do or act in any manner relative thereto. Petition

PURPOSE AND JUSTIFICATION

The potential success of this project has been proven by the Natick Community Organic Farm in Natick, Massachusetts. I feel the LeStage farm has the possibility to be a wonderful working community farm for North Attleborough.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be indefinitely postponed.

FINANCE COMMITTEE REASON: This article could not be considered as it was improperly written.

The RTM members approved the Finance Committee’s recommendation as read.

ARTICLE 24 NEW FEE SCHEDULE

TOWN CLERK

To see if the Town will vote to adapt a new fee schedule for the Town Clerk's fees in accordance with the provision of the Massachusetts General Laws, Chapter 262, Section 34, clause one to seventy-nine.

NORTH ATTLEBOROUGH
TOWN CLERK’S FEE SCHEDULE

MGLA Chapter 262, Section 34.

<u>CLAUSE</u>	<u>DESCRIPTION</u>	<u>1989 FEE</u>	<u>2002 PROPOSED FEE</u>
(1)	For filing and indexing assignment for the benefit of creditors	\$10.00	\$10.00
(12)	For correcting errors in a record of birth	\$10.00	\$10.00
(13)	For furnishing certificate of a birth	\$ 5.00	\$10.00
(13A)	For furnishing an abstract copy of a record of birth	\$ 4.00	\$ 8.00
(14)	For entering delayed record of birth	\$10.00	\$10.00
(20)	For filing certificate of a person conducting business under any title other than his/her real name.	\$20.00	\$40.00
(21)	For filing by a person conducting business under any title other than his real name of a statement of change of his/her residence, or of his/her discontinuance, retirement or withdrawal from or change of location of such business	\$10.00	\$20.00
(22)	For furnishing certified copy of certificate of 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	\$ 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.	\$20.00	\$20.00
(29)	For correcting errors in a record of death	\$10.00	\$10.00
(30)	For furnishing a certificate of death	\$ 5.00	\$10.00

(42) For entering notice of intention of marriage and issuing certificates thereof.	\$15.00	\$25.00
(43) For entering certificate of marriage filed by persons married out of the Commonwealth.	\$ 5.00	\$ 5.00
(44) For issuing certificate of marriage	\$ 5.00	\$10.00
(45) For correcting errors in a record of marriage	\$10.00	\$10.00
(54) For recording power of attorney	\$10.00	\$10.00
(57) For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy, thereof.	\$20.00	\$20.00
(58) For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth	\$20.00	\$20.00
(62) For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Chapter 166, section 22.	\$40.00	\$40.00
	add'l 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.	\$ 5.00	\$ 5.00
(67) For copying any manuscript or record pertaining to a birth, marriage or death.	Per page \$ 5.00	\$ 5.00
(69) For receiving and filing a complete inventory of all items to be included in a "close out sale", etc.	First Page \$10.00	\$10.00
	Add'l page \$ 2.00	\$ 2.00
(75) For filing a copy of written instrument or declaration of trust by trustees of any association, Chapter 182, Section 2.	\$20.00	\$20.00
(79) Recording any other documents.	First Page \$10.00	\$10.00
	Add'l page \$ 2.00	\$ 2.00

Hourly rate for G2, Senior Office Clerk: \$ 13.74
Revenues from clerk's office for 2001:
Business Cert/Discontinuance: \$3,850.00
Marriage Intentions \$2,385.00
Misc. (Cert. Copies Vital Record) \$8,174.00

TOTAL \$14,409.00 (this figure could double if the proposed fee schedule is adopted).

Or to do or act in any manner relative thereto. Town Clerk SEE ATTACHED

PURPOSE AND JUSTIFICATION

The fees in the Clerk's office have not been raised in 13 years. The new fee schedule would increase the revenues to the town from the Town Clerk's office greatly.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to vote to adopt a new fee schedule for the Town Clerk's fees in accordance with the provisions of the Massachusetts General Laws, Chapter 262, Section 34, clause one to seventy-nine.

