

**PROCEEDINGS
SEMI-ANNUAL TOWN MEETING
OCTOBER 20, 2014**

On Monday, October 20, 2014, Town Clerk, Maxwell Gould, opened the Semi-Annual Town Meeting at 7:09 PM, announcing, “With 97 members present, we have a quorum.”

Town Moderator, Deborah Kohl, led the membership in the Pledge of Allegiance to our Flag.

She then called for a moment of silence for our men and women serving overseas in the Armed Forces.

Town Moderator, Deborah Kohl, read the warrant:

**NORTH ATTLEBOROUGH WARRANT
FOR THE REPRESENTATIVE SEMI-ANNUAL TOWN MEETING
Monday, October 20, 2014
THE COMMONWEALTH OF MASSACHUSETTS**

Bristol, ss.

To either 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, in said North Attleborough on Monday, October 20, 2014

Monday, the 20th of October, 2014 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 ten 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. 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 28, 2014

NORTH ATTLEBOROUGH BOARD OF SELECTMEN

Joan Marchitto, Chairman
Mark Williamson, Vice-Chairman
John C. Rhyno
Patrick Reynolds
Anne Lonzo

Town Moderator, Deborah Kohl, then read the Return:

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 each of the nine (9) precincts in said town twenty-one (21) days before the time of said meeting.

Chief John J. Reilly,

Robert Nerz (P7) made a motion as follows:

I move that the Town Meeting adopt the Bourne Amendment: That any motion to increase the amount of money recommended for an article must specify where the additional monies will come from.

Motion seconded.

Motion carried.

Robert Nerz (P7) made a motion as follows:

I move that the Town Meeting adopt the procedural rule: That the count of a supermajority vote, when declared obvious by the Moderator, shall not be taken unless requested by seven or more RTM members.

Motion seconded.

Motion carried.

ARTICLE 1- FUND OVERLAY DEFICIT OF PRIOR YEARS

BOARD OF ASSESSORS

To see if the Town will vote to appropriate the sum of \$178,018.02. Said sum to fund the overlay deficits of prior years: Fiscal 2010, \$44,146.58, Fiscal 2011, \$47,700.40, and Fiscal 2012, \$86,171.04. Said sum to be funded from free cash, stabilization, taxation, or other available funds.

PURPOSE AND JUSTIFICATION: The appropriation of the requested funds will fund the overlay deficits of prior years. The deficits are a result of recent settlements of fiscal 2010, fiscal 2011, and fiscal 2012 Commercial Appellate Tax Board Cases.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$178,018.02. Said sum to fund the overlay deficits of prior years: Fiscal 2010, \$44,146.58, Fiscal 2011, \$47,700.40, and Fiscal 2012, \$86,171.04. Said sum to be funded from free cash.

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a unanimous vote, the RTM members approved the Finance Committee’s recommendation.

ARTICLE 2- FUND 53rd PAY WEEK FOR FISCAL YEAR 2015

BOARD OF SELECTMEN

To see if the Town will vote to appropriate the sum of \$54,193.00 to be accrued for Fiscal Year 2015 to pay the next 53rd week and to fund the amount from Free Cash.

PURPOSE AND JUSTIFICATION: The Town Accountant has proposed a “53rd” Week Salary Reserve Account” be established to accrue funds needed to meet the obligations of the Town for Salary and Wage calculations in excess of the normal 52 week pay period budgeted annually.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$54,193.00 to be accrued for Fiscal Year 2015 to pay the next 53rd week. Said sum to be funded from Free Cash

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a majority vote, the RTM members approved the Finance Committee’s recommendation.

ARTICLE 3 - APPROPRIATE FUNDS TO THE BETTERMENT STABILIZATION BOARD OF SELECTMEN

To see if the Town will vote to appropriate the sum of \$_____ to the Betterment Stabilization Fund. Said sum to be funded from Free Cash or transferred from available funds.

PURPOSE AND JUSTIFICATION: There is an annual appropriation made to the Betterment Stabilization Fund as a result of the free cash certification. The amount is derived from those local receipts collected during the Fiscal Year 14 for special assessments.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$72,278.00 to the Betterment Stabilization Fund. Said sum to be funded from Free Cash

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a 2/3's majority vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.

ARTICLE 4 – FUND OPEB (OTHER POST EMPLOYMENT BENEFITS)

BOARD OF SELECTMEN

To see if the Town will vote to transfer a sum of money into the OPEB (Other Post Employment Benefits) from free cash or available funds.

PURPOSE AND JUSTIFICATION: To transfer various amounts from the Retained Earnings of the three Enterprise Accounts (WTR/SWR/SW) to cover their portion of this year's schedule for deposit into the OPEB Trust Fund.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to transfer a total of \$297,962.00 into the OPEB (Other Post Employment Benefits) account. \$125,951.00 from the Water Retained Earnings account, \$131,371.00 from the Sewer Retained Earnings Account and \$40,640.00 from the Solid Waste Retained Earnings account.

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a 2/3's majority vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.

ARTICLE 5 – FUND CIP ARTICLES

BOARD OF SELECTMEN

To see if the Town will vote to appropriate \$115,000.00 for the following CIP items:

Board of Selectmen	Town Hall Document Management System	\$26,000
Board of Selectmen	Engineering, Design, Cost Estimate-LeStage	\$20,000
Park & Recreation	WWI Park Garage Doors	\$24,000
Schools	Walk-in Freezer Replacement	\$25,000
Schools	Cafeteria Tables	\$20,000

The funds for the article to be from Free Cash or transferred from available funds.

PURPOSE AND JUSTIFICATION: The items identified in this article were not recommended at the time of the annual town meeting. The 5 year CIP plan submitted to the RTM from the Town Administrator indicated the funding would be requested at the October Town Meeting for Fiscal Year 2015.

Robert Nerz (7) made a motion as follows:

Waive the reading of the Finance Committee's Recommendation for Article 5.

Motion seconded.

Motion carried.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to re-appropriate \$75,000.00 from the previously approved articles as outlined below to fund the following CIP items from Article 6A of the June 2, 2014, Annual Town Meeting:

Board of Selectmen	CIP Item # 7 - Town Hall Document Management System	\$26,000
Park & Recreation	CIP Item # 9 - WWI Park Garage Doors	\$24,000
Schools	CIP Item # 10 - Walk-in Freezer Replacement	\$25,000

Funds to be Re-appropriated from the following articles:

Article 6							Balance In
CIP							
Year	Meeting	Authorized	CIP #	Dept.	Purpose		Project
2010	June ATM	127,319	21	School	Removal of Potentially Hazardous Materials		\$604.68
2010	June ATM	35,000	33	School	Food Service - Amvet Dish Machine		\$8,205.63
2012	June ATM	35,000	32	School	Dishwasher Replacement - Roosevelt		\$5,587.01
2013	June ATM	65,000	28	School	Bus 42-Passenger		\$0.34
2013	June ATM	35,000	27	School	Dishwasher Replacement - Community		\$367.58
2012	June ATM	50,000	31	School	Replace Falls Modular Roof Top HVAC Units		\$10,234.76

Re-appropriated funds used to fund Walk-in Freezer Replacement at Schools - \$25,000.00

2012	June ATM	50,000	6	31	School	Replace Falls Modular Roof Top HVAC Units	\$10,590.24
2012	June ATM	45,000	6	6	DPW	Replace Truck 41 with 4WD Pick-up with plow	\$8,577.04
2013	June ATM	45,000	6	40	DPW	Replace Car 1	\$6,832.72

Re-appropriated funds used to fund the Town Hall Document Management System - \$26,000.00

2013	June ATM	45,000	6	40	DPW	Replace Car 1	\$1,388.30
2011	June ATM	30,000	6	20	DPW	Spreader control System/Retrofit 3 Trucks	\$7,125.00
2011	June ATM	185,000	6	19	DPW	Brush Cutting / Sidewalk Tractor	\$4,532.24
2012	June ATM	55,000	6	7	DPW	Replace Chipper	\$4,467.61
2008	May ATM	260,000	10	39	DPW	Fisher St Bridge Culvert Replacement	\$6,486.85

Re-appropriated funds used to fund the WWI Park Garage Doors - \$24,000.00

Grand Total Re-Appropriated \$75,000.00

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a majority vote, the RTM members approved the Finance Committee's recommendation.

Article 6 was reconsidered as a result of a motion made after Article 26.

ARTICLE 6 – FUND FISCAL YEAR 2015 OPERATING BUDGETS

BOARD OF SELECTMEN

To see if the Town will vote to appropriate a sum of money to supplement various Fiscal Year 2015 departmental operating budgets. Said sum to be funded from free cash or transfer from available funds

PURPOSE AND JUSTIFICATION: This article is being submitted to facilitate the operating expenses for various departments for the fiscal year.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate an additional \$75,000.00 to Dept. 820 (State Assessments) and to appropriate an additional \$113.85 to Dept. 122D (SRPEDD). Said sums to be funded from Free Cash. And that the Town vote to transfer \$1735.00 from Dept. 135A (Accounting Salaries) to Dept. 135B (Accounting General Expenses).

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a majority vote, the RTM members approved the Finance Committee's recommendation.

Joan Marchitto (P3) made a motion to reconsider Article 6 as follows:

That the Town vote to appropriate \$113.85 to Dept. 122D (SRPEDD) Said sums to be funded from free cash and that the Town vote to transfer \$1,735.00 from Dept. 135A (Accounting Salaries) to Dept. 135B (Accounting General Expenses).
By a 2/3's majority vote, the RTM members approved the Finance Committee's recommendation as amended.

ARTICLE 7 – PRIOR YEAR (S) UNPAID BILLS

BOARD OF SELECTMEN

To see if the Town will vote to appropriate a sum of money needed to pay prior year(s) unpaid bills. Said sum to be from Free Cash or transferred from available funds.

PURPOSE AND JUSTIFICATION: Invoices received after the close of the fiscal year are paid through this article.

FINANCE COMMITTEE VOTE: 8-0

9/10 VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to authorize the payment of the following prior year's unpaid bills. Said bills shall be funded from the outlined Departments current operating budget.

Department:	Amount Authorized:	Invoice in Reference To:
Department of Public Works	\$87.08	Damaged Telephone Pole
School Dept.	\$2,933.00	Brockton Transportation
School Dept.	\$18,402.50	School Transportation
Veterans Dept.	\$2,919.03	Veterans Medical Aid

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a 9/10 vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.

