

PROCEEDINGS
SPECIAL TOWN MEETING
JANUARY 22, 2001

The Special Town Meeting opened at 7:15PM with 94 RTM members present.

Pledge to the Flag.

Moderator read the warrant.

**NORTH ATTLEBOROUGH
WARRANT
FOR THE REPRESENTATIVE
SPECIAL TOWN MEETING
MONDAY, JANUARY 22, 2001
AT 7:00 P.M.
THE COMMONWEALTH OF MASSACHUSETTS**

Bristol, ss.

To either of the 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, 564 Landry Avenue, in said North Attleborough on

MONDAY, THE TWENTY-SECOND OF JANUARY, 2001 A.D.

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

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

Given our hands and seal of the Town of North Attleborough on this December 18, 2000. Mark C. Fisher, Chairman, Thomas F. Simms, Sr., Vice-Chairman, Marjorie A. Kraskouskas, Bradley A. Plante, John C. Rhyno.

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 the attested copies of this warrant in seventeen (17) public places in said town twenty-one (21) days before the time of said meeting. Chief Michael P. Gould, Sr., Constable, Town of North Attleborough.

Moderator Mike Duggan asked that all in attendance respect the procedure we have in RTM. No personal remarks are to be made and all remarks are to be addressed to the Chair.

Mark Fisher, Board of Selectmen, made presentation in regard to the LeStage property. Property is now in the Town's name.

Jay Moynihan gave balances of stabilization and free cash funds: Stabilization Fund- \$3,926,523.00 & Free Cash- \$1,421,190.00. Finance committee in preparation for fiscal year 2002 budget is planning to use

all but \$300,00.00 of 1.4 million toward next year's budget. In addition, the remaining \$300,000.00 they asked not to be appropriated because of articles 1 & 2, cable council, settlement with the laborers, also anything above and beyond the appropriation for snow & ice, health insurance and anticipated settlement with the clerical union for Town.

**ARTICLE 1 SUPPLEMENT BUDGETS - SELECTMEN
LABORERS' UNION CONTRACT**

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to supplement the budgets of various departments, who employ personnel under the Laborers' Union, to fund all contracts as a result of collective bargaining and to finance any changes made in the Personnel By Laws as a result of Collective Bargaining.

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

PURPOSE AND JUSTIFICATION

To provide the funds required to provide the compensation for members of Massachusetts Laborers' District Council, Local 1144, as negotiated between the town and Local 1144, Local International Union of North America, AFL-CIO

FINANCE COMMITTEE VOTE: 5-0 MAJORITY VOTE

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

FINANCE COMMITTEE REASON: Contract negotiations have not as yet been completed.

RTM members defeated the Finance Committee's Recommendation.

AFFIRMATIVE ACTION: That the town vote to appropriate the sum of \$46,055 to supplement the FY 2001 budgets of various departments who employ personnel under the Laborers' Union to fund all contracts as a result of collective bargaining and to finance any changes made in the Personnel By Laws as a result of Collective Bargaining. To meet said appropriation the sum of \$37,122 be transferred from available free cash and the sum of \$8,933 be transferred from Article 5 Line 70A, Water Enterprise Salaries & Wages.

RTM members approved the Affirmative Action.

**ARTICLE 2 SERVICES OF LEGAL COUNSEL SELECTMEN
RE: CABLE CONTRACT NEGOTIATIONS**

To see if the Town will vote to raise from taxation or transfer from available funds the amount of \$25,000 or some other sum, for the services of legal counsel to the town for matters relating to negotiations by the town for a new cable television contract. Said funds to be administered by the Board of Selectmen.

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

PURPOSE AND JUSTIFICATION

To provide the financial resources required to permit the town to employ legal counsel to assist the municipality in negotiating a new cable contract with AT&T – Broadband.

FINANCE COMMITTEE VOTE: 5-0 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town will vote to transfer from available free cash, the amount of \$25,000 for the services of legal counsel to the town for matters relating to negotiations by the town for a new cable television contract. Said funds to be administered by the Board of Selectmen.

FINANCE COMMITTEE REASON: This article will permit the Town to hire an attorney to assist in negotiations for the new cable television contract.

RTM members approved the recommendation as read

AFFIRMATIVE ACTION: That the Town vote to: raise and appropriate the sum of \$31,000.00 for the purchase and installation of traffic control equipment for the Toner Boulevard/Commonwealth Avenue and North Avenue intersection. Said appropriation to be appropriated from available free cash. The sum of \$31,000.00 to be expended under the direction of the Board of Public Works.

After more discussion on the Affirmative Action, motion made and 2nd. To move the question and go directly to a vote. Motion carried.

RTM members approved the Affirmative Action as read.

ARTICLE 5 AUTHORIZE LIBRARY TRUSTEES LIBRARY

To see if the Town will vote to authorize the Board of Trustees of the Richards Memorial Library to proceed with a feasibility study to examine the options for expanding and renovating its current library building, or building a new facility and to authorize the Trustees to apply for, accept and expend any state grants that may be available for this project.

