

PROCEEDINGS
SPECIAL TOWN MEETING
JANUARY 5, 2009

On Monday, January 5, 2009, Town Clerk, Maxwell Gould opened the Special Town Meeting at 7:09PM. "With 81 RTM members present, we have a quorum."

Pledge of Allegiance to our Flag.

Moment of silence for our men and women serving overseas in the Armed Forces.

Town Moderator, Steve Dalrymple, read the warrant.

NORTH ATTLEBOROUGH WARRANT
FOR THE REPRESENTATIVE SPECIAL TOWN MEETING
MONDAY, JANUARY 5, 2009

THE COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

To either Constables 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, THE 5TH OF JANUARY 2009 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 nineteen public places in said Town and also in one place in each of the voting precincts within the Town at least twenty-one days before the time of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk on or before the time of said meeting.

Given our hands and seal of the Town of North Attleborough on this December 4, 2008.

John C. Rhyno, Chairman

Dale S. Langille, Vice-Chairman

Paul J. Belham

Mark Williamson

Michael S. Thompson

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 nineteen (19) public places in said town twenty-one (21) days before the time of said meeting.

Chief Michael P. Gould, Sr.

Constable

Town of North Attleborough

1. Central Fire Station
2. Town Offices
3. Nissan Village
4. Housing for the Elderly - Center
5. Housing for the Elderly - Elm Terrace
6. Boch Toyota South
7. Shaws Supermarket
8. Cumberland Farms - Kelley Boulevard
9. Allen Avenue Fire Station
10. Richards Memorial Library
11. Hockomock YMCA
12. Falls Post Office
13. Registry of Motor Vehicles
14. Housing for the Elderly - Circle Court
15. Sharon Credit Union
16. Bristol County Savings Bank
17. Cushman Union Church - 2 May Street
18. Bank of America - Center
19. Stop & Shop

Richard Peterson (P2) made a motion as follows:

That the RTM adopt the Bourne Amendment which states that any RTM Member wishing to increase the money amount of an article that has been recommended by the Finance Committee must specify the source of the additional monies.

Motion seconded.

Motion carried.

Richard Peterson (P2) made a motion as follows:

That the RTM adopt the procedural rule that the count of two-thirds vote, when it is obvious to the Moderator, shall not be taken by the Moderator, unless requested by seven or more RTM members.

Motion seconded.

Motion carried.

ARTICLE 1

PRIOR YEAR UNPAID BILL

HUMAN RESOURCES

To see if the town will vote to appropriate a sum of money, under the provisions of Chapter 44, Section 64 of Mass. General Laws for unpaid injury while on duty expenses under the self-insurance line item for police officers incurred prior to July 1, 2008, and to determine whether said sum shall be raised by transfer from available funds or otherwise. (amount to be determined)

Or to do or act in any manner relative thereto.

Human Resources

PURPOSE AND JUSTIFICATION

To pay for bills received after July 1, 2008 related to medical expenses that were incurred by police officers injured in the line of duty, prior to July 1, 2008.

FINANCE COMMITTEE VOTE: 6-0

9/10 VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$452.76 for unpaid bills relating to medical expenses incurred in prior fiscal years. Said sum to be paid from Free Cash.

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

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

ARTICLE 2

PRIOR YEAR UNPAID BILL

HISTORICAL COMM.

To see if the town will vote to increase Article 9, Line 691A of the Annual Town Meeting May 2008 (FY2009) Historical Commission, by appropriating the sum of \$60.25 for an unpaid bill relating to expenses incurred in the prior fiscal year and to determine whether said sum shall be appropriated from free cash or transfer of available funds.

Or to do or act in any manner relative thereto.

Historical Commission

See Attached

PURPOSE AND JUSTIFICATION

The vendor did not get the necessary forms in time to pay this bill within the required time period.

FINANCE COMMITTEE VOTE: 6-0

9/10 VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$60.25 to pay the prior fiscal years bill. Said sum to be paid from Free Cash.