ARTICLE 8 – FUND CAPITAL IMPROVEMENT STABILIZATION FUND

BOARD OF SELECTMEN

To see if the Town will vote to appropriate \$25, 671.00 to the Capital Improvement Stabilization Fund From free cash or transfer from available funds.

PURPOSE AND JUSTIFICATION: An integral part of the success of the Town is to plan for the future. To be prepared for capital expenditures the Town must allocate funds to be accrued for future use.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be Indefinitely Postponed.

FINANCE COMMITTEE REASON: At the time of voting there were no available funds to allocate towards this article.

By a majority vote, the RTM members approved the Finance Committee's recommendation.

ARTICLE 9 – AMEND ARTICLE 6C LINE 11 TO INCREASE BONDING AUTHORIZATION

PARK AND RECREATION

To see if the town will vote to amend Article 6C Line 11 "Completion of Le Stage Fields" of the June 2014 ATM to authorize the bonding total amount of \$315,000.00 by borrowing.

PURPOSE AND JUSTIFICATION: This article increases the original amount that was authorized to borrow \$220,000.00 for the Le Stage fields. The funds required for the successful completion of this project have increased by \$95,000.00.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town appropriates the additional sum of Ninety-Five Thousand Dollars (\$95,000) to pay additional costs of completing the Le Stage Fields project, so-called, which was originally authorized by vote of the Town pursuant to Article 6C, Line 11 of the Warrant at the June 2014 Annual Town Meeting (which vote authorized the borrowing of \$220,000 for this project), resulting in a total appropriation of \$315,000 for this project, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow the additional sum of

Ninety-Five Thousand Dollars (\$95,000) under and pursuant to Chapter 44, Section 7(25) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a 2/3's majority vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.

ARTICLE 10 – COST OF LIVING ADJUSTMENT FOR RETIREES

RETIREMENT BOARD

To see if the Town will vote to accept the increase in the Cost of Living Adjustment for Retirees from the current base of \$12,000 to \$14,000.

PURPOSE AND JUSTIFICATION: Under Chapter 188 of the Acts of 2012 §19 – amending §103 of Chapter 32, the board of any system may increase the maximum base amount on which the cost of living adjustment is calculated in multiples of \$1,000.00. The current COLA adjustment has been a 3% of the current base-\$360.00 annually – would increase to \$420.00 annually. The Retirement Board voted 4-0 to approve this increase at their meeting on August 19, 2014.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to accept the increase in the Cost of Living Adjustment for Retirees from the current base of \$12,000 to \$14,000.

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a majority vote, the RTM members approved the Finance Committee's recommendation.

ARTICLE 11 – RE-APPROPRIATE FUNDS FOR JOINT POLICE/FIRE DISPATCH PROJECT

TOWN ACCOUNTANT

To see if the town will vote to appropriate funds in the amount of \$30,642.75 for the purpose of supplementing the Design, Engineering, Equipment and Technology for Joint Police/ Fire Dispatch as approved at the 6/2/14 Annual Town Meeting Article # 6C #1. This supplemental Appropriation to be funded by Re-Appropriating \$30,642.75 from Portable and Mobile radio replacement article so approved at the 6/4/12 Annual Town Meeting Article #6 part 3 #14.

PURPOSE AND JUSTIFICATION: To Re-appropriate leftover funds in the Radios project. This project is very interconnected with the Joint Dispatch project and it is likely that additional funds for the Joint Dispatch will be required.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate funds in the amount of \$30,642.75 for the purpose of supplementing the Design, Engineering, Equipment and Technology for Joint Police/ Fire Dispatch as approved at the 6/2/14 Annual Town Meeting Article # 6C #1. This supplemental Appropriation to be funded by Re-Appropriating \$30,642.75 from Portable and Mobile radio replacement article so approved at the 6/4/12 Annual Town Meeting Article #6 part 3 #14

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a majority vote, the RTM members approved the Finance Committee's recommendation.

ARTICLE 12 – RESCIND BORROWING OF UNISSUED AMOUNTS

TREASURER

To see if the Town will vote to rescind the borrowing authorization for the following articles and unissued amounts for which borrowing authority is no longer required, or take any other action relative thereto.

6/3/2013 Annual Town Meeting Article 6, Part 3 #46 – Amvet School Gym Floor
Authorized for \$7,471.08, amount unissued and to be rescinded = \$0.08

6/4/2012 Annual Town Meeting Article 6, Part 3 #17 - GIS Flyover
Authorized for \$140,000, amount unissued and to be rescinded = \$25,000

6/4/2012 Annual Town Meeting Article 6, Part 3 #20 – Mower
Authorized for \$8,000, amount unissued and to be rescinded = \$6

6/4/2012 Annual Town Meeting Article 6, Part 3 #34 – Awning
Authorized for \$8,000, amount unissued and to be rescinded = \$2,288

6/7/2010 Annual Town Meeting Article 6, Part 3 #38 Sewer Infiltration & Inflow Removal
Authorized for \$1,000,000, amount unissued and to be rescinded = \$0.18

Total amount to be rescinded: \$27,294.26

PURPOSE AND JUSTIFICATION: Various projects/items have been completed / purchased leaving excess borrowing capacity. This excess capacity should be eliminated so that borrowing capacity is made available for other projects/items.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to rescind the borrowing authorization for the following articles and unissued amounts for which borrowing authority is no longer required, or take any other action relative thereto.

6/3/2013 Annual Town Meeting Article 6, Part 3 #46 – Amvet School Gym Floor
Authorized for \$7,471.08, amount unissued and to be rescinded = \$0.08

6/4/2012 Annual Town Meeting Article 6, Part 3 #17 - GIS Flyover
Authorized for \$140,000, amount unissued and to be rescinded = \$25,000

6/4/2012 Annual Town Meeting Article 6, Part 3 #20 – Mower
Authorized for \$8,000, amount unissued and to be rescinded = \$6

6/4/2012 Annual Town Meeting Article 6, Part 3 #34 – Awning
Authorized for \$8,000, amount unissued and to be rescinded = \$2,288

6/7/2010 Annual Town Meeting Article 6, Part 3 #38 Sewer Infiltration & Inflow Removal
Authorized for \$1,000,000, amount unissued and to be rescinded = \$0.18

Total amount to be rescinded: \$27,294.26

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a majority vote, the RTM members approved the Finance Committee's recommendation.

ARTICLE 13 - APPROVE TIF (TAX INCREMENT FINANCING) – 21 EAST ST. BOARD OF SELECTMEN

To see if the town will vote to approve the Tax Increment Financing (TIF) Plan and Tax Increment Financing Agreement with the owners of the property located at 21 East Street shown on the Assessor's Map Parcel ID 5/111, Lots 193 + 201 pursuant to the provisions of MGL chapter 40, Section 59 on file with the Board of Selectmen and Town Clerk.

PURPOSE AND JUSTIFICATION: The RTM favorable vote is required to provide Tax Increment Financing for the property. This action embodies one of the better examples of government working with business to foster job creation, tax base increase, building rehabilitation and future utilization of Town property.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to approve the Tax Increment Financing (TIF) Plan and Tax Increment Financing Agreement with the owners of the property located at 21 East Street shown on the Assessor's Map Parcel ID 5/111, Lots 193 + 201 pursuant to the provisions of MGL chapter 40, Section 59 on file with the Board of Selectmen and Town Clerk.

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a majority vote, the RTM members approved the Finance Committee’s recommendation.

**ARTICLE 14 - APPROVE TIF (TAX INCREMENT FINANCING)
57 JOHN DIETSCH SQUARE**

BOARD OF SELECTMEN

To see if the Town will vote to approve the Tax Increment Financing (TIF) Plan and Tax Increment Financing Agreement with the owners of the property located at 57 John Dietsch Square shown on Assessor’s Map Parcel ID 34/A 371/C, Lot 5 pursuant to the provisions of MGL chapter 40, Section 59 on file with the Board of Selectmen and Town Clerk.

PURPOSE AND JUSTIFICATION: The RTM favorable vote is required to provide Tax Increment Financing for the property. This action embodies one of the better examples of government working with business to foster job creation, tax base increase, building rehabilitation and future utilization of Town Property.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be Indefinitely Postponed.

FINANCE COMMITTEE REASON: The perspective employer looking to utilize the property chose not to relocate to North Attleboro.

By a majority vote, the RTM members approved the Finance Committee’s recommendation.

Town Moderator, Deborah Kohl, read a letter from the Planning Board regarding their recommendations for Articles 15 – 26 into the record of the meeting.

*Richard Peterson, Chairman
Richard R. Houle, Vice-Chairman
Mary E. Burgess, Town Planner*

*Thomas E. Welch
Gregory A. Walsh
Mary Signoriello, Secretary*

September 29, 2014

*Deborah Kohl, Town Moderator
43 South Washington Street
North Attleboro, MA 02760*

RE: Articles No 15 – 26 for Proposed Amendments to the Zoning By-Laws – Scheduled for the October 20, 2014

Dear Ms. Kohl:

At their meeting held on Thursday, September 25, 2014, the Planning Board voted as follows on Articles No 15 and 7 of the October 20, 2014, Town Meeting Warrant.

Article 15: The Board voted unanimously (4-0) to recommend that the Town vote to approve the article.

Article 16: The Board voted (3-1) to recommend that the Town vote to approve the article with the following recommended changes b leaving boats to be allowed in the original district:

*Section V – Use Regulations, Schedule B, Principal Use, Retail and Service #5: Establishments selling motor vehicles, and/or motor vehicles accessories, and **boats** read as follows:*

<i>R-10</i>	<i>R-10S</i>	<i>R-15</i>	<i>R-20</i>	<i>R-40</i>	<i>C-7.5</i>	<i>C-30</i>	<i>C-60</i>	<i>OP-60</i>	<i>IC-30</i>	<i>I-60</i>
<i>-----</i>	<i>-----</i>	<i>-----</i>	<i>-----</i>	<i>-----</i>	<i>-----</i>	<i>P</i>	<i>S</i>	<i>-----</i>	<i>S</i>	<i>----</i>

And to add the following:

#5a: Establishments selling, maintenance and/or storage of boats, farm equipment or heavy equipment and accessories.....

R-10 R-10S R-15 R-20 R-40 C-7.5 C-30 C-60 OP-60 IC-30 I-60

 P

Articles 17 - 24, 26: The Board voted unanimously (4-0) to recommend that the Town vote to approve these articles.
 Article 25: The Board voted unanimously **NOT** to recommend this article for approval.