NORTH ATTLEBOROUGH
TOWN CLERK'S FEE SCHEDULE

MGLA Chapter 262, Section 34.

<u>CLAUSE</u>	<u>DESCRIPTION</u>	<u>1989 FEE</u>	<u>2002 PROPOSED</u>
(1)	For filing and indexing assignment for the benefit of creditors	\$10.00	\$10.00

(12) For correcting errors in a record of birth	\$10.00	\$10.00
(13) For furnishing certificate of a birth	\$ 5.00	\$10.00
(13A) For furnishing an abstract copy of a record of birth	\$ 4.00	\$ 8.00
(14) For entering delayed record of birth	\$10.00	\$10.00
(20) For filing certificate of a person conducting business under any title other than his/her real name.	\$20.00	\$40.00
(21) For filing by a person conducting business under any title other than his real name of a statement of change of his/her residence, or of his/her discontinuance, retirement or withdrawal from or change of location of such business	\$10.00	\$20.00
(22) For furnishing certified copy of certificate of 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		
(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.	\$20.00	\$20.00
(29) For correcting errors in a record of death	\$10.00	\$10.00
(30) For furnishing a certificate of death	\$ 5.00	\$10.00
(42) For entering notice of intention of marriage and issuing certificates thereof.	\$15.00	\$25.00
(43) For entering certificate of marriage filed by persons married out of the Commonwealth.	\$ 5.00	\$ 5.00
(44) For issuing certificate of marriage	\$ 5.00	\$10.00
(45) For correcting errors in a record of marriage	\$10.00	\$10.00
(54) For recording power of attorney	\$10.00	\$10.00
(57) For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy, thereof.	\$20.00	\$20.00
(58) For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth	\$20.00	\$20.00
(62) For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Chapter 166, section 22.	\$40.00	\$40.00
	add'l Streets	\$10.00
	\$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.	\$ 5.00	\$ 5.00
(67) For copying any manuscript or record pertaining to a birth, marriage or death.	Per page	\$ 5.00
(69) For receiving and filing a complete inventory of all items to be included in a "close out sale", etc.	First Page	\$10.00
	Add'l page	\$ 2.00
(75) For filing a copy of written instrument or declaration of trust by trustees of any association, Chapter 182, Section 2.	\$ 20.00	\$20.00
(79) Recording any other documents.	First Page	\$ 10.00
	Add'l page	\$ 2.00

FINANCE COMMITTEE REASON: The fees have not been raised in 13 years.

A motion was made to waive the reading of the entire fee schedule.

Motion seconded.

Motion carried.

John Donahue (P7) made a motion to amend Article 24 as follows: *Motion to amend Article 24 by inserting after clause 13, 20 and 44 the words add'l copies \$5.00.*

Motion seconded.

Motion carried.

AMENDED FINANCE COMMITTEE RECOMMENDATION:

NORTH ATTLEBOROUGH
TOWN CLERK'S FEE SCHEDULE

MGLA Chapter 262, Section 34.

<u>CLAUSE</u>	<u>DESCRIPTION</u>	<u>1989 FEE</u>	<u>2002 PROPOSED FEE</u>
(1)	For filing and indexing assignment for the benefit of creditors	\$10.00	\$10.00
(12)	For correcting errors in a record of birth	\$10.00	\$10.00
(13)	For furnishing certificate of a birth	\$ 5.00	\$10.00
	add'l copies		\$ 5.00
(13A)	For furnishing an abstract copy of a record of birth	\$ 4.00	\$ 8.00
(14)	For entering delayed record of birth	\$10.00	\$10.00
(20)	For filing certificate of a person conducting business under any title other than his/her real name.	\$20.00	\$40.00
(21)	For filing by a person conducting business under any title other than his real name of a statement of change of his/her residence, or of his/her discontinuance, retirement or withdrawal from or change of location of such business	\$10.00	\$20.00
(22)	For furnishing certified copy of certificate of 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		
(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.	\$20.00	\$20.00
(29)	For correcting errors in a record of death	\$10.00	\$10.00
(30)	For furnishing a certificate of death	\$ 5.00	\$10.00
	add'l copies		\$ 5.00
(42)	For entering notice of intention of marriage and issuing certificates thereof.	\$15.00	\$25.00
(43)	For entering certificate of marriage filed by persons married out of the Commonwealth.	\$ 5.00	\$ 5.00
(44)	For issuing certificate of marriage	\$ 5.00	\$10.00
	add'l copies		\$ 5.00
(45)	For correcting errors in a record of marriage	\$10.00	\$10.00
(54)	For recording power of attorney	\$10.00	\$10.00
(57)	For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy, thereof.	\$20.00	\$20.00
(58)	For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth	\$20.00	\$20.00
(62)	For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Chapter 166, section 22.	\$40.00	\$40.00