Or to do or act in any manner relative thereto
Library Trustees

PURPOSE AND JUSTIFICATION

This article will allow the Trustees of the library to apply for this round of planning grants available from the Massachusetts Board of Library Commissioners, up to \$20,000. Grant awards will be announced after April 5, 2001. Town approval to apply for the grants must be made before March 15, 2001.

FINANCE COMMITTEE VOTE: 4-1 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town will vote to authorize the Board of Trustees of the Richards Memorial Library to proceed with a feasibility study to examine the options for expanding and renovating its current library building, or building a new facility and to authorize the Trustees to apply for, accept and expend any state grants that may be available for this project.

FINANCE COMMITTEE REASON: This article will permit the Town to apply for a matching grant for a feasibility study for a new library. These grants are only available every 18 months and approval of Town Meeting is required prior to application.

RTM members approved the recommendation as read.

ARTICLE 6 ACCEPT \$15,000 GIFT - HISTORICAL COMMISSION
BASTOW ESTATE

To see if the Town will vote to accept a gift in the amount of Fifteen Thousand Dollars (\$15,000) from the estate of Frederick Allen Bastow in accordance with Section 5e of Article III of the Town ByLaws to establish an Endowment Fund for the Holmes School.

Or to do or act in any manner relative thereto
Historical Commission

PURPOSE AND JUSTIFICATION

To allow the Town to accept the gift which will establish the Holmes School Endowment Fund.

FINANCE COMMITTEE VOTE: 5-0 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town will vote to accept a gift in the amount of Fifteen Thousand Dollars (\$15,000) from the estate of Frederick Allen Bastow in accordance with Section 5e of Article III of the Town ByLaws to establish an Endowment Fund for the Holmes School.

FINANCE COMMITTEE REASON: This will allow the Town to accept a gift of \$15,000 to establish an Endowment Fund for the Holmes School.

RTM members approved the recommendation as read.

ARTICLE 7

**ACCEPT ENDOWMENT FUND
PROVISIONS – MATCHING GRANT**

**HISTORICAL
COMMISSION**

To see if the Town, through its Historical Commission will vote to accept the Endowment Fund Provisions as set forth by the Massachusetts Historical Commission as part of the Town’s commitment to receive a 75% matching grant of \$45,000 from the Preservation Projects Fund to restore the historic one room Holmes School.

Or to do or act in any manner relative thereto
Historical Commission
See Attached

PURPOSE AND JUSTIFICATION

To allow the Town to accept a \$45,000 grant from the Massachusetts Historical Commission Preservation Projects Grant.

FINANCE COMMITTEE VOTE: 5-0 MAJORITY VOTE
FINANCE COMMITTEE RECOMMENDATION: That the Town will vote to accept the Endowment Fund Provisions as set forth by the Massachusetts Historical Commission as part of the Town’s commitment to receive a 75% matching grant of \$45,000 from the Preservation Projects Fund to restore the historic one room Holmes School.
FINANCE COMMITTEE REASON: This article will allow the Town to accept a matching grant of \$45,000 from the Preservation Projects Fund for the Holmes School restoration.

RTM members approved the recommendation as read

ARTICLE 8

**ACCEPT AS PUBLIC WAYS –
HEMLOCK GROVE**

PETITION

To see if the Town will vote to accept Pine Cone Lane, Pine Tree Drive, Stonewood Circle and Grant Street Extension as public ways. Said streets having been constructed and completed as per the Department of Public Works, Highway Department, and Planning Board specifications.

The above-mentioned roads, being “Hemlock Grove” subdivision are located on the Westerly side of Mount Hope Street. The roads are shown on the plan entitled, “Hemlock Grove As-Built Plan of (Said Street) North Attleborough, MA. Prepared for by Garrett Construction W.T. Whalen Engineering prepared for Garrett Construction by W.T. Whalen Engineering Co. January 20, 2000, Scale: 1”=40’. On file with the town.

Or to do or act in any manner relative thereto
Petition
See Attached

PURPOSE AND JUSTIFICATION

All roads in the “Hemlock Grove” Subdivision, having been built to town requirements and specifications and available for use by all persons, should be classified as “Public Ways”.

FINANCE COMMITTEE VOTE: 5-0 MAJORITY VOTE
FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be indefinitely postponed.
FINANCE COMMITTEE REASON: The roads do not presently conform to acceptable Town standards. Further work is required prior to acceptance.

RTM approved the recommendation as read.

ARTICLE 9

**LOCAL ROOM OCCUPANCY
EXCISE**

SELECTMEN

To see if the Town will vote to accept the provisions of Chapter 64G, Section 3A. of the General Laws of the Commonwealth (Local Room Occupancy Excise) and to establish the excise rate of 4%.

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

PURPOSE AND JUSTIFICATION

Acceptance of this statute will provide an opportunity for the Town to increase its annual fiscal resources.