On Behalf of the Planning Board,
 Mary E. Burgess, Town Planner

CC: Town Clerk & Finance Committee

ARTICLE 15- ZONING BY-LAW AMENDMENT – OFF STREET PARKING/LOADING PLANNING BOARD

To see if the Town will vote to amend the Zoning Bylaws, Section V.I. Supplementary Regulations, A. Off-Street Parking and Loading, to read:

3. Each space for off-street parking shall be a minimum of ten (10) feet by twenty (20) feet ~~–~~ **nine (9) by eighteen (18)** and shall include 100sq. feet of off street area for maneuvering and driveways. Accessible parking spaces shall be provided in accordance with 521 CMR (Architectural Access Board) as amended. Each space for off-street loading shall be a minimum of 12 feet by 50 feet with a vertical clearance of at least 14 feet, and shall include 700 sq. ft. of off-street area for maneuvering and driveways.

PURPOSE AND JUSTIFICATION: In an effort to reduce the amount of impervious surface needed for existing and proposed developments, the reduction in size for parking spaces will accommodate the average size of vehicles and assist those properties in meeting parking regulations.

FINANCE COMMITTEE VOTE: 5-3

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Zoning Bylaws, Section V.I. Supplementary Regulations, A. Off-Street Parking and Loading, to read:

3. Each space for off-street parking shall be a minimum of nine (9) by eighteen (18) feet and shall include 100sq. feet of off street area for maneuvering and driveways. Accessible parking spaces shall be provided in accordance with 521 CMR (Architectural Access Board) as amended. Each space for off-street loading shall be a minimum of 12 feet by 50 feet with a vertical clearance of at least 14 feet, and shall include 700 sq. ft. of off-street area for maneuvering and driveways.

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

The RTM members defeated the Finance Committee’s recommendation.

100 Members Voting: 2/3’s Majority Required=67; Yes=55 / No=45

**ARTICLE 16- ZONING BY-LAW AMENDMENT SECTION V USE REGULATIONS PLANNING BOARD
 SCHEDULE B #5 AND 5A**

To see if the Town will vote to amend and add to the North Attleborough Zoning By-Laws, Section V.-Use Regulations, Schedule B., Principal Use, Retail and Service #5: Establishments selling motor vehicles, and/or motor vehicle accessories, ~~boats and farm equipment.~~ to read as follows:

R-10 R-10S R-15 R-20 R-40 C-7.5 C-30 C-60 OP-60 IC-30 I-60

 P S ----- S -----

And to add the following:

#5a: Establishments selling, maintenance and/or storage of boats, farm equipment or heavy equipment and accessories.....

R-10 R-10S R-15 R-20 R-40 C-7.5 C-30 C-60 OP-60 IC-30 I-60

 P

PURPOSE AND JUSTIFICATION: By splitting these uses into separate categories, uses that are more appropriate in the industrial zoned districts are allowed by right. This creates flexible zoning and economic development opportunities for areas that traditionally may not be marketable for other uses. This will allow for those uses that are operating within the Industrial Zone under a use variance to exist by right. Oversight by the Planning Board under the Site Plan Review Bylaw will ensure appropriate development. This article is consistent with the Master Plan adopted August 14, 2014.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend and add to the North Attleborough Zoning By-Laws, Section V.-Use Regulations, Schedule B., Principal Use, Retail and Service #5 to read as follows:

5 Establishments selling motor vehicles, and/or motor vehicle accessories and boats.

R-10	R-10S	R-15	R-20	R-40	C-7.5	C-30	C-60	OP-60	IC-30	I-60
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And to add the following:

5a Establishments selling, maintenance and/or storage of boats, farm equipment or heavy equipment and accessories.....

R-10	R-10S	R-15	R-20	R-40	C-7.5	C-30	C-60	OP-60	IC-30	I-60
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FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a 2/3's majority vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.

Greg St. Lawrence (P7) made a motion as follows:

Waive the reading of the Finance Committee's Recommendation for Article 17-26.

Motion seconded.

Motion carried.

ARTICLE 17- ZONING BY-LAW AMENDMENT - SECTION V USE REGULATIONS, SCHEDULE B #10

PLANNING BOARD

To see if the Town will vote to amend and add to the North Attleborough Zoning By-Laws, Section V.-Use Regulations, Schedule B., Principal Use, Retail and Service #10. Other personal services, to read as follows:

R-10	R-10S	R-15	R-20	R-40	C-7.5	C-30	C-60	OP-60	IC-30	I-60
-----	-----	-----	-----	-----	S	S	S	-----	S	S

PURPOSE AND JUSTIFICATION: This creates flexible zoning and economic development opportunities for areas that traditionally may not be marketable for other uses. This will also enable those existing uses that are operating within the Industrial Zone under a use variance to be allowed by Special Permit issued by the Zoning Board of Appeals. Oversight by the Planning Board under the Site Plan Review Bylaw will ensure appropriate development. Uses designated as "other" are at the discretion of the Zoning Enforcement Officer. This article is consistent with the Master Plan adopted on August 14, 2014.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend and add to the North Attleborough Zoning By-Laws, Section V.-Use Regulations, Schedule B., Principal Use, Retail and Service #10. Other personal services, to read as follows:

R-10	R-10S	R-15	R-20	R-40	C-7.5	C-30	C-60	OP-60	IC-30	I-60
-------------	--------------	-------------	-------------	-------------	--------------	-------------	-------------	--------------	--------------	-------------

business offices and services including but not limited to medical, legal, insurance, real estate offices and other professional services, to read as follows:

R-10 R-10S R-15 R-20 R-40 C-7.5 C-30 C-60 OP-60 IC-30 I-60

S P P ----- P P

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a 2/3's majority vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.

**ARTICLE 20 - ZONING BY-LAW AMENDMENT SECTION V USE REGULATIONS PLANNING BOARD
SCHEDULE B #14**

To see if the Town will vote to amend and add to the North Attleborough Zoning By-Laws, Section V.-Use Regulations, Schedule B., Principal Use, Retail and Service #14. Miscellaneous business and repair service, to read as follows:

R-10 R-10S R-15 R-20 R-40 C-7.5 C-30 C-60 OP-60 IC-30 I-60

P P P ----- P P

PURPOSE AND JUSTIFICATION: Adding these uses to the uses allowed by right within the commercial and industrial zones, creates flexible zoning and economic development opportunities for areas that traditionally may not be marketable for these uses. This will also enable those existing uses that are operating within these zoning districts under a use variance to be allowed by right. Oversight by the Planning Board under the Site Plan Review Bylaw will ensure appropriate development. Also, miscellaneous uses are at the discretion of the Zoning Enforcement Officer. This article is consistent with the Master Plan adopted on August 14, 2014.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend and add to the North Attleborough Zoning By-Laws, Section V.-Use Regulations, Schedule B., Principal Use, Retail and Service #14. Miscellaneous business and repair service, to read as follows:

R-10 R-10S R-15 R-20 R-40 C-7.5 C-30 C-60 OP-60 IC-30 I-60

P P P ----- P P

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a 2/3's majority vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.

**ARTICLE 21 - ZONING BY-LAW AMENDMENT SECTION V USE REGULATIONS PLANNING BOARD
SCHEDULE B #21**

To see if the Town will vote to amend the North Attleborough Zoning By-Laws, Section V.-Use Regulations, Schedule B., Principal Use, Retail and Service #21. Planned Business Development, to allow in the I-60 District by Special Permit and to read as follows:

R-10 R-10S R-15 R-20 R-40 C-7.5 C-30 C-60 OP-60 IC-30 I-60

S S S S S

PURPOSE AND JUSTIFICATION: Planned Business Developments are consolidated uses and/or businesses on one property of 5 acres or more. This allows for more than one principal building on a property with shared parking and entrance and exits. Adding this use to the industrial zoned districts will allow flexibility for multiple uses on a single property, while consolidating other infrastructure needs. This article is consistent with the Master Plan adopted on August 14, 2014.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the North Attleborough Zoning By-Laws, Section V.-Use Regulations, Schedule B., Principal Use, Retail and Service #21. Planned Business Development, to allow in the I-60 District by Special Permit and to read as follows:

R-10	R-10S	R-15	R-20	R-40	C-7.5	C-30	C-60	OP-60	IC-30	I-60
-----	-----	-----	-----	-----	S	S	S	S	S	S

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a 2/3's majority vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.

ARTICLE 22 - ZONING BY-LAW AMENDMENT SECTION VI SUPPLEMENTARY PLANNING BOARD REGULATIONS N

To see if the Town will vote to amend the North Attleborough Zoning By-Laws, Section VI.- Supplemental Regulations, N. Planned Business Development, to add the I60 District and to read as follows:

N. Planned Business Development

A Planned Business Development (PBD) may be allowed on a lot in the C-7.5, C-30, C-60, OP-60, IC-30 and **I60** districts, subject to a special permit from the Planning Board as the Special Permit Granting Authority (SPGA), and subject to the additional criteria stipulated in this Section VI.N, and, in accordance with the requirements of Section V.D of this zoning by-law, all retail, service, and commercial developments greater than five acres in size within the C-7.5, C-30, C-60, OP-60, IC-30 and **I60** districts shall be subject to review under this Section VI.N.

PURPOSE AND JUSTIFICATION: This article is in conjunction with the previous article and updates N. Planned Business Development to include those properties within the Industrial 60,000 sq. ft. zone.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the North Attleborough Zoning By-Laws, Section VI. Supplemental Regulations, N. Planned Business Development, to add the I60 District and to read as follows:

N. Planned Business Development

A Planned Business Development (PBD) may be allowed on a lot in the C-7.5, C-30, C-60, OP-60, IC-30 and **I60** districts, subject to a special permit from the Planning Board as the Special Permit Granting Authority (SPGA), and subject to the additional criteria stipulated in this Section VI.N, and, in accordance with the requirements of Section V.D of this zoning by-law, all retail, service, and commercial developments greater than five acres in size within the C-7.5, C-30, C-60, OP-60, IC-30 and **I60** districts shall be subject to review under this Section VI.N.

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a 2/3's majority vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.