	add'l Streets	\$10.00	\$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.	\$ 5.00	\$ 5.00
(67)	For copying any manuscript or record pertaining to a birth, marriage or death.	Per page \$ 5.00	\$ 5.00
(69)	For receiving and filing a complete inventory of all items to be included in a "close out sale", etc.	First Page \$10.00	\$10.00
		Add'l page \$ 2.00	\$ 2.00
(75)	For filing a copy of written instrument or declaration of trust by trustees of any association, Chapter 182, Section 2.	\$ 20.00	\$20.00
(79)	Recording any other documents.	First Page \$ 10.00	\$10.00
		Add'l page \$ 2.00	\$ 2.00

The RTM members approved the Finance Committee's recommendation as amended.

ARTICLE 25 PROPERTY TAX REDUCTION FOR SENIORS

COUNCIL, AGING

To see if the Town will vote to accept the provisions of M.G.L. c.59, section 5K, "Property Tax Liability, Reduced in Exchange for Volunteer Services; Persons Over Age 60", allowing the Town through its Council on Aging, to establish a volunteer work program through which eligible participants may have their real property bill reduced by an amount not to exceed \$500.00. Or to do or act in any manner relative thereto. Council on Aging

PURPOSE AND JUSTIFICATION

Approval of this article will allow the Town to offer a program, which will result in services benefiting the Town in return for a reduction in the participant's real estate tax bills.

FINANCE COMMITTEE VOTE: 5-2

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to accept the provisions of M.G.L. c.59, section 5K, "Property Tax Liability, Reduced in Exchange for Volunteer Services; Persons Over Age 60".

FINANCE COMMITTEE REASON: This article allows the Town to enact the statute for a senior citizen property tax reduction program. However, an additional article is needed before the program can begin. The article should include the specific requirements for qualification to the program, what is the cap for lost revenue (Just recently, the statute has raised its reduction to \$750), and what job duties and responsibilities will come under the umbrella of the volunteer program and the Council of Aging.

After much discussion, John Donahue (P7) made a motion to move the question.

Motion seconded.

Motion carried.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 26 AMEND BY LAW ARTICLE VI, SEC.3

BY LAW STUDY

To see if the Town will vote to amend Article IV General Provisions of the Town By-Laws by deleting from Section 3, Town Property, sub-sections "b" and "c" and by re-labeling the remaining sections "a" though "c". Or to do or act in any manner relative thereto. By-Law Study and Codification Committee SEE ATTACHED

PURPOSE AND JUSTIFICATION

This is a "housekeeping" article. In the April 2002 publication of the Town By-Laws, sub-sections "b" and "c" of Section 3, Town Property, were not deleted. By vote under Article 44 of the April 1997 Annual Town Meeting, these sub-sections were moved to Section 1, Contracts, labeled sub-sections "h" and "i.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote amend Article IV, General Provisions, of the Town's By-Laws by deleting from Section III, "Town Property", subsections b and c and by re-labeling the remaining sections a through c.

