

**PROCEEDINGS  
SPECIAL TOWN MEETING  
JUNE 1, 2009**

On Monday, June 1, 2009, Town Clerk, Maxwell Gould opened the Special Town Meeting at 7:17PM. "With 82 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 Clerk Maxwell Gould gave the oath of office to the newly elected and appointed RTM members.

Town Moderator, Steve Dalrymple, read the warrant.

**NORTH ATTLEBOROUGH WARRANT  
FOR THE REPRESENTATIVE SPECIAL TOWN MEETING  
MONDAY, JUNE 1, 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 1st OF JUNE 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 April 23, 2009.

Paul J. Belham, Sr., Chairman  
Mark Williamson, Vice-Chairman  
Michael S. Thompson  
John C. Rhyno  
Christopher L. Sweet

**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 Clerk's Office (3 copies)

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:

*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.

John Donahue (P7) made a motion as follows:

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

Motion seconded.

Motion carried unanimously.

At 7:30 P.M. a motion was made to adjourn the Special Town Meeting so as to open the Annual Town Meeting.

Motion seconded.

Motion carried.

At 7:32P.M. The Special Town Meeting resumed.

## **ARTICLE 1**

## **PATROLMANS CONTRACT**

## **HUMAN RESOURCES**

To see if the town will vote to appropriate a sum of money to supplement the budget of the Police Department for the purpose of financing any changes made in the Personnel By-Laws, as a result of Collective Bargaining and otherwise for salary increases for Police Officers Association and to determine how said appropriation shall be raised, whether by taxation, transfer from available funds, or otherwise.

Or to do or act in any manner relative thereto.

Human Resources

### **PURPOSE AND JUSTIFICATION**

To fund contract effective 7/1/08

**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 the contract had not been settled.**

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

Christopher Sweet (P8) presented the following Affirmative Action motion:

*That the town vote to ratify any changes made to the North Attleboro Patrolman's Contract established between the Town and the Patrol Officers Association as a result of collective bargaining for the period July 1, 2008 through June 30, 2009. Mr. Moderator I move adoption of this recommendation.*

Motion seconded.

**The RTM members approved the Affirmative Action motion as presented.**

**ARTICLE 2                      PROFESSIONAL POLICE OFFICERS CONTRACT                      HUMAN RESOURCES**

To see if the town will vote to appropriate a sum of money to supplement the budget of the Police Department for the purpose of financing any changes made in the Personnel By-Laws, as a result of Collective Bargaining and otherwise for salary increases for Professional Police Officers Association and to determine how said appropriation shall be raised, whether by taxation, transfer from available funds, or otherwise.

Or to do or act in any manner relative thereto.  
Human Resources.

**PURPOSE AND JUSTIFICATION**

To fund contract effective 7/1/08

**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 the contract had not been settled.

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

Christopher Sweet (P8) presented the following Affirmative Action motion:

*That the town vote to ratify any changes made to the North Attleboro Professional Police Officer's Contract established between the Town and the Professional Police Officers Association as a result of collective bargaining for the period July 1, 2008 through June 30, 2009. Mr. Moderator I move adoption of this recommendation.*

Motion seconded.

**The RTM members approved the Affirmative Action motion as presented.**

**ARTICLE 3                      CONTRACT FOR HEALTH INSURANCE REIMBURSEMENT                      B.O.S.**

To see if the town will vote to appropriate a sum of \_\_\_\_\_ in order to support expenses related to co-pay reimbursements to employees for FY2010, per the negotiated terms of an Agreement between the Town and its Collective Bargaining Agents and to determine how said appropriation shall be raised, whether by taxation, transfer from available funds, or otherwise.

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

**PURPOSE AND JUSTIFICATION**

The funds will cover the cost of potential co-pay reimbursements per the terms of an agreement negotiated with all of the Town/School/Electric Department unions in settlement of negotiations around the impact of co-pay increases. Additionally these funds will pay for the fee charged by the company who will process the claims reimbursement on behalf of the Town.