ARTICLE 23 - ZONING BY-LAW AMENDMENT SECTION VI SUPPLEMENTARY PLANNING BOARD REGULATIONS, N-3

To see if the Town will vote to amend the North Attleborough Zoning By-Laws, Section VI.- Supplemental Regulations, N. Planned Business Development, 3. Minimum Size of Development, to add the I60 District and to read as follows:

3. Minimum Size of Development

The tract of land (lot) designated for a PBD shall be at least five contiguous acres in size of which all acreage designated for the PBD shall be within one of the four business (commercial) and/or OP-60, I60 districts established in Section II of this zoning by-law, and shall, at the time of submission of the building permit application, be under single ownership or in multiple ownerships subject to easements permitting the common use of access drives and utility systems within the PBD. A tract of land less than five acres in size may be reviewed as a PBD if the SPGA is so requested by the applicant.

PURPOSE AND JUSTIFICATION: This article is in conjunction with the previous articles and updates N. Planned Business Development to include those properties in the Industrial 60,000 sq. ft .zone.

FINANCE COMMITTEE VOTE: 6-2

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the North Attleborough Zoning By-Laws, Section VI.- Supplemental Regulations, N. Planned Business Development, 3. Minimum Size of Development, to add the I60 District and to read as follows:

3. Minimum Size of Development

The tract of land (lot) designated for a PBD shall be at least five contiguous acres in size of which all acreage designated for the PBD shall be within one of the four business (commercial) and/or OP-60, I60 districts established in Section II of this zoning by-law, and shall, at the time of submission of the building permit application, be under single ownership or in multiple ownerships subject to easements permitting the common use of access drives and utility systems within the PBD. A tract of land less than five acres in size may be reviewed as a PBD if the SPGA is so requested by the applicant.

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a 2/3's majority vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.

**ARTICLE 24 - ZONING BY-LAW AMENDMENT SECTION V USE REGULATIONS PLANNING BOARD
SCHEDULE B #24**

To see if the Town will vote to amend and add to the North Attleborough Zoning By-Laws, Section V.-Use Regulations, Schedule B., Retail and Service #24: Conference facilities, including guest accommodations, to read as follows:

R-10	R-10S	R-15	R-20	R-40	C-7.5	C-30	C-60	OP-60	IC-30	I-60
-----	-----	-----	-----	-----	P	P	P	-----	P	P

PURPOSE AND JUSTIFICATION: Adding these uses to the uses allowed by right within the commercial and industrial zones, creates flexible zoning and economic development opportunities for areas that traditionally may not be marketable for these uses. This will also enable those existing uses that are operating within these zoning districts under a use variance to be allowed by right. Oversight by the Planning Board under the Site Plan Review Bylaw will ensure appropriate development. This article is consistent with the Master Plan adopted on August 14, 2014.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend and add to the North Attleborough Zoning By-Laws, Section V.-Use Regulations, Schedule B., Retail and Service #24: Conference facilities, including guest accommodations, to read as follows:

R-10	R-10S	R-15	R-20	R-40	C-7.5	C-30	C-60	OP-60	IC-30	I-60
-----	-----	-----	-----	-----	P	P	P	-----	P	P

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a 2/3's majority vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.

ARTICLE 25- ZONING BY-LAW MAP AMENDMENT (TONER BLVD REZONING) PLANNING BOARD

To see if the Town will vote to amend the Zoning By-Law Map for the Town of North Attleborough, Massachusetts dated August 18, 2011, as amended through June 4, 2012, by changing the zoning district for land located on Robert F. Toner Boulevard, identified as Lots 407, 539A and 554, on Assessor’s Plat 34, in said North Attleborough, from R15 to C30. A portion of the Assessor’s Map depicting the subject parcels, and letters of acknowledgement from the owners of the subject parcels are attached as Exhibits A-O.

PURPOSE AND JUSTIFICATION: The rezoning of these lots will create a new development area in conjunction with the existing infrastructure and commercial uses. The location is suitable for commercial development as the existing traffic control measures are able to support new development. Oversight by the Planning Board under the Site Plan Review Bylaw will ensure appropriate development. This rezoning is consistent with the Master Plan adopted on August 14, 2014.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be Indefinitely Postponed.

FINANCE COMMITTEE REASON: The Planning Board voted not to support the rezoning of these lots after the neighborhood expressed their many concerns with the re-zoning proposal. The Committee agreed with the neighbors and the Planning Board concerns.

By a majority vote the RTM members approved the Finance Committee’s recommendation.

ARTICLE 26 - ZONING BY-LAWS SECTION V. USE REGULATIONS SCHEDULE B PLANNING BOARD

To see if the Town will vote to amend the North Attleborough Zoning Bylaws, Section V. Use Regulations, Schedule B to include the following asterisk for Principle Use, Retail and Service, #'s 6,10,13,14,16 to note:

* Uses that are classified as “other” or “miscellaneous” are at the discretion of the Zoning Enforcement Agent.

PURPOSE AND JUSTIFICATION: This article is for clarification in the Use Schedule. This is currently the practice.

FINANCE COMMITTEE VOTE: 7-1

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the North Attleborough Zoning Bylaws, Section V. Use Regulations, Schedule B to include the following asterisk for Principle Use, Retail and Service, #'s 6,10,13,14,16 to note:

* Uses that are classified as “other” or “miscellaneous” are at the discretion of the Zoning Enforcement Agent.

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a 2/3’s majority vote, declared obvious by the Moderator, the RTM members approved the Finance Committee’s recommendation.

Joan Marchitto (P3) made a motion to reconsider Article 6 at this time.

Motion seconded.

By a 2/3 majority vote, declared obvious by the Moderator, the RTM members approved the motion to reconsider.

ARTICLE 27- AMEND RULES & REGULATIONS SEWER ENTERPRISE FUND BOARD OF PUBLIC WORKS

To see it the Town will vote to amend the Rules and Regulations for sewer use, as originally approved Article 40 of the 1973 Annual Town Meeting and amended in Article 5 of the June 1985 Special Town Meeting and Article 4 of the February 24, 1992 Special Town Meeting as set forth as follows:

SECTION 1 – DEFINITIONS

Addition of the following:

9. "Categorical Industrial User" – Any Industrial User of the POTW who discharges wastes subject to National Categorical Pretreatment Standards under 40 CFR 403.6 and CFR Chapter I, Subchapter N.
20. "Hazardous Waste" – A waste with properties that make it dangerous or capable of having a harmful effect on human health and the environment as defined in 40 CFR 261.3. Under the RCRA program, hazardous wastes are specially defined as wastes that meet a particular listing description or that exhibit a characteristic of hazardous waste.
34. "Noncontact Cooling Water" – Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.
58. "Significant Noncompliance" – Any industrial user is in Significant Noncompliance if it violates, at any time during the previous 12 months, one or more of the violation criteria of 40 CFR 403.8(f)(2)(vii).
64. "Superintendent" – Shall mean the Sewer Department and/or Water Pollution Control of the Town of North Attleborough, or his authorized Deputy, Agent or Representative.

SECTION 2 – BUILDING SEWERS AND CONNECTIONS

Replace Section 2, Part 7:

7. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the NEIWPC Technical Report #16 (Guide for the Design of Wastewater Treatment Works) and ASCE/WPCF Manual of Practice No. FD-5 (Gravity Sanitary Sewer Design and Construction) shall apply.

Replace Section 2, Part 11:

11. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the NEIWPC Technical Report #16 (Guide for the Design of Wastewater Treatment Works) and ASCE/WPCF Manual of Practice No. FD-5 (Gravity Sanitary Sewer Design and Construction). All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Town before installation.

SECTION 3 – USE OF PUBLIC SEWERS

Addition of Section 3, Part 10:

10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern except when such an agreement or arrangement would constitute a violation of a General Pretreatment Regulation.

SECTION 3A – INDUSTRIAL DISCHARGE PERMIT

Addition of Section 3A, Part 4 (L):

(L) Effluent Limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits and State and local law.

Replace Section 3A, Part 8:

8. **PERIODIC COMPLIANCE REPORTS** - Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Sewer Department during the months of June and December unless required more frequently in the Pretreatment Standard or by the Sewer Department, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceed the average daily flow reported in Paragraph (E) of Section 2. At the discretion of the Sewer Department and in consideration of such factors as local high or low flow rates, Holidays, budget cycles, etc., the Sewer Department may agree to alter the months during which the above reports are to be submitted.

In cases where the Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard.

Periodic Compliance Reports shall include the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Replace Section 3A, Part 9:

9. SELF-MONITORING REPORTS - All significant industrial users, whether subject to a Categorical Pretreatment Standards or not, must submit a self-monitoring report. If a self-monitoring report is required, the reporting schedule and requirements will be on each Industrial Discharge Permit. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass, where requested by the Sewer Department, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the Industrial Discharge Permit and for industrial users subject to Categorical Pretreatment Standards, shall not be less frequent than prescribed in Section 8 of this Section. All analysis shall be performed in accordance with procedures established by the Administrator of EPA pursuant to Section 304 (G) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator of EPA. Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, “Sampling and Analysis Procedures for Screening of Industrial Effluent for Priority Pollutants, April 1977” and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of EPA.

In cases where a local limit requires compliance with a Best management Practice or pollution prevention alternative, the User must submit documentation required by the Control Authority to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in part 136 and amendments thereto. This sampling and analysis may be performed by the Control Authority in lieu of the Significant Industrial User.

If sampling performed by an Industrial User indicates a violation, the user shall notify the Sewer Department within 24-hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results to the Sewer Department within 30 days after becoming aware of the violation.

Replace Section 3A, Part 11:

11. SLUG DISCHARGE REPORT

- (A) Each industrial user shall be evaluated at least once by the Sewer Department for the need of an Accidental/Slug Discharge Control Plan. The need for an Accidental/Slug Control Plan must be determined within a year of the determination that an industrial user is classified as a Significant Industrial User.
- (B) If the Sewer Department determines an Accidental/Slug Discharge Control Plan is required, the user must provide protection from accidental sewer discharge of prohibited materials; slug discharges, defined as any discharge of a non-routine, episodic nature, including but limited to an accidental spill or a non-customary batch discharge; or other substance regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner’s or user’s own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Sewer Department for review and shall be approved by the Sewer Department before construction of the facility. All existing users shall complete such a plan within 90 days after the Sewer Department determines the need for a plan.
- (C) The plan shall contain at a minimum the following elements:

1. Description of discharge practices including non-routine batch discharges.
 2. Description of stored chemicals.
 3. Procedures for immediately notifying the Sewer Department of accidental or slug discharges.
 4. Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measured and equipment for emergency response.
- (D) Review and approval of such plans and operating procedures shall not relieve the industrial user from meeting the requirements of these Rules and Regulations or the requirements of its industrial user permit.
- (E) The user must immediately notify the Sewer Department of changes that occur at the facility affecting the potential for an accidental or slug discharge, thereby allowing the Sewer Department to reevaluate the need for an Accidental/Slug Discharge Control Plan or other actions to prevent such discharges.
- (F) Each user must notify the Sewer Department of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change. The notification shall include location of the discharge, type of waste, concentration and volume and corrective actions.
- (G) Within five (5) days following an accidental discharge, the user shall submit to the Sewer Department a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences.

Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

- (H) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge,
- (I) Employers shall ensure that all employees who may cause such a dangerous discharge to occur are advised of the emergency notification procedure.

Replace Section 3A, Part 12 (B):

- (B) Any industrial user subject to the reporting requirements established in these regulations shall be required to maintain for a minimum of three (3) years, all records of monitoring activities and results including documentation associated with Best Management Practices. Records shall be made available for inspection and copying by the Sewer Department and the EPA. The period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or the Town, or when requested by the Director or EPA.

Replace Section 3A, Part 18

PRETREATMENT OF INDUSTRIAL WASTEWATERS - Users shall provide necessary wastewater treatment as required to comply with these regulations, National Pretreatment Standards, and shall achieve compliance with all Federal Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, Parts 405-471 within the time limitations as specified by the Federal Pretreatment Regulations.

Any facilities required to pretreat wastewater to a level acceptable to the Town shall be provided, operated and maintained at the user's expense. Any user with a pretreatment facility discharging into a POTW may be required by the Director of Public Works

or other duly authorized employees (due to complexity of treatment process or toxicity of waste) to have a certified Wastewater Treatment Plant Operator in accordance with Chapter 781 of the Acts of 1970 (Chapter 112 of the Massachusetts General Laws, Section 87BBBB).

Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review, and shall be acceptable to the Town before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Town under provisions of these regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Town prior to the User's initiation of the changes. The Sewer Department shall submit an annual report, which will summarize the data contained in all permits and the Town and the operating experience of the POTW.

Industrial users shall comply with the following maximum allowable concentrations for the constituents listed below unless the industry is required to comply with National Categorical Pretreatment Standards, in which case, the more stringent of the two will apply.

The Town reserves the right to establish more stringent limitation or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of 40 CFR Part 403.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated,

- (A) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Sewer Department may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6 (c).
- (B) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Sewer Department shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6 (e).
- (C) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (D) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

Replace Maximum Allowable Discharge Concentrations

MAXIMUM ALLOWABLE DISCHARGE CONCENTRATIONS

MAX. ALLOWABLE INDUSTRIAL CONCENTRATION MG/L

CONSTITUENT	CONCENTRATION LIMIT, mg/l (1)
BOD ⁱ	-
TSS ¹	-
Oil & Grease, Total	100
Ammonia Nitrogen, NH ₃	12
Phosphorous, P	9.0
Aluminum, Al	2.5 ²
Arsenic, As	0.4
Cadmium, Cd	0.2/0.01 ³
Chromium, Cr	1.5
Copper, Cu	1.0
Cyanide, Cn (Total)	0.25
Lead, Pb	0.1
Mercury, Hg	0.06

Nickel, Ni	1.0
Silver, Ag	0.17
Zinc, Zn	2.5
Total Toxic Organics, TTO	-
pH	5.5 – 9.5

¹ A surcharge will be applied to industrial pretreatment wastewater discharges with concentrations between 200 mg/l and 500 mg/l.

² This limit applies to all SIUs except for the Plainville WTP. The proposed mass-based local limit for the Plainville WTP is 3.8 lbs/day.

³ This limit applies to all new SIUs.

- (1) Values are daily averages based on composite samples except as otherwise prohibited by accepted laboratory sampling procedures.
- (2) Phenol is included as a component in the determination of TTO.

Upon the effective date of the Federal Categorical Pretreatment Standards for a particular industrial sub-category, the Federal Standard, if more stringent than limitations imposed under these regulations for sources in that sub-category, shall immediately supersede the limitations imposed under these regulations. The Sewer Department shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

Where the POTW Treatment Plant achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Town may apply to the approval authority for modification of specific limits in the Federal Pretreatment Standards, “Consistent Removal” shall mean reduction in the amount of a pollutant or alienation of the nature of the pollutant by the Wastewater Treatment system to a less toxic or harmless state in the effluent which is achieved by the system 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(C)(2) of (Title 40 of the Code of Federal Regulations, Part 403) – “General Pretreatment Regulations for Existing and New Sources of Pollution” promulgated pursuant to the act. The Town may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7 are fulfilled and prior approval from the approval authority is obtained.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in these regulations.

The Board of Public Works reserves the right to add, delete or amend requirements and limitations on discharges to the wastewater disposal system in accordance with Section 9 of these regulations and Massachusetts General Laws, Chapter 83, Section 10, as amended.

Addition of Section 3A, Part 25

25. HAULED WASTEWATER

- (A) Under no circumstance may septic tank waste or other hauled wastes be discharged at unauthorized locations within the Town of North Attleborough collection system. All hauled waste discharges shall be approved by the Sewer Department.
- (B) Septic tank waste may be introduced into the Town of North Attleborough Wastewater Treatment Facility only at locations designated by the Sewer Department, and at such times as established by the Sewer Department. Such waste shall not violate any of the provisions of Article 3m Use of Public Sewers, or any other applicable Rules and Regulations.

- (C) The Sewer Department may require haulers of waste to obtain wastewater discharge permits from the Town.
- (D) The disposal of hauled industrial waste is strictly prohibited.

Addition of Section 3A, Part 26

26. COMPLIANCE WITH PRETREATMENT STANDARDS

- (A) The user must submit a certification statement indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements. This certification statement must be certified by an authorized representative as defined in Article 3A, Section 27.

(B) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the user shall submit to the POTW the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).
- (2) No increment referred to in Subsection B.1 shall exceed nine (9) months.
- (3) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Sewer Department including, as a minimum, whether or not it complied with the increment of progress, and if not, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Sewer Department.

(C) The Sewer Department will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Sewer Department may issue an industrial discharge permit subject to the terms and conditions provided herein.

Addition of Section 3A, Part 27

27. CERTIFICATION STATEMENT FOR REPORTS - For all documents requiring a Certification Statement including: the Permit Application, Compliance Data Report, and Periodic Compliance Report the statement shall be signed as follows:

- (A) By a responsible corporate officer if the industrial user is a corporation.
- (B) By a general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively.
- (C) By a duly authorized representative of the individual. The user must, in writing by the principal executive officer or ranking elected official of the user, authorize the use of a "duly authorized employee." The signed authorization must be submitted to the Sewer Department prior to, or together with, the report being submitted.

Addition of Section 3A, Part 28

28. PUBLICATION OF SIGNIFICANT NON-COMPLIANCE

- (A) The general pretreatment regulations specify, in 40 CFR 403.8(f)(2)(viii), that the POTW must comply with the public participation requirements of 40 CFR Part 25. Procedures established to comply with these requirements include “provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirement.”
- (B) For the purposes of the public participation requirements of 40 CFR 403.8(f)(2)(viii), an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(I);
 - (2) Technical Review Criteria (TRC) Violations, defined here as those in which 33 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(I) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease and 1.2 for all other pollutants except pH);
 - (3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(I) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of the POTW personnel or the general public);
 - (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW’s exercise of its emergency authority under Section 1 of this Article to halt or prevent such a discharge;
 - (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contains in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
 - (6) Failure to provide, within 45 days after the due date, require reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (7) Failure to accurately report noncompliance; or
 - (8) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

Addition of Section 3A, Part 29

29. OPTIONAL SAMPLING WAIVER FOR POLLUTANTS NOT PRESENT

- (A) In accordance with 40 CFR 403.8(f)(2)(v) and 403.12(e), the Sewer Department has the discretion to waive sampling of a pollutant if the CIU demonstrates to the Sewer Department’s satisfaction that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water without any increase in the pollutant due to industries activities.
- (B) The waiver will not be available for monitoring required for the baseline monitoring report required under 40 CFR 403.12(b) or the 90-day compliance report required under 40 CFR 403.12(d). The Industrial User

must continue to conduct at least twice per year monitoring until the waiver is both granted by the Control Authority and incorporated into the Industrial User's control mechanism. The POTW's annual monitoring requirements for the pollutant for which a monitoring waiver is granted may be reduced to a minimum of once during the effective period of the Industrial User's control mechanism.

- (C) In order to demonstrate that the pollutant is not present, the Industrial User must provide the results of one or more samples prior to treatment which are representative of all process wastewater. In the event that a pollutant is subsequently found to be present or is expected to be present, the Industrial User must immediately resume monitoring.

SECTION 5 – PENALTIES

Replace Section 5, Part 2:

2. Any user who discharges sewage, industrial wastes, or other wastes into the public sewer system(s) contrary to the provisions of these regulations shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any user who violates an order of the Town or fails to comply with any provisions of these regulations, rules, compliance schedules, and permits issued hereunder, may be assessed a civil penalty of up to five thousand dollars (\$5000) per day of violation. A criminal penalty may also be sought, consistent with state law. Each day on which a violation shall occur shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Town may recover reasonable attorneys' fees, court costs, court reporters' fees, and other expenses of litigation by appropriate legal action against the user found to have violated the order or these regulations, rules, compliance schedules, and permits issued thereunder.

Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Town by the User.

Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Sewer Division to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

Addition of Section 5, Part 4:

4. Any person violating any of the provisions of these Rules and Regulations shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation.

If any person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of these regulations, Federal or State Pretreatment Requirements, or any order of the Town, the Town may commence an action for appropriate legal and/or equitable relief in the State Superior Court.

Addition of Section 5, Part 5:

5. The person to whom any written notice is served by the Sewer Department, pursuant to Article 5, Section 2, may request a hearing before the Board of Public Works, by filing within three (3) days (excluding Saturday, Sunday and legal holidays) after the day the written notice was served or given, in the office of the Director, a written letter requesting a hearing on the matter. Upon receipt of such request, the Director shall set a time and place for such hearing and shall inform the petitioner thereof, in writing.