FINANCE COMMITTEE VOTE: 5-0 MAJORITY VOTE
FINANCE COMMITTEE RECOMMENDATION: That the Town will vote to accept the provisions of Chapter 64G, Section 3A. of the General Laws of the Commonwealth (Local Room Occupancy Excise) and to establish the excise rate of 4%.
FINANCE COMMITTEE REASON: This will permit the Town to accept provisions of Chapter 64G Section 3A establishing a hotel excise tax. The Town will realize approximately \$50,000 per year in additional income.

J. Dromsky(3): Requested roll call vote on this Article.

After some discussion, motion was made and 2nd. To move the question. Motion carried.

Point of Order: J. Dromsky (p3) It has been standard practice in the past that a member cannot give an address and then make a Point of Order(move the question) afterwards. Moderator agreed.

The RTM members defeated the recommendation with a roll-call vote of Yes-12 No-87.

ARTICLE 10 RESCIND ARTICLE 29 - PETITION
100% BETTERMENT

To see if the Town will vote to rescind Article 29, Lindsey Acre, McKeon Drive 100% betterment sewage project passed at the October 2000 Semi-Annual Town Meeting.

Or to do or act in any manner relative thereto
Petition
See Attached

PURPOSE AND JUSTIFICATION

Article is submitted by neighborhood residents, who are concerned about the fiscal impact of Article 29 of the Semi-Annual Town Meeting and who have questioned the need for the project.

FINANCE COMMITTEE VOTE: 6-1 MAJORITY VOTE
FINANCE COMMITTEE RECOMMENDATION: That the Town will vote to rescind Article 29, Lindsey Acre, McKeon Drive 100% betterment sewage project passed at the October 2000 Semi-Annual Town Meeting.
FINANCE COMMITTEE REASON: Based on information received that area residents were unaware of or did not understand the financial impact of the previously passed article, the lack of conformity with the Town’s Master Plan and based on the financial impact of the article on the Town, the Finance Committee recommends approval of this article.

John Dromsky(P3) made a Point of Order as follows:
This article has been brought forward without regard to the requirements of state law governing the submission of petitions for town meetings and should not be acted upon by this town meeting.

Two hundred registered voters signed a Petition For A Special Town Meeting pursuant to MGL Chapter 39, section 10, requesting reconsideration of Article 29 of the October 2000 Semiannual Town Meeting. That law requires that the selectmen “...shall insert in the warrant therefor all subjects the insertion of which shall be requested by said petition”.

PURPOSE AND JUSTIFICATION

This article will provide funding for engineering bidding services for construction of sanitary sewer services to residents in the McKeon Drive area and the Lindsey Acres area. The Town’s Comprehensive Wastewater Management Plan (CWMP) divided the unsewered areas of Town into 20 Sub-Areas to determine priority needs. The CWMP identified this area as one of its top priorities for installation of new sewer mains. Town Meeting has already approved this project with funding from 100% resident betterments but residents have initiated a Special Town Meeting to deliberate the future of this project. In the event this project is delayed/cancelled, this article will fund expenses to date associated with engineering bidding services.

FINANCE COMMITTEE VOTE: 7- 0 **MAJORITY VOTE**

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

FINANCE COMMITTEE REASON: This article is premature and is based on the outcome of Article 10 of the January 2001 Special Town Meeting.

RTM members approved the recommendation as read.

ARTICLE 12 INCREASE SCHOOL SCHOOL DEPARTMENT DEPARTMENT EXPENSES

To see if the Town will vote to raise and appropriate the sum of \$_____ or any other sum to increase Article 5, Line 42A – for the purpose of increasing School Department Expenses to be used for the general operation of the schools for FY01. Said sum to be raised by taxation, by transfer of available funds or otherwise.

Or to do or act in any manner relative thereto
School Committee

PURPOSE AND JUSTIFICATION

Funds to be added to Article 5, Line 42A for the general operation of the schools for FY01.

FINANCE COMMITTEE VOTE: 5-0 **MAJORITY VOTE**

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

FINANCE COMMITTEE REASON: The Finance Committee recommends that this article be indefinitely postponed pending ratification of the proposed contract by the Teachers’ Union.

RTM members defeated the recommendation as read.

AFFIRMATIVE ACTION: That the Town will vote to raise and appropriate the sum of \$240,251 to increase article 5, Line 42A- for the purpose of increasing School Department Expenses to be used for the general operation of the schools for FY 01. Said sum to be transferred from the stabilization fund.

Motion made and 2nd to amend the Affirmative Action, “said sum to be transferred from available free cash.”

Motion made and 2nd to move the question and go directly to a vote on the amendment. Motion carried.

RTM members defeated the motion by a vote of yes-30, no-57.

RTM members unanimously approved the Affirmative Action as read.

Sine Die 11:06PM.

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

Given our hands and seal of the Town of North Attleborough on this December 18, 2000.

Mark C. Fisher, Chairman

Thomas F Simms, Sr., Vice-Chairman

Marjorie A Kraskouskas

Bradley A Plante

John C Rhyno