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

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

ARTICLE 3

PRIOR YEAR UNPAID BILL

BOARD OF PUBLIC WORKS

To see if the town will vote to appropriate the sum of \$5,818.00 for an unpaid bill relating to expenses incurred in the prior fiscal year. Said sum shall be paid from Sewer Enterprise retained earnings.

Or to do or act in any manner relative thereto.

Board of Public Works

See Attached

PURPOSE AND JUSTIFICATION

To pay bills received after July 1, 2008 for expenses related to Sewer SCADA Systems that were incurred prior to July 2008.

FINANCE COMMITTEE VOTE: 5-0

9/10 VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$5818.00 to pay the prior fiscal years bills for expenses related to Sewer SCADA Systems. Said sum to be paid from the Sewer Enterprise retained earnings.

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

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

ARTICLE 4 PRIOR YEAR UNPAID BILL BOARD OF PUBLIC WORKS

To see if the town will vote to appropriate the sum of \$10,000.00 for an unpaid bill relating to expenses incurred in the prior fiscal year. Said sum shall be paid from water enterprise retained earnings.

Or to do or act in any manner relative thereto.

Board of Public Works

See Attached

PURPOSE AND JUSTIFICATION

To pay bills received after July 1, 2008 for expenses related to Water SCADA Systems that were incurred prior to July 2008.

FINANCE COMMITTEE VOTE: 5-0

9/10 VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$10,000.00 to pay the prior fiscal years bills for expenses related to Water SCADA Systems. Said sum to be paid from the Water Enterprise retained earnings.

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

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

ARTICLE 5 SUPPLEMENT BUDGET REQUEST BOARD OF HEALTH

To see if the town will vote to amend the FY2009 Board of Health budget, Article 9, Line 511A of the Annual Town Meeting May 2008 (FY2009), by appropriating the sum of \$819.45 to line item 015118-511103, Part Time Asst Inspectors salaries, and to determine whether said sum shall be raised by taxation, transfer of available funds, borrowing or otherwise.

Or to do or act in any manner relative thereto.

Board of Health

PURPOSE AND JUSTIFICATION

The Part Time Inspector's salary made part of the FY2009 budget has been calculated by others based upon 47 instead of 52 weeks per year and is unintentionally "underfunded". Said appropriation will correctly fund the Part Time Inspector's annual salary based upon 52 instead of 47 weeks/year.

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$819.45 to supplement the Board of Health FY2009 Budget, Article 9, Line 511A, Salaries, of the May 19, 2008, Annual Town Meeting. Said sum to be paid from Free Cash.

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

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

ARTICLE 6 SUPPLEMENT BUDGET REQUEST BOARD OF SELECTMEN

To see if the town will vote to increase Town Hall Maintenance General Expenses Article 9, Line 192B of the Annual Town Meeting May 2008 (FY 2009) by adding \$20,000.00 to change the amount from \$99,965.00 to \$119,965.00. Said sum to be transferred from available free cash or any other available funds.

Or to do or act in any manner relative thereto.

Board of Selectmen

See Attached

PURPOSE AND JUSTIFICATION

The increase in rates for usage and fuel charges from the NAED will affect the budgeted amount for fiscal year 2009. The Town Hall uses electricity for both air conditioning and heat. In March of 2008 when the FY 2009 budget was finalized for submittal, the town was paying \$.1188 per kWh. Since July 1, 2008, the town has been paying an average of \$.149 per kWh.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: The Committee would like to wait until a more accurate forecast of actual need can be made, as energy costs have been falling.

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

ARTICLE 7

SUPPLEMENT VETERANS CASH AID

VETERANS

To see if the town will vote to increase Veteran's Services General Expense, Article 9, Line 543B of the Annual Town Meeting in May 2008 (FY 2009) by appropriating the sum of \$35,000.00 to change the amount from \$149,992.00 to \$184,992.00. Said sum to be appropriated from Free Cash or transferred from any available funds.

Or to do or act in any manner relative thereto.