The hearing shall be commenced not later than five (5) days after the day on which the written request was filed and shall be concluded within five (5) days thereafter, provided that upon application of the petitioner, for good cause shown, or because of illness or unavailability of a majority of the members of the Board of Public Works on the date set for commencement, the Board of Public Works may postpone said commencement date for a reasonable time not to exceed fourteen (14) days. No more than two such postponements shall be permitted.

At the hearing, the petitioner shall be given an opportunity to be heard and to show why the order of decision of the Sewer Department should be modified or withdrawn.

After the hearing, the Board of Public Works shall sustain, modify or withdraw the Sewer Department's order or decision and shall inform the petitioner, in writing, of its decision within three (3) days after the conclusion of the hearing.

If a written letter for a hearing is not filed in the office of the Director within three (3) days (excluding Saturdays, Sundays and legal holidays) after an order, as provided in this Article, has been issued, or if after the hearing the order has been sustained in any part, each day's failure to comply with the order as issued or modified shall constitute an additional offense.

SECTION 6 – HEARING BOARD

Replace Section 6, Part 3:

3. SHOW CAUSE HEARING - The Town may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Board of Public Works why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Board of Public Works regarding the violations, the reason why the action is to be taken, the proposed enforcement action and directing the user to show cause before the Board of Public Works why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten (10) days before the hearing. Service may be made on any agent or office of a corporation. The Board of Public Works may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the assigned department to:

(A) Issue in the name of the Board of Public Works notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

(B) Take the evidence.

(C) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of Public Works for action thereon.

At any hearing held pursuant to these regulations, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the Board of Public Works has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or to the related appurtenances and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

A show-cause hearing shall not be a bar against, or prerequisite for taking any other action against the user.

The remedies provided for in these Rules and Regulations are not exclusive. The Sewer Department may take any, all or any combination of these actions against a noncompliant user. Further, the Sewer Department is empowered to take more than one enforcement action against any noncompliant user.

PURPOSE AND JUSTIFICATION: The EPA requires period updates to the Industrial Pre-Treatment Program Regulations. The language changes proposed were required by the EPA to strengthen the language of the regulations. A Summary of Changes is included for reference.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Rules and Regulations for sewer use, as originally approved Article 40 of the 1973 Annual Town Meeting and amended in Article 5 of the June 1985 Special Town Meeting and Article 4 of the February 24, 1992 Special Town Meeting as set forth as follows:

SECTION 1 – DEFINITIONS

Addition of the following:

- 9. “Categorical Industrial User” – Any Industrial User of the POTW who discharges wastes subject to National Categorical Pretreatment Standards under 40 CFR 403.6 and CFR Chapter I, Subchapter N.
- 20. “Hazardous Waste” – A waste with properties that make it dangerous or capable of having a harmful effect on human health and the environment as defined in 40 CFR 261.3. Under the RCRA program, hazardous wastes are specially defined as wastes that meet a particular listing description or that exhibit a characteristic of hazardous waste.
- 34. “Noncontact Cooling Water” – Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.
- 58. “Significant Noncompliance” – Any industrial user is in Significant Noncompliance if it violates, at any time during the previous 12 months, one or more of the violation criteria of 40 CFR 403.8(f)(2)(vii).
- 64. “Superintendent” – Shall mean the Sewer Department and/or Water Pollution Control of the Town of North Attleborough, or his authorized Deputy, Agent or Representative.

SECTION 2 – BUILDING SEWERS AND CONNECTIONS

Replace Section 2, Part 7:

- 7. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the NEIWPC Technical Report #16 (Guide for the Design of Wastewater Treatment Works) and ASCE/WPCF Manual of Practice No. FD-5 (Gravity Sanitary Sewer Design and Construction) shall apply.

Replace Section 2, Part 11:

- 11. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the NEIWPC Technical Report #16 (Guide for the Design of Wastewater Treatment Works) and ASCE/WPCF Manual of Practice No. FD-5 (Gravity Sanitary Sewer Design and Construction). All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Town before installation.

SECTION 3 – USE OF PUBLIC SEWERS

Addition of Section 3, Part 10:

- 10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern except when such an agreement or arrangement would constitute a violation of a General Pretreatment Regulation.

SECTION 3A – INDUSTRIAL DISCHARGE PERMIT

Addition of Section 3A, Part 4 (L):

(L) Effluent Limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits and State and local law.

Replace Section 3A, Part 8:

8. PERIODIC COMPLIANCE REPORTS - Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Sewer Department during the months of June and December unless required more frequently in the Pretreatment Standard or by the Sewer Department, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceed the average daily flow reported in Paragraph (E) of Section 2. At the discretion of the Sewer Department and in consideration of such factors as local high or low flow rates, Holidays, budget cycles, etc., the Sewer Department may agree to alter the months during which the above reports are to be submitted.

In cases where the Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard.

Periodic Compliance Reports shall include the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Replace Section 3A, Part 9:

9. SELF-MONITORING REPORTS - All significant industrial users, whether subject to a Categorical Pretreatment Standards or not, must submit a self-monitoring report. If a self-monitoring report is required, the reporting schedule and requirements will be on each Industrial Discharge Permit. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass, where requested by the Sewer Department, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the Industrial Discharge Permit and for industrial users subject to Categorical Pretreatment Standards, shall not be less frequent than prescribed in Section 8 of this Section. All analysis shall be performed in accordance with procedures established by the Administrator of EPA pursuant to Section 304 (G) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator of EPA. Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, “Sampling and Analysis Procedures for Screening of Industrial Effluent for Priority Pollutants, April 1977” and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of EPA.

In cases where a local limit requires compliance with a Best management Practice or pollution prevention alternative, the User must submit documentation required by the Control Authority to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in part 136 and amendments thereto. This sampling and analysis may be performed by the Control Authority in lieu of the Significant Industrial User.

If sampling performed by an Industrial User indicates a violation, the user shall notify the Sewer Department within 24-hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results to the Sewer Department within 30 days after becoming aware of the violation.

Replace Section 3A, Part 11:

11. SLUG DISCHARGE REPORT

(A) Each industrial user shall be evaluated at least once by the Sewer Department for the need of an Accidental/Slug Discharge Control Plan. The need for an Accidental/Slug Control Plan must be determined within a year of the determination that an industrial user is classified as a Significant Industrial User.

(B) If the Sewer Department determines an Accidental/Slug Discharge Control Plan is required, the user must provide protection from accidental sewer discharge of prohibited materials; slug discharges, defined as any discharge of a non-routine, episodic nature, including but limited to an accidental spill or a non-customary batch discharge; or other substance regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Sewer Department for review and shall be approved by the Sewer Department before construction of the facility. All existing users shall complete such a plan within 90 days after the Sewer Department determines the need for a plan.

(C) The plan shall contain at a minimum the following elements:

1. Description of discharge practices including non-routine batch discharges.
2. Description of stored chemicals.
3. Procedures for immediately notifying the Sewer Department of accidental or slug discharges.
4. Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measured and equipment for emergency response.

(D) Review and approval of such plans and operating procedures shall not relieve the industrial user from meeting the requirements of these Rules and Regulations or the requirements of its industrial user permit.

(E) The user must immediately notify the Sewer Department of changes that occur at the facility affecting the potential for an accidental or slug discharge, thereby allowing the Sewer Department to reevaluate the need for an Accidental/Slug Discharge Control Plan or other actions to prevent such discharges.

(F) Each user must notify the Sewer Department of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change. The notification shall include location of the discharge, type of waste, concentration and volume and corrective actions.

(G) Within five (5) days following an accidental discharge, the user shall submit to the Sewer Department a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences.

Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(H) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge,

(I) Employers shall ensure that all employees who may cause such a dangerous discharge to occur are advised of the emergency notification procedure.

Replace Section 3A, Part 12 (B):

(B) Any industrial user subject to the reporting requirements established in these regulations shall be required to maintain for a minimum of three (3) years, all records of monitoring activities and results including documentation associated with Best Management Practices. Records shall be made available for inspection and copying by the Sewer Department and the EPA. The period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or the Town, or when requested by the Director or EPA.

Replace Section 3A, Part 18

PRETREATMENT OF INDUSTRIAL WASTEWATERS - Users shall provide necessary wastewater treatment as required to comply with these regulations, National Pretreatment Standards, and shall achieve compliance with all Federal Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, Parts 405-471 within the time limitations as specified by the Federal Pretreatment Regulations.

Any facilities required to pretreat wastewater to a level acceptable to the Town shall be provided, operated and maintained at the user's expense. Any user with a pretreatment facility discharging into a POTW may be required by the Director of Public Works or other duly authorized employees (due to complexity of treatment process or toxicity of waste) to have a certified Wastewater Treatment Plant Operator in accordance with Chapter 781 of the Acts of 1970 (Chapter 112 of the Massachusetts General Laws, Section 87BBBB).

Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review, and shall be acceptable to the Town before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Town under provisions of these regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Town prior to the User's initiation of the changes. The Sewer Department shall submit an annual report, which will summarize the data contained in all permits and the Town and the operating experience of the POTW.

Industrial users shall comply with the following maximum allowable concentrations for the constituents listed below unless the industry is required to comply with National Categorical Pretreatment Standards, in which case, the more stringent of the two will apply.

The Town reserves the right to establish more stringent limitation or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of 40 CFR Part 403.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated,

(A)Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Sewer Department may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6 (c).

(B) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Sewer Department shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6 (e).

(C)A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(D)A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

Replace Maximum Allowable Discharge Concentrations

MAXIMUM ALLOWABLE DISCHARGE CONCENTRATIONS

MAX. ALLOWABLE INDUSTRIAL CONCENTRATION MG/L

CONSTITUENT	CONCENTRATION LIMIT, mg/l (1)
BOD	-
TSS 1	-
Oil & Grease, Total	100
Ammonia Nitrogen, NH ₃	12
Phosphorous, P	9.0
Aluminum, Al	2.52
Arsenic, As	0.4
Cadmium, Cd	0.2/0.013
Chromium, Cr	1.5
Copper, Cu	1.0
Cyanide, Cn (Total)	0.25
Lead, Pb	0.1
Mercury, Hg	0.06
Nickel, Ni	1.0
Silver, Ag	0.17
Zinc, Zn	2.5
Total Toxic Organics, TTO	-
pH	5.5 – 9.5

1 A surcharge will be applied to industrial pretreatment wastewater discharges with concentrations between 200 mg/l and 500 mg/l.