**FINANCE COMMITTEE VOTE: 8-0**

**MAJORITY VOTE**



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 (which includes new additions since July 1, 2008) the appropriation at the Annual Town Meeting will be in deficit without this transfer.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$40,000.00 from free cash into the Veterans Cash Aid Account.**

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

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

**ARTICLE 7 ACCEPT \$33,849.68 IN INSURANCE PROCEEDS FROM  
MARTIN SCHOOL FIRE**

**B.O.S.**

To see if the town will vote to accept insurance proceeds in the amount of \$33,849.68 and transfer said amount from Insurance Receipts Reserved for Appropriation to the School Department, to be expended for repairs to the damage and replacement of equipment caused by the fire at the Martin School on December 9, 2008.

Or to do or act in any manner relative thereto.

Board of Selectmen

**PURPOSE AND JUSTIFICATION**

Pursuant to M.G.L., Ch. 44 §53, insurance proceeds in excess of \$20,000.00 requires town meeting appropriation.

**FINANCE COMMITTEE VOTE: 8-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to accept insurance proceeds in the amount of \$33,849.68 and transfer said amount from Insurance Receipts Reserved for Appropriation to the School Department, to be expended for repairs to the damage and replacement of equipment caused by the fire at the Martin School on December 9, 2008.**

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

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

**ARTICLE 8 ACCEPT \$17,869.40 AS SETTLEMENT FOR MTBE LITIGATION PUBLIC WORKS**

To see if the town will vote to accept proceeds of the Town in the amount of \$17,869.40 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 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 class-action lawsuit with other public water suppliers in Massachusetts who experienced MTBE contamination of their water supplies.

In the January 2009 Special Town Meeting, RTM voted to appropriate \$559,488.67 in settlement proceeds as part of this litigation toward a long-term program of inspection, monitoring, remediation and new source development to improve and preserve the quality of North Attleborough's public drinking water.

The Town has continued to receive settlement payments as the legal cases with individual oil companies are finalized.

**FINANCE COMMITTEE VOTE: 8-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to accept proceeds of the Town in the amount of \$17,869.40 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.**

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

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

**ARTICLE 9      APPROPRIATE \$58,639.00 TO REFUND FY08 NEGATIVE      TOWN ACCOUNTANT  
RETAINED EARNINGS OF THE LANDFILL ENTERPRISE**

To see if the town will vote to appropriate the sum of \$58,639 to refund the general fund for the FY08 negative retained earnings of the Landfill Enterprise Fund certified by DOR on the tax rate certification. Said sum to be appropriated from Landfill Enterprise retained earnings.

Or to do or act in any manner relative thereto.  
Town Accountant

**PURPOSE AND JUSTIFICATION**

This appropriation request will refund the general fund for the amount of certified negative retained earnings raised on the FY08 Tax Recapitulation.

**FINANCE COMMITTEE VOTE: 7-1**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$58,639 to refund the general fund for the FY08 negative retained earnings of the Landfill Enterprise Fund certified by DOR on the tax rate certification. Said sum to be appropriated from Landfill Enterprise retained earnings.**

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

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

**ARTICLE 10                      SUPPLEMENT SNOW & ICE ACCOUNT                      PUBLIC WORKS**

To see if the town will vote to appropriate the sum of \$435,839.75, or any other sum to supplement Article 9, Line 423, Snow and Ice, of the Annual Town Meeting for Fiscal Year 2009. Said sum shall be raised by taxation, by transfer of available funds or otherwise.

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

**PURPOSE AND JUSTIFICATION**

This line item carried a budget of \$200,000. However, due to the large number of storms this season, the cost of road salt, and labor related to snow removal work exceeded the appropriation.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY ROLL CALL VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$435,839.75 to supplement Article 9, Line 423, Snow and Ice, of the Annual Town Meeting for Fiscal Year 2009. \$315,000.00 to come from the Overlay Surplus Account and \$120,839.75 from Free Cash.**

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

The Moderator declared that unanimity would dispense of the Roll Call Vote.

A motion was made and seconded to dispense with the Roll Call Vote.