Director of Veterans' Services

PURPOSE AND JUSTIFICATION

The Veterans' Services is experiencing a higher demand for assistance from our veteran population. Much of the assistance is related to the poor economy. Based upon the current enrollment (with no new additions), the appropriation at the Annual Town Meeting will be in deficit without this transfer. The direct payment to the veterans is mandated by state law and if not paid by the town, the amounts are assessed on the cherry sheet at 125%.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$35,000.00 to supplement The Veterans FY2009 Budget, Article 9, Line 543B of the May 19, 2008, Annual Town Meeting. Said sum to be paid from Free Cash.

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

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

ARTICLE 8 APPROPRIATE FUNDS FOR TRAFFIC CONTROL SYSTEM

FIRE COMM.

To see if the town will vote to appropriate the sum of \$14,000 or any other sum for the necessary repairs to the Traffic Control System. The Town shall also determine if said sum shall be appropriated by transfer of available funds, free cash, or otherwise.

Or to do or act in any manner relative thereto.

Fire Commissioners

PURPOSE AND JUSTIFICATION

Traffic Signal Repairs:

Elm Street at Richards Avenue –Vehicle sensor loops and hardware

Landry Avenue at Kelley Boulevard –Vehicle sensor loops and hardware

Commonwealth Avenue at North Avenue –Vehicle sensor loops, hardware, and LED arrays

Landry Avenue at Kelley Boulevard – Replacement of failed UG cable

Police detail officers: 2 officers per day, 3 days

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$14,000.00 for the necessary repairs to the Traffic Control System. Said sum to be paid from Free Cash.

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

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

ARTICLE 9

WEBSTER BUILDING SECURITY

BOARD OF SELECTMEN

To see if the town will vote to appropriate the sum of \$15,000.00 to be expended under the direction of the Board of Selectmen for the purpose of providing for the safety of the public by securing the vacant property known as the Webster Building located at 262 Broadway. Said sum to be appropriated from free cash or by transfer of available funds.

Or to do or act in any manner relative thereto.

Board of Selectmen

PURPOSE AND JUSTIFICATION

The Webster Building located at 262 Broadway is presently in a condition that is dangerous and potentially life threatening to the residents of the town. The building has been the victim of break-ins and vandalism and at this point is unsafe to enter. The request will be used to take the necessary steps (clearing brush, boarding windows, and security fence) to properly secure the area for the safety of the residents of the town.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$10,000.00 to be expended under the direction of the Board of Selectmen for the purpose of providing for the safety of the public by securing the vacant property known as the Webster Building located at 262 Broadway. Said sum to be paid from Free Cash.

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

After much discussion, Leonard Pierce (P5), made a motion to move the question.

Motion seconded.

Motion carried.

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

ARTICLE 10

ROOM OCCUPANCY TAX

BOARD OF SELECTMEN

To see if the town will vote to accept Massachusetts General Laws Chapter 64g, Section 3a Room Occupancy Excise and per the authority of the general law by majority vote to set the tax at 4% to be effective July 1, 2009.

Or to do or act in any manner relative thereto.

Board of Selectmen

See Attached

PURPOSE AND JUSTIFICATION

The acceptance of this law and the implementation of the occupancy tax will generate revenue for the town in excess of \$100,000.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to accept Massachusetts General Laws Chapter 64g, Section 3a Room Occupancy Excise and per the authority of the general law by majority vote to set the tax at 4% to be effective July 1, 2009.

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

After much discussion, Agnes Woodbury (P3) made a motion to move the question.

Motion seconded.

Motion carried.

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

ARTICLE 11

E-RATE APPROPRIATION

SCHOOL COMMITTEE

To see if the town will vote to appropriate the sum of \$22,077.66, or any other sum, for the purpose of providing technology and/or telecommunication related supplies, equipment or services to the North Attleborough Public Schools. Said sum to be transferred from the E-Rate Receipts Reserved for Appropriation.

Or to do or act in any manner relative thereto.

School Committee

PURPOSE AND JUSTIFICATION

The School Department has applied for and received federal E-Rate funds. These funds are designed to help schools improve or expand telecommunications and technology, including training for staff and students. The Town receives the funds from various vendors and Town Meeting must then vote to allocate the funds to an article under the jurisdiction of the School Committee.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$22,077.66, for the purpose of providing technology and/or telecommunication related supplies, equipment or services to the North Attleborough Public Schools. Said sum to be transferred from the E-Rate Receipts Reserved for Appropriation.