FINANCE COMMITTEE REASON: This is a housekeeping article.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 27 AMEND BY LAW: ARTICLE I, SEC. 5G

BY LAW STUDY

To see if the Town will vote to amend Article I, Section 5g of the Town By-Laws by deleting sub-section 5g and by re-labeling the remaining sub-sections "h" through "n" to "g" through "m". Or to do or act in any manner relative thereto. By-Law Study and Codification Committee SEE ATTACHED

PURPOSE AND JUSTIFICATION

This is a "housekeeping" article. In the April 2002 publication of the Town By-Laws, sub-section "g" was not deleted as directed by vote of the April 1997 Annual Town Meeting, Article 46.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article I, Town Meeting, Section 5 of the Town's By Laws by deleting subsection 5g and by re labeling the remaining sub sections (h through n) as g through m.

FINANCE COMMITTEE REASON: This is a housekeeping article.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 28 AMEND BY LAW ARTICLE VIII, SEC. 1C

BY LAW STUDY

To see if the Town will vote to amend the Town By-Laws in Section 1c of Article VIII, By-Law Study and Codification Committee by striking the words "except petitions presented to the Board of Selectmen in accordance with Chapter 88 Acts of 1999." Or to do or act in any manner relative thereto. By-Law Study and Codification Committee SEE ATTACHED

PURPOSE AND JUSTIFICATION

The words above were included in the April 2002 publication of the Town By-Laws without formal vote by the RTM. Because of the changes in Chapter 88, leaving these words in place would actually mean that all by-law changes would be submitted to the By-Law Study and Codification Committee prior to submission to the Board of Selectmen for inclusion in the Warrant.

Section 9 of Chapter 57 Acts of 1976 refers to all article petitions, which contain the signature of registered voters (10 or more signatures for semi-annual town meetings, 100 signatures for special town meetings).

FINANCE COMMITTEE VOTE: 5-0-1

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town's by Laws, Article VIII, Appointed Boards and Committees, Section 1, By Law Study and Codification Committee, by deleting the words: "...except petitions presented to the Board of Selectmen in accordance with Chapter 88 Acts of 1999" from subsection "c".

FINANCE COMMITTEE REASON: This is a housekeeping article.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 29 AMEND BY LAW: ARTICLE XIII, SEC. 8

PARKING CLERK

To see if the Town will vote to amend Article XIII, Section 8 of the Town By-Laws by deleting the words "shall be punished by a fine not to exceed ten dollars (\$10.00) for each offense" and replacing it with the following verbiage: "shall be punished by a fine not to exceed fifteen dollars (\$15.00) for each offense". Or to do or act in any manner relative thereto. Parking Clerk SEE ATTACHED

PURPOSE AND JUSTIFICATION

A number of years ago the violation assessment for parking in a fire lane was increased from \$10.00 to \$15.00. At that time, this change was not presented to the RTM for approval. This article is being presented

to follow the appropriate process and in order that the By-Laws of the Town of North Attleborough will properly reflect the correct violation assessment.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town's by laws, Article XIIA, Police Regulations, Section 8 by deleting the verbiage "ten dollars (\$10.00)" and replacing it with the verbiage "fifteen dollars (\$15.00)."

FINANCE COMMITTEE REASON: This is a housekeeping article.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 30 AMEND BY LAW ARTICLE XXI

PARKING CLERK

To see if the Town will vote to amend Article XXI, Article XIIA, Section 8 - Fire Lane of the North Attleborough Town By-Laws by changing the Penalty from \$10.00 to \$15.00. Or to do or act in any manner relative thereto.

Parking Clerk SEE ATTACHED

PURPOSE AND JUSTIFICATION

This will bring Article XXI into conformity with Article XIIA, Section 8 of the Town By-Laws.