**The RTM members unanimously approved the motion.**

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

**ARTICLE 11      SUPPLEMENT FY09 SELF INSURANCE ACCOUNT                      B.O.S.**

To see if the town will vote to increase the Self Insurance Account Expenses Article 9, Line 946A of the Annual Town Meeting May 2008 (FY 2009) by adding \$60,000.00 to the current balance of \_\_\_\_\_. 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

**PURPOSE AND JUSTIFICATION**

The insurance account is used to pay the deductible amounts not covered by the town’s insurance. Prior to Fiscal Year 2007 the town did not have any medical coverage for police officers who were injured on duty. At the time there was no insurance available for police, only fire. In Fiscal Year 2008 the town was able to secure insurance for public safety employees. Any medical bills related to injuries that occurred prior to July 1, 2006 are the responsibility of the Town.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$60,000.00 to supplement the FY09 Self Insurance Account Expenses Article 9, Line 946A of the Annual Town Meeting, to pay the deductible amounts not covered by the town’s insurance. 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 12 SUPPLEMENT FY09 TOWN HALL GENERAL EXPENSES**

**B.O.S.**

To see if the town will vote to increase the Article 9, Omnibus Budget for FY2009, Department 192 Town Hall Maintenance Line 192B General Expenses, by appropriating the sum of \$9,000.00 to change the amount from \$61,320.00 to \$70,320.00. Said sum to be appropriated from Free Cash or transferred from any available funds.

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

**PURPOSE AND JUSTIFICATION**

This amount is needed to meet the electricity charges for the remainder of the fiscal year for all of the electrical service to the Town Hall.

**FINANCE COMMITTEE VOTE: 8-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON: This deficiency was handled through a reserve fund transfer.**

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

**ARTICLE 13 SUPPLEMENT FY09 STREET LIGHTING GENERAL EXPENSES**

**B.O.S.**

To see if the town will vote to increase the Article 9, Omnibus Budget for FY2009, Department 424 Street Lighting, 424B General Expenses, by appropriating the sum of \$5,000.00 to change the amount from \$180,000.00 to \$185,000.00. Said sum to be appropriated from Free Cash or transferred from any available funds.

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

**PURPOSE AND JUSTIFICATION**

This amount is needed to meet the electricity charges for the remainder of the fiscal year for all of the electrical street/traffic lighting service to the Town.

**FINANCE COMMITTEE VOTE: 8-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON: This deficiency was handled through a reserve fund transfer.**

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

**ARTICLE 14 APPROPRIATE FUNDS FROM E-RATE RECEIPTS**

**SCHOOL COMMITTEE**

To see if the town will vote to appropriate the sum of \$14,076.19, 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: 8-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$14,076.19, 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 15 APPROPRIATE FUNDS FOR BEACH PROGRAM CONSERVATION COMM.**

To see if the town will vote to raise and appropriate the sum of \$20,000.00 or any other sum, in order to supplement the Conservation Commission's budget to staff the beach program. And to determine how said appropriation shall be raised, by taxation, by transfer of available funds, by borrowing or otherwise. The funds are to be expended under the direction of the Conservation Commission.

Or to do or act in any manner relative thereto.

Conservation Commission

**PURPOSE AND JUSTIFICATION**

The Conservation Commission's FY2010 budget was cut by \$20,000 and the Commission was forced to reduce the beach salaried account. As a result, the budget for the beaches is currently \$10,000 which will only allow for staffing (Life Guard and Gate Attendant) at Falls Pond Beach 5 days a week. Whittings Pond Beach will not be able to be staffed at all. The Commission feels that due to safety concerns, it is imperative to staff both beaches with a lifeguard 7 days a week. Also, having a gate attendant at both beaches to collect parking fees will avoid a loss of revenue for the Town.

**FINANCE COMMITTEE VOTE: 8-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** This article is not appropriate in the Special Town Meeting and should have been contained within the Annual Town Meeting Warrant.

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

Dave Manoogian (P8) made a motion as follows:

*I move to waive the reading of Articles 16, 17, 18, 19, 20, 21, 22 and 23 for the record.*

Motion seconded.

Motion carried.