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

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

ARTICLE 12

APPROPRIATE FUNDS FROM SEWER ENTERPRISE

BOARD OF PUBLIC WORKS

To see if the town will vote to appropriate \$255,000 from Sewer Enterprise Fund Retained Earnings for the following Sewer Enterprise Capital Items:

- \$22,000 Boiler Replacement Sewer Collections Building
- \$50,000 Boiler Replacement WWTF Control Building

\$26,000	Sewer Collections Camera Truck Equipment Upgrade
\$45,000	Industrial Pretreatment Program Review Local Limits (NPDES Permit Requirement)
\$38,000	Service Vehicle Replacement for Unit #24
\$38,000	Service Vehicle Replacement for Unit #54
\$27,000	Utility Vehicle for Project Manager /Engineer
\$9,000	Retrofit Sewer Building with efficient water fixtures

including costs, incidental and related to such projects.

Or to do or act in any manner relative thereto.

Board of Public Works

PURPOSE AND JUSTIFICATION

These items are from the past Sewer Enterprise Fund Capital Improvement Program List. Some items have been requested for several years, but have not been funded due to a lack of certified Retained Earnings within Enterprise Fund. The Sewer Enterprise Fund now has a sufficient amount of Retained Earnings to purchase these items.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$255,000 from Sewer Enterprise Fund Retained Earnings for the following Sewer Enterprise Capital Items:

\$22,000	Boiler Replacement Sewer Collections Building
\$50,000	Boiler Replacement WWTF Control Building
\$26,000	Sewer Collections Camera Truck Equipment Upgrade
\$45,000	Industrial Pretreatment Program Review Local Limits (NPDES Permit Requirement)
\$38,000	Service Vehicle Replacement for Unit #24
\$38,000	Service Vehicle Replacement for Unit #54
\$27,000	Utility Vehicle for Project Manager /Engineer
\$9,000	Retrofit Sewer Building with efficient water fixtures

including costs, incidental and related to such projects.

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

By Roll Call Vote, the RTM members approved the Finance Committee’s recommendation as read. 78 members voting, 73-yes & 5-no. There were 2 abstentions.

**ARTICLE 13 APPROPRIATE FUNDS THROUGH BORROWING BOARD OF PUBLIC WORKS
TO REPLACE WATER FILTER MEDIA**

To see if the town will vote to appropriate \$225,000, by borrowing (to be repaid in the first instance from Water Enterprise Revenues), pursuant to Chapter 44, Section 8 (7C) of the General Laws or pursuant to any other enabling authority, by transfer from available funds or otherwise, to pay costs of replacing water filter media at both the Whiting Street and Kelley Water Treatment Plants, and for the payment of all other costs incidental and related thereto.

Or to do or act in any manner relative thereto.

Board of Public Works

PURPOSE AND JUSTIFICATION

Both the Whiting Street and Kelley water treatment plants have exhibited signs of media degradation, including the requirement of more frequent backwashing of the filters. These filters are essential to the production of potable water for the Town.

The filter media material has been sampled and tested by the manufacturer and it has been determined to be at the end of its useful life.

Funding source of this project will be through Water Enterprise Debt Service.

FINANCE COMMITTEE VOTE: 4-1

2/3 ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the sum of \$225,000.00 is hereby appropriated to pay costs of replacing water filter media at both the Whiting Street and Kelley Water Treatment Plants, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8(7C) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided however that any borrowing authorized by this vote shall be repaid in the first instance from Water Enterprise Revenues.

FINANCE COMMITTEE REASON: The Committee feels that replacement of the filters is necessary and that it is most appropriate to spread the cost of this project over its useful life.

After much discussion, Leonard Pierce (P5) made a motion to move the question.

Motion seconded.

Motion carried.

By Roll Call Vote, the RTM members approved the Finance Committee's recommendation as read. 81 members voting, 66-yes & 15-no. 54 votes required.