FINANCE COMMITTEE VOTE: 7-1

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town's by law Article, XXI, "Penalty for Violation of By Laws" – Article XIIA, Section 8-Fire Lane- by deleting "Penalty: \$10.00" and replacing with "Penalty: \$15.00"

FINANCE COMMITTEE REASON: This is a housekeeping article.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 31 AMEND BY LAW ARTICLE XIIA, SEC. 12C

MUNICIPAL COM./DISABILITIES

To see if the Town will vote to delete Town By-Law Article XIIA, Section 12c and replace with the following:

c. No person shall obstruct or occupy any parking space(s) or access aisle(s) reserved for use by disabled veterans or handicapped persons, or in such manner to obstruct any curb ramp designed for use by handicapped persons as a means of egress to a street or public way.

The penalty for violation of this by-law shall be one hundred and fifty dollars (\$150.00)

Or to do or act in any manner relative thereto. Municipal Commission on Disabilities SEE ATTACHED

PURPOSE AND JUSTIFICATION

This is to bring Article XIIA, Section 12c into conformity with the M.G.L. Chapter 40, Section 22A.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town's by law, Article XIIA, Police Regulations, Section 12, Handicapped Parking, by deleting paragraph c in its entirety and replacing it with the following:

No person shall obstruct or occupy any parking space(s) or access aisle(s) reserved for use by disabled veterans or handicapped persons, or in such manner to obstruct any curb ramp designed for use by handicapped persons as a means of egress to a street or public way. The penalty for violation of this by-law shall be one hundred and fifty dollars (\$150.00)

FINANCE COMMITTEE REASON: This article increases the fines for illegally parking in a handicapped space. These new fines are in accordance with Massachusetts General Laws.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 32 AMEND BY LAW ARTICLE XIIA, SEC. 12B

MUNICIPAL COM./DISABILITIES

To see if the Town will vote to delete Town By-Law, Article XIIA, Section 12b and replace with the following:

b. The parking spaces reserved in said off-street parking area for handicapped license plates or placards shall be in accordance with the following formula:

Total Parking Spaces

Required Minimum Number of Accessible Spaces

1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of total
1001 and over	20 plus 1 for each 100 over 1000

Total parking spaces in an off-street parking lot shall not include those spaces that are duly posted and/or duly marked as restricted to employees or residents.

All parking spaces designated as reserved under this by-law shall be identified by the use of above grade signs located at the head of each space and no more than ten feet away. The sign shall have white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owners Expense.", be located at a height of not less than five (5') feet and nor more than eight (8') feet to the top of the sign. The accessible parking space shall be as near as possible to a building's accessible entrance or walkway, shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to handicapped persons.

Parking spaces designated as reserved under this by-law (accessible spaces) shall provide the following:

1. Width shall be at least eight (8') feet wide, with an access aisle (hatch-marked area).
2. Length shall conform to local Zoning By-Laws.
3. Access aisle adjacent to accessible spaces shall be five (5') wide in width except "Van Accessible" access aisle(s) are to be eight (8') feet wide.
4. Parking space shall be level with surface slopes not exceeding 1:50 (2%) in all directions.
5. Access spaces shall be marked by high contrast painted lines or other high contrast delineation.
6. Two (2) accessible spaces may share a common access aisle.

One (1) in every eight (8) accessible spaces, but not less than one shall be van accessible. Van accessible spaces shall provide the following:

1. A minimum vertical clearance of eight feet, two inches (8' 2")
2. Each space shall have a sign designating it "Van Accessible" along with the sign bearing the words, "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owners Expense".
3. Eight (8') foot minimum wide space.
4. Length shall conform to local Zoning By-Laws.
5. Provide an access aisle (hatch-marked area) of eight feet, where no vehicle is allowed to park in his delineated access aisle.
6. Parking spaces shall be level with surface slopes not exceeding 1:50 (2%) in all directions.
7. Access spaces shall be marked by high contrast painted lines or other high contrast delineation.
8. Two accessible spaces may share a common access aisle.

Exception: Van Accessible spaces do not have to be separately provided if all required accessible parking spaces are eleven (11') feet wide with a five (5') foot access aisle.

Or to do or act in any manner relative thereto. Municipal Commission on Disabilities SEE ATTACHED

PURPOSE AND JUSTIFICATION

This is to bring Article XIII A, Section 12b into conformity with the Federal ADA Guidelines.