**The Moderator recognized Town Planner, Mary Burgess, who reported to the Town Meeting that at their meeting on May 19, 2009, the North Attleboro Planning Board voted unanimously to recommend that Articles 16, 17, 18, 19, 20, 21, 22, and 23 of the June 1, 2009 Special Town meeting be approved as submitted.**

She also reported that at that same meeting the Planning Board voted unanimously to recommend that Article 24 of the June 1, 2009 Special Town Meeting be indefinitely postponed. The Moderator directed that the verbal report of the Town Planner be entered as part of the record of the Special Town Meeting.

**ARTICLE 16 AMEND ZONING BY-LAWS TO UPDATE THE FLOODPLAIN PLANNING BOARD DISTRICT PER FEMA FLOOD PLAIN DISTRICT BOUNDARIES**

To see if the town will vote to will vote to amend the Zoning Bylaws, Section II, C. Floodplain District, Part II, Section A, to strike out the following wording and to be read as follows:

**Section A. FLOODPLAIN DISTRICT BOUNDARIES**

The Floodplain District is herein established an overlay district. The district includes all special flood hazard areas designated on the North Attleborough Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP, ~~dated September 4, 1979 as Zone A and Zone A+~~ 30, and the FEMA Flood Boundary & Floodway Map dated September 14, 1979, both maps which indicate the 100 year regulatory floodplain. The exact boundaries of the District may be defined by the 100 year base flood elevations shown on the FIRM and further defined by the Flood Insurance study booklet dated March 1979. ~~The map panels of the Bristol County FIRM that are wholly or partially within the Town of North Attleborough are panel numbers 25005C0018F, 25005C0019F, 25005C0084F, 25005C0092F, 25005C0101F, 25005C0102F, 25005C0103F, 25005C0104F, 25005C0106F, 25005C0107F, 25005C0108F, 25005C0111F and 25005C0112F~~ dated July 7, 2009. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report dated July 7, 2009. The FIRM, Floodway Maps and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector, and Conservation Commission.

Or to do or act in any manner relative thereto.

Planning Board

See Attached

**PURPOSE AND JUSTIFICATION**

The Federal Management Emergency Agency (FEMA) is updating the Flood Insurance Study and the Flood Insurance Rate Maps. This change reflects the dates of the change and the map panels that it applies to within North Attleborough. There are no changes from the existing flood map to the new flood map within North Attleborough. If compliance is not met, the Town will be suspended from the National Flood Insurance Program (NFIP) resulting loss of funding and insurance for residents.

**FINANCE COMMITTEE VOTE: 8-0**

**2/3 VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Zoning Bylaws, Section II, C. Floodplain District, Part II, Section A, by deleting the existing section in its entirety and replacing it with the following:**

**Section A. FLOODPLAIN DISTRICT BOUNDARIES**

The Floodplain District is herein established an overlay district. The district includes all special flood hazard areas designated on the North Attleborough Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP-The map panels of the Bristol County FIRM that are wholly or partially within the Town of North Attleborough are panel numbers 25005C0018F, 25005C0019F, 25005C0084F, 25005C0092F, 25005C0101F, 25005C0102F, 25005C0103F, 25005C0104F, 25005C0106F, 25005C0107F, 25005C0108F, 25005C0111F and 25005C0112F dated July 7, 2009. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report dated July 7, 2009. The FIRM, Floodway Maps and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector, and Conservation Commission.

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

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

**ARTICLE 17 AMEND ZONING BY-LAW TO UPDATE THE FLOODPLAIN PLANNING BOARD  
DISTRICT PER FEMA SECTION II.C, PART II SECTION B**

To see if the town will vote to amend the Zoning Bylaws, Section II.C. Floodplain District, Part II, Section B, to strike out the following wording and to be read as follows:

1. Floodway Data. In Zones A and Zone ~~A1-30~~ AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

Or to do or act in any manner relative thereto.

Planning Board

**PURPOSE AND JUSTIFICATION**

The Federal Emergency Management Agency (FEMA) is updating the Flood Insurance Study and the Flood Insurance Rate Maps. This change reflects the change in the reference zone from a Zone A1-30 to Zone AE. If compliance is not met, the Town will be suspended from the National Flood Insurance Program (NFIP) resulting loss of funding and insurance for residents.