ARTICLE 14

ACCEPT SETTLEMENT PROCEEDS

BOARD OF PUBLIC WORKS

To see if the town will vote to accept proceeds of the Town in the amount of \$559,488.67 as settlement for the Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation and to appropriate these funds to the Water Enterprise Fund for the purposes of water supply inspection, monitoring, remediation, and new source development, or act anything thereon.

Or to do or act in any manner relative thereto.

Board of Public Works

PURPOSE AND JUSTIFICATION

The Board of Public Works, as authorized by the vote under Article 29 of the 2004 Annual Town Meeting, joined a lawsuit with other public water suppliers in Massachusetts who experienced MTBE contamination of their water supplies. The Town obtained \$559,488.67 in settlement of this litigation. This appropriation will permit the Board of Public Works to begin a program of inspection, monitoring, remediation and new source development to improve and preserve the quality of public drinking water.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to accept proceeds of the Town in the amount of \$559,488.67 as settlement for the Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation and to appropriate these funds to the Water Enterprise Fund for the purposes of water supply inspection, monitoring, remediation, and new source development, or act anything thereon.

FINANCE COMMITTEE REASON: The Committee feels it is necessary to protect the long term needs and safety of the Town's water supply.

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

Motion seconded.

Motion carried.

By Roll Call Vote, the RTM Members unanimously approved the Finance Committee's recommendation as read.

The Moderator read the following letter from the Planning Board into the record:

December 22, 2008
Stephen Dalrymple

Town Moderator

43 South Washington Street

North Attleborough, MA 02760

Re: Articles Pertaining to Street Acceptances for January 5, 2009 Special Town Meeting

Dear Mr. Dalrymple:

Article 15 on the January 5, 2009 Special Town Meeting warrant is to see if the Town will vote to approve Street Acceptances.

At their meeting held on December 18, 2008, the Planning Board voted on said article as follows:

- **Article 15:** To see if the town will vote to accept as public ways within the Town of North Attleborough Rodney Lecours Drive from station 0+00 to station 13+82 more or less; Joseph D. LeBlanc Lane from station 0+00 to station 9+85 more or less; and Lorden Drive from station 0+00 to station 13+95 or more less as said streets are shown on that plan of land entitled WINDCHIME SUBDIVISION ASSESSOR'S PLAT 30, LOTS 3 & 6 NORTH ATTLEBORO, MASSACHUSETTS DATE: OCTOBER, 2001 Sheets 4, 5, 6, 7, and 8 of 22 prepared by DiPrete Engineering Associates, Inc., copies of which are attached hereto and made a part hereof as if fully set forth hereat.

The Board voted to recommend that this article be approved as submitted (5-0).

For the Planning Board,

Mary E. Burgess

Town Planner

ARTICLE 15 ACCEPTANCE OF STREETS WITHIN WINDCHIME SUBDIVISION PETITION

To see if the town will vote to accept as public ways within the Town of North Attleborough Rodney Lecours Drive from station 0+00 to station 13+82 more or less; Joseph H. LeBlanc Lane from station 0+00 to station 9+85 more or less; and Lorden Drive from station 0+00 to station 13+95 more or less as said streets are shown on that plan of land entitled **WINDCHIME SUBDIVISION ASSESSOR'S PLAT 30, LOTS 3 & 6 NORTH ATTLEBORO, MASSACHUSETTS DATE: OCTOBER, 2001** Sheets 4, 5, 6, 7, and 8 of 22 prepared by DiPrete Engineering Associates, Inc., copies of which are attached hereto and made a part hereof as if fully set forth hereat.

Or to do or act in any manner relative thereto.

Petition

See Attached

PURPOSE AND JUSTIFICATION

The proponent of this Article seeks acceptance of the streets and ways within the Windchime Subdivision. All of the construction has been approved by the North Attleborough Planning Board and As-Built plans have been filed with said Planning Board.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: At the time of voting the Committee had not received approvals from the various departments regarding the completion of these roadways.

After much discussion, Leonard Pierce (P5) made a motion to move the question.

Motion seconded.

Motion carried.

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

Motion made to adjourn the Special Town Meeting Sine Die.

Motion seconded.

Motion carried at 9:00 PM.