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be indefinitely postponed.

FINANCE COMMITTEE REASON: Passage of this article puts an unreasonable burden on property owner who has a limited amount of available parking spaces.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 33 AMEND BY LAW ARTICLE XXI, ARTICLE XHIA SEC.12 MUN COM/DISABILITIES

To see if the Town will vote to delete Town By-Law, Article XXI Penalty for Violation of By-Laws, Article XHIA, Section 12 and replace with the following:

ARTICLE XXI. Penalty for Violations of By-Laws

Article XHIA Section 12 - Handicapped Parking

Penalty: \$150.00 per offense

Enforcing Officer: Police Officer

Or to do or act in any manner relative thereto. Municipal Commission on Disabilities SEE ATTACHED

PURPOSE AND JUSTIFICATION

This is to bring Article XXI into conformity with the M.G.L., Chapter 40, Section 22A, min-max range of fines.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town's by law, Article XXI, Penalty for Violation of By Laws, Article XHIA, Section 12, Handicapped Parking, as follows: *deleting Penalty: \$50.00 for first offense, \$75.00 for each subsequent offense*, and replacing it with the following: Penalty: \$150.00 per offense.

FINANCE COMMITTEE REASON: This changes proposed in this article corresponds with the changes proposed in Article 31.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 34 AMEND BY LAW ARTICLE XII, SEC. 4B

CONSERVATION COMM.

To see if the Town will vote to amend Article XII, Section 4.b. of the Town By-Laws by deleting the first sentence that now states "The speed of motorboats on Whiting's Pond, Peck's Pond and Lower Fall's Pond shall not exceed eight miles per hour" and by substituting in its place the following: "The speed of motorboats on Lower Falls Pond shall not exceed fifteen (15) miles per hour. Or to do or act in any manner relative thereto. Conservation Commission SEE ATTACHED

PURPOSE AND JUSTIFICATION

This is to bring Article XII, Section 4b of the Town By-Laws into conformity with the established regulations of the Conservation Commission.

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be indefinitely postponed.

FINANCE COMMITTEE REASON: The article does not appear to be properly written.

The RTM members defeated the Finance Committee's recommendation as read.

Marie Clarner (P1) presented an Affirmative Action as follows: *That the Town will vote to amend Article XII, Section 4.b of the Town By-Laws by deleting the first sentence that now states "The speed of motorboats on Whiting's Pond, Peck's Pond and Lower Fall's Pond shall not exceed eight miles per hour" and by substituting in its place the following: "The speed of motorboats on Lower Falls Pond shall not exceed fifteen (15) miles per hour.*

The RTM members approved the Affirmative Action as read.

ARTICLE 35 AMEND ZONING BY LAWS ACCESSORY USE

BOARD, SELECTMEN

To see if the Town will vote to rescind its prior approval of Article 31 of the June 2001 Special Town Meeting: "Amend Zoning By-Laws - Accessory Use" as follows:

- i. Amend Section V -; Schedule B, ACCESSORY USE #10 by **adding** the words, "such as a trailer"
- ii. Amend Section V-; Schedule B, ACCESSORY USE #11, by **deleting** in line one after the words "accessory outside storage" the phrase ", not within a portable structure";

- iii. Amend Section VI.H.3., by **deleting** the phrase, "proposed location(s) of accessory storage, if any, after the words" ...parking purposes expressed in square feet):" and before the words "and names and location of all..."
- iv. Amend Section VI.N.12.f, by **deleting** the phrase "proposed location(s) of accessory storage, if any; "after the words" ...parking purposes expressed in square feet); and before the words "and names and locations of all"..."
- iv. Amend Section IX.B, **Selected Words and Terms**, by **deleting** definitions of the following terms:
 - **Structure, Portable.** Any vehicle, trailer or container, either with or without wheels, that has no motive power of its own, but which can be drawn by, or placed on, or used in connection with, a motor vehicle, excluding a solid waste container.