**FINANCE COMMITTEE VOTE: 8-0**

**2/3 VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Zoning Bylaws, Section II.C. Floodplain District, Part II, Section B by replacing Section B.1 with the following:**

1. **Floodway Data. In Zones A and Zone AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.**

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

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

**ARTICLE 18 AMEND ZONING BY-LAW TO UPDATE THE FLOODPLAIN PLANNING BOARD  
DISTRICT PER FEMA SECTION II.C. PART III**

To see if the town will vote to amend the Zoning Bylaws, Section II.C. Floodplain District, Part III, Notification of Watercourse Alteration, by deleting the section in its entirety and replacing with the following:

In a riverine situation, the following shall be notified of any alteration or relocation of a watercourse:

Adjacent Communities

NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104  
NFIP Program Specialist  
Federal Emergency Management Agency, Region 1  
99 High Street, 6<sup>th</sup> Floor  
Boston, MA 02110

Or to do or act in any manner relative thereto.

Planning Board

**PURPOSE AND JUSTIFICATION**

The Federal Emergency Management Agency (FEMA) is updating the Flood Insurance Study and the Flood Insurance Rate Maps. This change reflects the change in contact information at the state. If compliance is not met, the Town will be suspended from the National Flood Insurance Program (NFIP).

**FINANCE COMMITTEE VOTE: 8-0**

**2/3 VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Zoning Bylaws, Section II,C. Floodplain District, Part III, Notification of Watercourse Alteration, by deleting the existing section in its entirety and replacing with the following:**

**In a riverine situation, the following shall be notified of any alteration or relocation of a watercourse:**

**Adjacent Communities**

**NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104  
NFIP Program Specialist  
Federal Emergency Management Agency, Region 1  
99 High Street, 6<sup>th</sup> Floor  
Boston, MA 02110**

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

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

**ARTICLE 19 AMEND THE ZONING BY-LAW TO UPDATE THE FLOODPLAIN DISTRICT PER FEMA PLANNING BOARD**

To see if the town will vote to amend the Zoning Bylaws, Section II,C. Floodplain District, Part IV, Use Regulations, Section A, to strike out the following wording and to be read as follows:

-Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR ~~2402-0~~, 120 G “Flood Resistant Construction and Construction in Coastal Dunes “);

-Inland Wetlands Restriction, DEP (currently 302 CMR ~~6.00~~ 13.00);

Or to do or act in any manner relative thereto.

Planning Board

**PURPOSE AND JUSTIFICATION**

The Federal Emergency Management Agency (FEMA) is updating the Flood Insurance Study and the Flood Insurance Rate Maps. This is an update in the sections used to enforce the Flood Plain District. If compliance is not met, the Town will be suspended from the National Flood Insurance Program (NFIP) resulting loss of funding and insurance for residents.

**FINANCE COMMITTEE VOTE: 8-0**

**2/3 VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Zoning Bylaws, Section II,C. Floodplain District, Part IV, Use Regulations, Section A, to read as follows:**

**The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:**

**-Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR, 120 G “Flood Resistant Construction and Construction in Coastal Dunes “);**

**-Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);**

**-Inland Wetlands Restriction, DEP (currently 302 CMR 13.00);**

**-Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);**

**Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.**

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

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

**ARTICLE 20 AMEND ZONING BY-LAWS TO UPDATE THE FLOODPLAIN PLANNING BOARD DISTRICT PER FEMA SECTION II, C, PART IV**

To see if the town will vote to amend the Zoning Bylaws, Section II,C. Floodplain District, Part IV, Use Regulations, Section B, to strike out the following wording and to be read as follows:

Section B. OTHER USE REGULATIONS

- 1) In Zones ~~A1-30~~ AE along watercourses that have a regulatory floodway designated on the North Attleborough Flood Boundary & Floodway Map, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occupance of the base flood discharge.
- 3) In the floodway, designated on the ~~Flood Boundary and Floodway Map~~ the map panels of the Bristol County FIRM that are wholly or partially within the Town of North Attleborough, the following provisions shall apply:
- 4) Mobile Home Regulations: Within Zone ~~A1-30~~AE, all mobile homes shall provide that:.....