2 This limit applies to all SIUs except for the Plainville WTP. The proposed mass-based local limit for the Plainville WTP is 3.8 lbs/day.

3 This limit applies to all new SIUs.

(1) Values are daily averages based on composite samples except as otherwise prohibited by accepted laboratory sampling procedures.

(2) Phenol is included as a component in the determination of TTO.

Upon the effective date of the Federal Categorical Pretreatment Standards for a particular industrial sub-category, the Federal Standard, if more stringent than limitations imposed under these regulations for sources in that sub-category, shall immediately supersede the limitations imposed under these regulations. The Sewer Department shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

Where the POTW Treatment Plant achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Town may apply to the approval authority for modification of specific limits in the Federal Pretreatment Standards, “Consistent Removal” shall mean reduction in the amount of a pollutant or alienation of the nature of the pollutant by the Wastewater Treatment system to a less toxic or harmless state in the effluent which is achieved by the system 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(C)(2) of (Title 40 of the Code of Federal Regulations, Part 403) – “General Pretreatment Regulations for Existing and New Sources of Pollution” promulgated pursuant to the act. The Town may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7 are fulfilled and prior approval from the approval authority is obtained.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in these regulations.

The Board of Public Works reserves the right to add, delete or amend requirements and limitations on discharges to the wastewater disposal system in accordance with Section 9 of these regulations and Massachusetts General Laws, Chapter 83, Section 10, as amended.

Addition of Section 3A, Part 25

25. HAULED WASTEWATER

(A) Under no circumstance may septic tank waste or other hauled wastes be discharged at unauthorized locations within the Town of North Attleborough collection system. All hauled waste discharges shall be approved by the Sewer Department.

(B) Septic tank waste may be introduced into the Town of North Attleborough Wastewater Treatment Facility only at locations designated by the Sewer Department, and at such times as established by the Sewer Department. Such waste shall not violate any of the provisions of Article 3m Use of Public Sewers, or any other applicable Rules and Regulations.

(C) The Sewer Department may require haulers of waste to obtain wastewater discharge permits from the Town.

(D) The disposal of hauled industrial waste is strictly prohibited.

Addition of Section 3A, Part 26

26. COMPLIANCE WITH PRETREATMENT STANDARDS

(A) The user must submit a certification statement indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements. This certification statement must be certified by an authorized representative as defined in Article 3A, Section 27.

(B) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the user shall submit to the POTW the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

(2) No increment referred to in Subsection B.1 shall exceed nine (9) months.

(3) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Sewer Department including, as a minimum, whether or not it complied with the increment of progress, and if not, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Sewer Department.

(C) The Sewer Department will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Sewer Department may issue an industrial discharge permit subject to the terms and conditions provided herein.

Addition of Section 3A, Part 27

27. CERTIFICATION STATEMENT FOR REPORTS - For all documents requiring a Certification Statement including: the Permit Application, Compliance Data Report, and Periodic Compliance Report the statement shall be signed as follows:

(A) By a responsible corporate officer if the industrial user is a corporation.

(B) By a general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively.

(C) By a duly authorized representative of the individual. The user must, in writing by the principal executive officer or ranking elected official of the user, authorize the use of a “duly authorized employee,” The signed authorization must be submitted to the Sewer Department prior to, or together with, the report being submitted.

Addition of Section 3A, Part 28

28. PUBLICATION OF SIGNIFICANT NON-COMPLIANCE

(A) The general pretreatment regulations specify, in 40 CFR 403.8(f)(2)(viii), that the POTW must comply with the public participation requirements of 40 CFR Part 25. Procedures established to comply with these requirements include “provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirement.”

(B) For the purposes of the public participation requirements of 40 CFR 403.8(f)(2)(viii), an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(I);**
- (2) Technical Review Criteria (TRC) Violations, defined here as those in which 33 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(I) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease and 1.2 for all other pollutants except pH);**
- (3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(I) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of the POTW personnel or the general public);**
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW’s exercise of its emergency authority under Section1 of this Article to halt or prevent such a discharge;**
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contains in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;**
- (6) Failure to provide, within 45 days after the due date, require reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;**
- (7) Failure to accurately report noncompliance; or**
- (8) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.**

Addition of Section 3A, Part 29

29. OPTIONAL SAMPLING WAIVER FOR POLLUTANTS NOT PRESENT

(A) In accordance with 40 CFR 403.8(f)(2)(v) and 403.12(e), the Sewer Department has the discretion to waive sampling of a pollutant if the CIU demonstrates to the Sewer Department’s satisfaction that the pollutant is neither present nor

expected to be present in the discharge, or is present only at background levels from intake water without any increase in the pollutant due to industries activities.

- (B) The waiver will not be available for monitoring required for the baseline monitoring report required under 40 CFR 403.12(b) or the 90-day compliance report required under 40 CFR 403.12(d). The Industrial User must continue to conduct at least twice per year monitoring until the waiver is both granted by the Control Authority and incorporated into the Industrial User's control mechanism. The POTW's annual monitoring requirements for the pollutant for which a monitoring waiver is granted may be reduced to a minimum of once during the effective period of the Industrial User's control mechanism.
- (C) In order to demonstrate that the pollutant is not present, the Industrial User must provide the results of one or more samples prior to treatment which are representative of all process wastewater. In the event that a pollutant is subsequently found to be present or is expected to be present, the Industrial User must immediately resume monitoring.

SECTION 5 – PENALTIES

Replace Section 5, Part 2:

2. Any user who discharges sewage, industrial wastes, or other wastes into the public sewer system(s) contrary to the provisions of these regulations shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any user who violates an order of the Town or fails to comply with any provisions of these regulations, rules, compliance schedules, and permits issued hereunder, may be assessed a civil penalty of up to five thousand dollars (\$5000) per day of violation. A criminal penalty may also be sought, consistent with state law. Each day on which a violation shall occur shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Town may recover reasonable attorneys' fees, court costs, court reporters' fees, and other expenses of litigation by appropriate legal action against the user found to have violated the order or these regulations, rules, compliance schedules, and permits issued thereunder.

Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Town by the User.

Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Sewer Division to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

Addition of Section 5, Part 4:

4. Any person violating any of the provisions of these Rules and Regulations shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation.

If any person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of these regulations, Federal or State Pretreatment Requirements, or any order of the Town, the Town may commence an action for appropriate legal and/or equitable relief in the State Superior Court.

Addition of Section 5, Part 5:

5. The person to whom any written notice is served by the Sewer Department, pursuant to Article 5, Section 2, may request a hearing before the Board of Public Works, by filing within three (3) days (excluding Saturday, Sunday and legal holidays) after the day the written notice was served or given, in the office of the Director, a written letter requesting a hearing on the matter. Upon receipt of such request, the Director shall set a time and place for such hearing and shall inform the petitioner thereof, in writing.

The hearing shall be commenced not later than five (5) days after the day on which the written request was filed and shall be concluded within five (5) days thereafter, provided that upon application of the petitioner, for good cause shown, or because of illness or unavailability of a majority of the members of the Board of Public Works on the date set for commencement, the Board of Public Works may postpone said commencement date for a reasonable time not to exceed fourteen (14) days. No more than two such postponements shall be permitted.

At the hearing, the petitioner shall be given an opportunity to be heard and to show why the order of decision of the Sewer Department should be modified or withdrawn.

After the hearing, the Board of Public Works shall sustain, modify or withdraw the Sewer Department's order or decision and shall inform the petitioner, in writing, of its decision within three (3) days after the conclusion of the hearing.

If a written letter for a hearing is not filed in the office of the Director within three (3) days (excluding Saturdays, Sundays and legal holidays) after an order, as provided in this Article, has been issued, or if after the hearing the order has been sustained in any part, each day's failure to comply with the order as issued or modified shall constitute an additional offense.

SECTION 6 – HEARING BOARD

Replace Section 6, Part 3:

3. **SHOW CAUSE HEARING** - The Town may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Board of Public Works why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Board of Public Works regarding the violations, the reason why the action is to be taken, the proposed enforcement action and directing the user to show cause before the Board of Public Works why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten (10) days before the hearing. Service may be made on any agent or office of a corporation. The Board of Public Works may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the assigned department to:

- (A) Issue in the name of the Board of Public Works notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
- (B) Take the evidence.
- (C) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of Public Works for action thereon.

At any hearing held pursuant to these regulations, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the Board of Public Works has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or to the related appurtenances and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

A show-cause hearing shall not be a bar against, or prerequisite for taking any other action against the user.

The remedies provided for in these Rules and Regulations are not exclusive. The Sewer Department may take any, all or any combination of these actions against a noncompliant user. Further, the Sewer Department is empowered to take more than one enforcement action against any noncompliant user.

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a majority vote, the RTM members approved the Finance Committee recommendation.

ARTICLE 28- RTM TO VOTE TO AUTHORIZE SCHOOL COMMITTEE TO AWARD 5 YEAR CONTRACTS SCHOOL DEPARTMENT

To see if the Town will vote pursuant to Section 12(b), of Chapter 30B of the General Laws to authorize the School Committee to enter into contracts of up to five (5) years for the purchase of contract services and supplies for the North Attleboro Public Schools.

PURPOSE AND JUSTIFICATION: Pursuant to MGL Chapter 30B, Section 12 (b), a procurement officer shall not award a contract for a term exceeding three (3) years unless authorized by majority vote at Town Meeting. Such authorization may apply to any number of types of contracts. This authorization will allow the School Committee to have the option of seeking more advantageous, longer term contracts when deemed to be in the best interest of the North Attleborough Public Schools.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote, pursuant to Section 12(b), of Chapter 30B of the General Laws, to authorize the School Committee to enter into contracts of up to five (5) years for the purchase of contract services and supplies for the North Attleboro Public Schools.

FINANCE COMMITTEE REASON: The Committee felt that they could support this article as it specifically pertains only to contract services & supplies and does not grant the ability for the School Department to enter into extended contracts with the Teacher's Union / personnel.

By a majority vote, the RTM members approved the Finance Committee recommendation.

ARTICLE 29 - MSBA GRANT PROGRAM-BOILERS SCHOOL DEPARTMENT

To see if the Town will vote to appropriate, borrow, or transfer from available funds, the amount of \$400,000 to be expended under the direction of North Attleborough, School Building Committee for the Roosevelt Avenue Boiler Replacement Project, located at 108 Roosevelt Avenue, North Attleborough, MA, 02760, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town has applied for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town.