Or to do or act in any manner relative thereto. Board of Selectmen SEE ATTACHED

PURPOSE AND JUSTIFICATION

The Board of Selectmen has received several expressions of concern by small business owners that the previous action of the Town Meeting in establishing a definition for "Portable Structure" and related amendments per the article in question has, despite the article's stated intent of fairness and equity, created fiscal and operational hardships upon several local business owners.

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be indefinitely postponed.

FINANCE COMMITTEE REASON: "No vote to adopt any such proposed ordinance or by law or amendment thereto shall be taken until a report with recommendations by a planning board has been submitted to the town meeting." Massachusetts General Laws, Chapter 40A, Section 5.

Donald Cerrone, Vice-Chairman of the Planning Board, read the following letter addressed to the Moderator dated October 21, 2002 into the record.

Dear Mr. Duggan: Article 35 of the October 21, 2002 Semi-Annual Town Meeting is to see if the Town will vote to amend the Zoning By-Laws. The purpose of the article is to completely remove an amendment that was made to the bylaw in June, 2001 to address an enforcement problem pertaining to the proliferation of portable storage structures throughout town, which have been listed as a forbidden use since the bylaw's inception in 1974, leaving the bylaw as it was prior to the June 2001 amendment. The most important enforcement tool of this amendment was the insertion of a definition of portable storage structures, which would be removed in its entirety if Article 34 were to pass. It has been implied by some that the passage of the June 2001 amendment has created a hardship for businesses that have, apparently unlawfully, been using portable storage structures for a number of years.

Pursuant to Section 5 of Chapter 40A of the Massachusetts General Laws, the Planning Board held a duly called public hearing on this proposed amendment on October 17, 2002 at 7:00 p.m.

At their meeting held on October 17, 2002, the Board voted, as follows, based on input received at the public hearing, to recommend by a vote of four members for, none against (one member absent), that this article not be approved, primarily for the following reasons, which are based on four criteria listed in the Planner's Handbook that a Planning Board should look at when giving a recommendation to a Town Meeting on a proposed zoning amendment:

1. *The article, if approved, would set an undesirable precedent by deleting text, and, most particularly, by deleting a definition, with no replacements for the text and definitions, leaving this issue within the bylaw unenforceable, as it was before passage of the June, 2001 amendment, which is proposed to be deleted. The Board feels that such a deletion would have to be immediately replaced with appropriate text; otherwise, the enforcement problem will return, and the proliferation of portable storage structures will continue throughout town, not only in commercial and industrial zoning districts, but also in residential districts. This portion of the bylaw would then become unenforceable in all zoning districts.*
2. *The article is not technically correct. The petitioners based their article on the original submission of the June 2001 article, not that article as amended on Town Meeting floor. The original text of the 2001 article offered a definition of the terms **structure, portable**, but the amendment on Town Meeting floor changed the terms defined to **storage structure, portable**. The article before the present Town Meeting proposes to incorrectly delete the*

definition of **structure, portable**, which technically is not in the bylaw to be deleted as a result of the above referenced action that took place on Town Meeting floor in June 2001.

3. *The proposed change is not consistent with the intent of the bylaw, or the town's master plan or any other plans or studies. The Town Meeting in 1973 overwhelmingly approved an entire new zoning bylaw, which went into effect in 1974. At that time, storage in portable structures was specifically listed as a forbidden use in all zoning districts, and this has not changed since that time. What changed is that the proliferation of such storage in portable structures had become an enforcement problem for the Building Inspector, for there was no definition of the associated terms involved with this forbidden use. However, the Building Inspector is still charged with enforcing the prohibition of such structures. The definition that is now proposed to be deleted has given the Building Inspector the ability to enforce this portion of the bylaw, but this article proposes to remove that very tool that has given him the ability to carry out his duties pertaining to this issue that are mandated under the zoning bylaw.*
4. *The proposed change would have a negative impact upon the community. Throughout this process, people have tended to focus upon the proliferation of portable storage structures within commercial and industrial areas, but, as previously noted in this report, if this amendment removing the definition of portable storage structure were approved, this portion of the bylaw would then become unenforceable in all zoning districts, including residential districts. The use of portable storage structures in residential districts would clearly have a severe negative impact upon the community. Further, if this portion of the bylaw were deemed to be unenforceable, the proliferation of portable storage structures could rather quickly become unfounded, eroding the town's tax base by the use of such structures in place of revenue generating real estate improvements such as accessory buildings or building additions for storage.*