Or to do or act in any manner relative thereto.

Planning Board

**PURPOSE AND JUSTIFICATION**

The Federal Emergency Management Agency (FEMA) is updating the Flood Insurance Study and the Flood Insurance Rate Maps. This change references the change in Zone title and map reference. If compliance is not met, the Town will be suspended from the National Flood Insurance Program (NFIP).

**FINANCE COMMITTEE VOTE: 8-0**

**2/3 VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Zoning Bylaws, Section II,C. Floodplain District, Part IV, Use Regulations, Section B, by deleting the existing subsections 1, 3 & 4 in their entirety and replacing them with the following:**

Section B. OTHER USE REGULATIONS

- 1) In Zones AE along watercourses that have a regulatory floodway designated on the North Attleborough Flood Boundary & Floodway Map, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occupance of the base flood discharge.
- 3) In the floodway, designated on the map panels of the Bristol County FIRM that are wholly or partially within the Town of North Attleborough, the following provisions shall apply:
- 4) Mobile Home Regulations: Within Zone AE, all mobile homes shall provide that:.....

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

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

**ARTICLE 21 AMEND ZONING BY-LAW TO UPDATE THE FLOODPLAIN PLANNING BOARD DISTRICT, DEFINITIONS**

To see if the town will vote to amend the Zoning Bylaws, Section II,C. Floodplain District, Part VI, Definitions, to strike out the following wording and to be read as follows:

~~AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent of greater chance of flooding in any given year. The area may be designated as Zone A and A1-30, AO, AH and AE.~~

~~FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (Delete in its entirety)~~

~~FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards having been designated as Zone A. (Delete in its entirety)~~

~~SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A and A1-30, AO, AH and AE.~~

~~ZONE A1-30 AE means the 100-year floodplain where the base flood elevation has been determined.~~

~~ZONES B AND, C and X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on the new revised maps.~~

Or to do or act in any manner relative thereto.

Planning Board

**PURPOSE AND JUSTIFICATION**

The Federal Emergency Management Agency (FEMA) is updating the Flood Insurance Study and the Flood Insurance Rate Maps. This change reflects the changes in the Zones classifications and the reference to the new maps. If compliance is not met, the Town will be suspended from the National Flood Insurance Program (NFIP).

**FINANCE COMMITTEE VOTE: 8-0**

**2/3 VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Zoning Bylaws, Section II,C. Floodplain District, Part VI, Definitions, by deleting the definitions of “Flood Boundary and Floodway Map” and “Flood Hazard Boundary Map (FHBM)” in their entirety and by amending the following definitions as written below:**

**AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent of greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH and AE.**

**SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, AH and AE.**

**ZONE AE means the 100-year floodplain where the base flood elevation has been determined.**

**ZONES B, C and X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard.**

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

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

**ARTICLE 22 AMEND ZONING BY-LAW TO UPDATE THE AQUIFER PROTECTION DISTRICT PER D.E.P.**

**PLANNING BOARD**

To see if the town will vote to amend the Zoning Bylaws, Section II.D: Aquifer Protection District, 4: Uses, b. Prohibited Uses to strike out the following wording to read as follows:

- (i) Business and industrial uses, which manufacture, use, process, store, or dispose of hazardous materials or wastes as a principal activity, including but not limited to metal plating, chemical manufacturing, wood preserving, furniture stripping, dry cleaning, auto body repair, manufacture of pesticides, fertilizers, weed killers and herbicides; and commercial facilities for the storage or treatment of hazardous waste.

Or to do or act in any manner relative thereto.

Planning Board

**PURPOSE AND JUSTIFICATION**

The change is part of the ongoing changes needed to comply with DEP's water withdrawal permits within the designated Zone II (Drinking Water Well).