MOTION

That the Town appropriate the amount of \$400,000.00 (Four Hundred Thousand Dollars) for the purpose of paying costs of the design, engineering and complete replacement of the boiler and controls at the Roosevelt Avenue School located at 108 Roosevelt Avenue North Attleborough Mass. 02760, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve as asset that otherwise is capable of supporting the required educational program, and for which the Town has applied for a grant from the Massachusetts School Building Authority ("MSBA"), and said amount to be expended under the direction of the North Attleborough, School Building Committee. To meet the appropriation of the Town Treasurer with the approval of the Board of Selectmen is authorized to borrow said amount under the pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town of North Attleborough acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town, and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote

shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of North Attleborough and MSBA.

PURPOSE AND JUSTIFICATION: The purpose of this project is to assist with improving the energy efficiency of the heating system as well as the safety and comfort of the students and staff. The current condition is very costly to maintain and provides no energy saving for the building fuel consumption. Presently the Massachusetts School Building Authority (MSBA) offers Accelerated Repair Projects for the replacement of windows, doors, roofs and boilers. The School Department applies annually with Statements of Interest (SOI) for such projects. The town would only fund the design and engineering as well the entire project if fully approved and reimbursed by approximately 52% by the MSBA for the cost of the boiler replacement at the Roosevelt Avenue Elementary School.

FINANCE COMMITTEE VOTE: 8-0

2/3 ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the amount of \$400,000.00 (Four Hundred Thousand Dollars) for the purpose of paying costs of the design, engineering and complete replacement of the boiler and controls at the Roosevelt Avenue School located at 108 Roosevelt Avenue North Attleborough Mass. 02760, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve as asset that otherwise is capable of supporting the required educational program, and for which the Town has applied for a grant from the Massachusetts School Building Authority ("MSBA"), and said amount to be expended under the direction of the North Attleborough School Building Committee. To meet the appropriation of the Town Treasurer with the approval of the Board of Selectmen is authorized to borrow said amount under the pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town of North Attleborough acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town, and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of North Attleborough and MSBA.

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a 2/3 roll call vote, the RTM members approved the Finance Committee's recommendation.

100 Members Voting: 2/3 Majority Required = 67; Yes=99 / No=1

ARTICLE 30- BY-LAW AMENDMENT POLICE REGULATIONS

PETITION

To see if the Town will vote to amend Article XII A, Section 5: Police Regulations of the Town By-Laws by removing the following words: "play at any game in which a ball or other object is used" and adding the words: "similar dangerous".

The new Section 5 would read: "No person or persons shall fly any kite, or throw stones, missiles, or other similar dangerous objects in any street, public way or sidewalk. Nor shall any person throw, drop or allow to be dropped any stone, missile or other object from any bridge or building, upon a public way or sidewalk, or to shoot with bows or arrows or to fire any weapon whose pellet is discharged by air or gas upon any public way, street or sidewalk."

PURPOSE AND JUSTIFICATION:

The purpose of this article is to:

- I. Promote outdoor recreational activity and exercise by citizens. Particularly in young people, recreational exercise leads to reduction in obesity, violence, and illicit drug use.
- II. Allocate more North Attleboro Police Department resources and officers to addressing other, more serious, public safety matters.
- III. Foster a stronger, more open relationship between the law enforcement community and the youth of the town.
- IV. Update an archaic law that is currently selectively-enforced and largely ignored by the population-at-large.

FINANCE COMMITTEE VOTE: 7-1

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be Indefinitely Postponed.

FINANCE COMMITTEE REASON: The Committee felt that the concerns expressed by the Police Chief outweighed the need for the proposed amendment of this by-law. As it exists in its current form, children can be found playing on certain cul-de-sacs and

roadways with no police involvement. However, without the by-law, the Police would be forced to cite a more ambiguous charge in order to maintain safety, when the situation does arise. The Committee further felt that perhaps more appropriate wording could be found and studied at a later date that could address the concerns of both sides.

By a majority vote, the RTM members approved the Finance Committee recommendation.

ARTICLE 31- BY-LAW AMENDMENT- BY-LAW STUDY-CODIFICATION COMM. PETITION

To see if the Town will vote to Amend article VIII, Section 1(By-Law Study & Codification Committee) by amending Section 1 and adding sub-section (d), which reads as follows:

d. Evert three (3) years, or such other time as it may believe to be appropriate, the Committee will study, consider, propose and recommend changes to the By-Laws, or propose and recommend special act legislation which will, in the opinion of the committee, improve the operation and manner of delivery of services by the Town of No Attleborough. The committee will also review, consider, study and provide comments to the Finance Committee and Representative Town Meeting regarding any proposed municipal charter document.

PURPOSE AND JUSTIFICATION: Approval will ensure that, at a minimum, every three (3) years the ByLaws Committee will, as a component of its overall mission, focus on considering, assessing, and proposing potential bylaws designed to improve and enhance the operations of municipal government and delivery of Town services. The proposed bylaw will further provide the Town with a municipal organization which will be designated to assist the Town in assessing any proposed charter document.

FINANCE COMMITTEE VOTE: 6-2

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be Indefinitely Postponed.

FINANCE COMMITTEE REASON: The majority of the Committee felt that the premise of the article was good, however they felt that more consideration and further review was necessary before they felt comfortable endorsing it.

By a majority vote, the RTM members approved the Finance Committee recommendation.

ARTICLE 32- TOWN ADMINISTRATOR AUTHORITY-FEMA PETITION

To see if the Town will vote to grant the Town Administrator the authority to appeal FEMA Flood Zone mapping if there is evidence to indicate that it may not be valid.

PURPOSE AND JUSTIFICATION: Granting the authority to Town Administrator to appeal FEMA Flood Zone mapping designation. If there is evidence to indicate that it may not be valid. To protect the interest of the people the residents and businesses of the town.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be Indefinitely Postponed.

FINANCE COMMITTEE REASON: Town Counsel questioned the legality of having the Town incur the expense and liability of making petitions on behalf of individual property owners.

By a majority vote, the RTM members approved the Finance Committee recommendation.

ARTICLE 33- BY-LAW AMENDMENT- RULES OF THE TOWN MEETING PETITION

To see if the Town will vote to Amend By-Laws Article I, Section 4, RULES OF TOWN MEETING, by deleting subsections (g) and (i) and substituting the following as subsection (g):

g. Attendance at Town Meeting shall be open to all persons.

All attendees at Town Meeting shall register with the Town Clerk before entering the meeting hall. The Town Clerk shall provide the following attendees with identification labels indicating, as appropriate, one of the following: "RTM" for RTM members, "VOTER" for other registered voters of the Town of North Attleborough, or "OFFICIAL" for designated departmental representatives who are not registered voters of the town. All other attendees not so identified will be considered to be visitors and will not be provided an identification label.

After the main motion for each article is made by the Finance Committee, the right to make further motions and to vote shall be limited to RTM members.

Department heads and their respective designees who need not be registered voters of the town may speak before the meeting on matters concerning their official responsibilities.

All registered voters of the Town of North Attleborough, both RTM members and non-members, may speak before the meeting subject to the same rules for receiving recognition to speak and for speaking, as may be prescribed from time to time by the members.

Visitors may speak only following introduction by an RTM member and at the discretion of the moderator and the members.

For all articles, the designated representatives of boards, commissions, or committees submitting articles and individual petitioners or their designated representatives shall have the right to speak first after the Finance Committee motion.

Prior to addressing the meeting all speakers shall identify themselves by name, by their status as an RTM member, official, voter, or visitor, and as appropriate, by their precinct, town department position, or address.

PURPOSE AND JUSTIFICATION: To collectively codify in the Town By-Laws for the first time specific provisions that define who may attend our RTM meetings and how those persons may participate in the meetings, consistent with:

- North Attleboro's RTM Act
- Massachusetts General Laws
- Town Meeting Time
- Our historical procedures for RTM meetings

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to Amend By-Laws Article I, Section 4, RULES OF TOWN MEETING, by deleting subsections (g) and (i) and substituting the following as subsection (g):

g. Attendance at Town Meeting shall be open to all persons.

All attendees at Town Meeting shall register with the Town Clerk before entering the meeting hall. The Town Clerk shall provide the following attendees with identification labels indicating, as appropriate, one of the following: "RTM" for RTM members, "VOTER" for other registered voters of the Town of North Attleborough, or "OFFICIAL" for designated departmental representatives who are not registered voters of the town. All other attendees not so identified will be considered to be visitors and will not be provided an identification label.

After the main motion for each article is made by the Finance Committee, the right to make further motions and to vote shall be limited to RTM members.

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All registered voters of the Town of North Attleborough, both RTM members and non-members, may speak before the meeting subject to the same rules for receiving recognition to speak and for speaking, as may be prescribed from time to time by the members.

Visitors may speak only following introduction by an RTM member and at the discretion of the moderator and the members.

For all articles, the designated representatives of boards, commissions, or committees submitting articles and individual petitioners or their designated representatives shall have the right to speak first after the Finance Committee motion.

Prior to addressing the meeting all speakers shall identify themselves by name, by their status as an RTM member, official, voter, or visitor, and as appropriate, by their precinct, town department position, or address.

FINANCE COMMITTEE REASON: As stated in the purpose and justification.

By a majority vote, the RTM members defeated the Finance Committee's Recommendation.

ARTICLE 34- APPROPRIATE FUNDS TO THE STABILIZATION FUND

BOARD OF SELECTMEN

To see if the Town will vote to appropriate from free cash or other available funds the sum of \$ _____ to the Stabilization Fund.

PURPOSE AND JUSTIFICATION: The article was submitted to transfer funds that were used at the Annual Town Meeting for operating budgets.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY ROLL CALL

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$340,000.00 from free cash into the Stabilization Fund.

FINANCE COMMITTEE REASON: The Committee feels it's important to replenish as much money as possible back into the stabilization account.

Joan Marchitto (P3) made a motion to amend as follows:

(Change \$340,000 to \$380,000)

To see if the Town will vote to appropriate from Free Cash or any other available funds the sum of \$380,000 to the Stabilization Fund or to do or act in any manner relative thereto.

Motion seconded.

Motion carried.

By a unanimous vote, the RTM members approved the Finance Committee's recommendation as amended.

A motion to Adjourn Sine Die was approved by a majority vote of the RTM members at 9:45 PM.