The Planning Board is more than willing to work expeditiously with other town officials, business owners, and residents to address this issue in a more satisfactory manner. If a special Town Meeting were to be scheduled in January 2003, then perhaps a concerted effort could be put together to place an appropriate, comprehensive article on that warrant bringing this issue toward a satisfactory resolution. However, the Board strongly feels that Article 34, if passed, would immediately have severe negative impacts upon progress made to date in the resolution of this issue, would set an untenable negative precedent, and would generally have severe negative impacts on the community, both in the immediate short term and in the long term, in all zoning districts, including residential districts as well as commercial and industrial districts. Please rest assured that it has never been the intent of the Planning Board to harm the business community in any way, as has been implied, and the Board will get to work to bring a satisfactory resolution to this issue for all concerned parties forthwith.

For the Planning Board, Donald Cerrone, Vice-Chairman.

After much discussion, Diane Brady Szpila (P2) made a motion to move the question.

Motion seconded.

Motion carried.

The RTM members defeated the Finance Committee's recommendation as read.

Deb Sauve (P5) made a motion to present an Affirmative Action as follows:

AFFIRMATIVE ACTION: *That the Town vote to rescind it's prior approval of Article 31 as amended of the June 2001 Special Town Meeting: "Amend Zoning By-Laws- Accessory Use" as follows:*

- i. *Amend Section V -: Schedule B, ACCESSORY USE #10 by adding the words, "such as trailer"*
- ii. *Amend Section V-; Schedule B, ACCESSORY USE #11 by deleting in line one after the words "accessory outside storage" the phrase, " not within a portable structure";*
- iii. *Amend Section VI.H.3., by deleting the phrase, "proposed location(s) of accessory storage, if any;*

“after the words “...parking purposes expressed in square feet;” and before the words “and names and locations of all....”

- iv. *Amend Section VI.N.12.f, by deleting the phrase “proposed locations (s) of accessory storage, if any; “ after the words”...parking purposes expressed in square feet) and before the words “and names and locations of all....”*
- v. *Amend Section IX.B, Selected Words and Terms, by deleting definitions of the following terms; Storage Structure, Portable. Any vehicle, trailer or container, either with or without wheels, that has no motive power of its own, but which can be drawn by, or placed on, or used in connections with, a motor vehicle, excluding a solid waste container.*

Motion seconded.
Motion carried.

After much discussion, Bart Steele (P7) made a motion to move the question.

Motion seconded.
Motion carried.

The RTM members approved the Affirmative Action as read. 2/3’s vote obvious to the Moderator.

ARTICLE 36 STABILIZATION FUND

BOARD, SELECTMEN

To see if the Town will vote to appropriate from taxation, transfer of available funds a sum of money to the Stabilization Fund. Or to do or act in any manner relative thereto. Board of Selectmen

PURPOSE AND JUSTIFICATION

To supplement the Town's Stabilization Fund.

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to raise and appropriate from Taxation the amount of \$107,000 into the Stabilization Account.

FINANCE COMMITTEE REASON: Approval of this recommendation will restore fund to the desired level.

Jim Wood (P8) made a motion to amend the Finance Committee’s recommendation as follows:

Make a motion to amend the Finance Committee recommendation by amending the amount from \$107,000 to \$87,000.

Motion seconded.
Motion carried.

The RTM members approved the Finance Committee’s recommendation as amended.

A motion was made and seconded to adjourn the Semi-Annual Town Meeting.
The meeting was adjourned at 9:55 P.M.

Sine Die.