**FINANCE COMMITTEE VOTE: 8-0**

**2/3 VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Zoning Bylaws, Section II.D: Aquifer Protection District, 4: Uses, b. Prohibited Uses by deleting the existing subsection (i) in its entirety and replacing it with the following:**

- (i) Business and industrial uses, which manufacture, use, process, store, or dispose of hazardous materials or wastes including but not limited to metal plating, chemical manufacturing, wood preserving, furniture stripping, dry cleaning, auto body repair, manufacture of pesticides, fertilizers, weed killers and herbicides; and commercial facilities for the storage or treatment of hazardous waste.**

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

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

**ARTICLE 23 AMEND ZONING BY-LAWS, SECTION II.D, DISTRICT 4: USES**

**PLANNING BOARD**

To see if the town will vote to amend the Zoning Bylaws, Section II. D: Aquifer Protection District 4: Uses, c. Special Permit uses by adding the following sentence after the first sentence in the first paragraph:

“Special Permits will not be issued for any activity specifically prohibited or restricted under the MA Wellhead Protection Regulations 310 CMR 222.21(2).”

Or to do or act in any manner relative thereto.

Planning Board

**PURPOSE AND JUSTIFICATION**

The change is recommended by DEP to assure that NO prohibited uses are allowed by special permit or any other mechanism if it is clearly prohibited in the Wellhead Protection Regulations. This change is part of the ongoing changes needed to comply with DEP's water withdrawal permits within the designated Zone II (Drinking Water Supply).

**FINANCE COMMITTEE VOTE: 8-0**

**2/3 VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Zoning Bylaws, Section II. D: Aquifer Protection District 4: Uses, c. Special Permit uses by adding the following sentence after the first sentence in the first paragraph:**

“Special Permits will not be issued for any activity specifically prohibited or restricted under the MA Wellhead Protection Regulations 310 CMR 222.21(2).”

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

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

**ARTICLE 24 AMEND ZONING BY-LAW TO ALLOW FOR ENGINEERING PLANNING BOARD REVIEW AT THE COST OF THE APPLICANT FOR SITE PLANS**

To see if the town will vote to amend the Zoning Bylaws, Section VI.H. Site Plan Approval, by adding the following part 9. to read as follows:

9. "The Planning Board may, at their discretion, request a site plan be reviewed by their engineering consultant. A deposit, which reflects an estimate provided by the engineer consultant, will be paid prior to any review being completed. The Planning Board will provide the applicant with a copy of the engineering consultant's resume and fee schedule. In accordance with M.G.L. c.30B, the applicant has the right to appeal the use of the Planning Board's engineer consultant either due to a conflict of interest or a failure to meet minimum requirements. The applicant has 30 days from the date of notification to file an appeal with the Board of Selectmen. All invoices must be paid prior to the decision being filed with the Town Clerk. Any funds not used for the review will be refunded to the applicant.

Or to do or act in any manner relative thereto.

Planning Board

**PURPOSE AND JUSTIFICATION**

The Planning Board has been receiving lengthy Site Plan applications that require the review of traffic and stormwater among other items by a professional engineer. This article will enable the Planning Board to use their engineer consultant to review all items that may fall outside of the Planning Board's and Town Planner's ability.

**FINANCE COMMITTEE VOTE: 8-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to Indefinitely Postpone this article.**

**FINANCE COMMITTEE REASON:** This article was withdrawn at the request of the petitioner.

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

**ARTICLE 25 AMEND ARTICLE 10, PART III, ITEM 31 OF FY09 CIP TO EXPAND THE SCOPE OF THE PROJECT B.O.S.**

To see if the town will vote to amend Article 10, Part III, Item 31 of the FY09 CIP (May Annual Town Meeting) by amending the description of the scope of the project to include other assorted equipment fixtures and improvements associated with the operation of the gymnasium.

Or to do or act in any manner relative thereto.

Municipal Building Committee

**PURPOSE AND JUSTIFICATION**

To provide funds for unanticipated construction costs for the High School gymnasium floor project and associated costs.

**FINANCE COMMITTEE VOTE: 7-1**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article 10, Part III, Item 31 of the FY09 CIP (May Annual Town Meeting) by amending the description of the scope of the project to include other assorted equipment fixtures and improvements associated with the operation of the gymnasium.**

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

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

**ARTICLE 26 AMEND ARTICLE VIII, SECTION 10 OF TOWN BY-LAWS B.O.S.**

To see if the town will vote to amend Article VIII, Section 10, Municipal Building Committee of the Town By-Laws by adding the following after "pump stations and drinking water wells and their appurtenances", in sub-Section

10.b.: except that the School Building Committee shall be the awarding authority for the rehabilitation, remodeling, reconstruction or extraordinary repairs, including equipment, furnishings and related items to all School buildings.

So that the By-Law will now read “The Municipal Building Committee shall be responsible for every contract for the construction, reconstruction, alteration, or remodeling, as well as the furnishing and equipment herein, for all municipal buildings involving the expenditure of more than \$75,000.00 except that the Police Facility Building Committee shall be the awarding authority for the remodeling, reconstruction of extraordinary repairs including furnishings, equipment and related items to the building located at 102 South Washington Street and except that the Board of Public Works shall be the awarding authority for the rehabilitation, remodeling, reconstruction or extraordinary repairs, including furnishings, equipment and related items to water and sewer infrastructure to include conveyance and treatment facilities such as water treatment plants, wastewater treatment facilities, pump stations and drinking water wells and their appurtenances, and except that the School Building Committee shall be the awarding authority for the rehabilitation, remodeling, reconstruction or extraordinary repairs, including equipment, furnishings and related items to all School buildings.

Or to do or act in any manner relative thereto.

Board of Selectmen

See Attached

#### **PURPOSE AND JUSTIFICATION**

This article amending the By-Law will allow the Town to meet the requirement set forth by the Massachusetts School Building Authority in accordance with 963 CMR 2.10 (3)(a)(b) which reads in part “(a) The Eligible Applicant shall formulate a school building committee for the purpose of generally monitoring the Application process and to advise the Eligible Applicant during the construction of an Approved Project. (b) The School Building Committee shall be formed in accordance with the provisions of the Eligible Applicant’s local charter and/or by-laws and it is recommended that the city, town, regional school district, or independent agricultural and technical school make a reasonable effort to include one or more of the following individuals: the local chief executive officer of the Eligible Applicant, or, in the case of a town whose local chief executive officer is a multi-party body, said body may elect one of its members to serve on the school building committee; the town administrator, town manager, or city manager, where applicable; at least one member of the School Committee, as required by M.G.L. c.71, §68; the superintendent of schools; the local official responsible for building maintenance; a representative of the office or body authorized by law to construct school buildings in that city, town or regional school district, or for that independent agricultural and technical school; the school principal from the subject school; a member who has knowledge of the educational mission and function of the facility; a local budget official or member of the local finance committee; members of the community with architecture, engineering and/or construction experience to provide advice relative to the effect of the Proposed Project on the community and to examine building design and construction in terms of its constructability.”

This will enable the Town to be eligible for the grant program awarded by the Massachusetts School Building Authority for approved school construction projects.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article VIII, Section 10 Municipal Building Committee, subsection b. of the Town By-Laws to read as follows:**

**The Municipal Building Committee shall be responsible for every contract for the construction, reconstruction, alteration, or remodeling, as well as the furnishing and equipment herein, for all municipal buildings involving the expenditure of more than \$75,000.00 except that the Police Facility Building Committee shall be the awarding authority for the remodeling, reconstruction of extraordinary repairs including furnishings, equipment and related items to the building located at 102 South Washington Street and except that the Board of Public Works shall be the awarding authority for the rehabilitation, remodeling, reconstruction or extraordinary repairs, including furnishings, equipment and related items to water and sewer infrastructure to include conveyance and treatment facilities such as water treatment plants, wastewater treatment facilities, pump stations and drinking water wells and their appurtenances, and except that the School Building Committee shall be the awarding authority for the rehabilitation, remodeling, reconstruction or extraordinary repairs, including equipment, furnishings and related items to all School buildings, approved by the Massachusetts School Building Authority.**

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

**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 8:37 PM.