

# **PROCEEDINGS**

## **SPECIAL TOWN MEETING OCTOBER 15, 2001**

William A. Moffitt, Town Clerk, announced to the Moderator at 7:05 PM with 86 members present, we have a quorum.

Pledge Allegiance to the Flag.

Out of respect for the September 11, 2001 tragedy and the passing of Hugh Donnelly, the Moderator led the body in the singing of God Bless America.

The Moderator, Michael Duggan, opened the warrant for the Special Town Meeting.

Kenneth McCarthy (P3) made a motion to adopt the Bourne Amendment as follows:  
Any RTM member wishing to increase money in any article that has been recommended by the Finance Committee, must specify where the additional monies will come from. Motion seconded and carried.

Kenneth McCarthy (P3) made a motion to adopt the Procedural Rule as follows:  
Procedural rule would allow the moderator to count those votes that are excessive two-thirds when it is obvious to the moderator. If there is any question as to the vote, the chair will respect the wishes of seven voters who wish to have a count. Motion seconded and carried.

**NORTH ATTLEBOROUGH  
WARRANT  
FOR THE REPRESENTATIVE  
SPECIAL TOWN MEETING  
MONDAY, OCTOBER 15, 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 FIFTEENTH OF OCTOBER, 2001 A.D.**

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

**ARTICLE 1 TRANSFER OF \$118,000 – WATER ENTERPRISE FUND-  
RETAINED EARNINGS TRANSFER**

**BPW**

To see if the Town will vote to amend Article V of the FY2002 Annual Town Meeting by appropriating an additional sum of \$118,950 from Water Enterprise Retained Earnings to Line 71e Water Enterprise Debt Service. And that the total sum of \$603,699 Debt Service be transferred to the General Fund.

Or to do or act in any manner relative thereto.

Board of Selectmen/Board of Public Works

**PURPOSE AND JUSTIFICATION**

**This amendment will cover debt service for the Water Enterprise Division.**

**FINANCE COMMITTEE VOTE: 6 – 0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town will vote to amend Article V of the FY2002 Annual Town Meeting by appropriating an additional sum of \$118,950 from the Water Enterprise Retained Earnings to Line 71e Water Enterprise Debt Service. And that the total sum of \$603,699 Debt Service be transferred to the General Fund.

**FINANCE COMMITTEE REASON:** This Article will permit proper recording of the debt service and will allow the monies to be placed in the general fund.

J. Moynihan, Town Administrator addressed the body with what is available in Free Cash \$1,156, 512.00, Water Retained earnings \$379,287.08, Landfill Retained earnings \$347,281.02, Stabilization Fund \$3,673,730.00, Reserve Fund \$123,635.42, Taxation, no change.

John Donahue (P7) made a motion to move to recess the Special Town Meeting so that the Moderator may call the Semi-Annual Town Meeting to order.

Motion seconded

Motion carried.

The Special Town Meeting is recessed.

The Moderator opened the Warrant for the Semi-Annual Town Meeting at 7:15PM.

John Donahue (P7) moved to recess the Semi-Annual Town Meeting until the Special Town Meeting is recessed or dissolved.

Motion seconded.

Motion carried.

The Moderator continued with the Special Town Meeting.

**The RTM members approved the Finance Committee's recommendation for Article 1 as read.**

**ARTICLE 2 CHARTER SCHOOLS**

**SELECTMEN**

To see if the Town will vote to amend Article 5, Line Item 43d, Charter School Tuition, Fiscal Year 2002 Annual Town Meeting by some sum, by either reducing, or if required, to increase via taxation or transfer from available funds or otherwise.

Or to do or act in any manner relative thereto.

Board of Selectmen

**PURPOSE AND JUSTIFICATION**

**The costs for the town's fiscal year 2002 obligations for charter schools has not yet been definitively determined. Funds were appropriated at the FY2002 Annual Town Meeting.**

**FINANCE COMMITTEE VOTE: 6-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town will vote to amend Article 5, Line Item 43d, Charter School Tuition, Fiscal Year 2002 Annual Town Meeting by reducing the amount by \$64,644.

**FINANCE COMMITTEE REASON:** This will allow for a reduction in the amount of the Charter School appropriation based on actual figures.

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

**ARTICLE 3 BRISTOL/NORFOLK COUNTY ASSESSMENT**

**SELECTMEN**

To see if the Town will vote to amend the budget of the Bristol/Norfolk County High School Budget, Article 5, Line Item 43c, Bristol/Norfolk County Assessment, Fiscal Year 2002 Annual Town Meeting by some sum, by either reducing, or if required, to increase via taxation or transfer or transfer from available funds or otherwise.

Or to do or act in any manner relative thereto.

Board of Selectmen

**PURPOSE AND JUSTIFICATION**

**To amend the budget for this assessment, if appropriate**

**FINANCE COMMITTEE VOTE: 6-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town will vote to amend the budget of the Bristol/Norfolk County High School Budget, Article 5, Line Item 43c, Bristol/Norfolk County Assessment, Fiscal Year 2002 Annual Town Meeting by increasing the amount by \$2, 807 from taxation.

**FINANCE COMMITTEE REASON:** This will allow for increases in tuition at Bristol/Norfolk County High School.

Jim Wood (P7) asked the RTM members to overturn the recommendation of the Finance Committee because the number of students attending the Bristol County Agricultural school has changed and we can live within the budget so the increase is not needed.

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

**ARTICLE 4 HEALTH INSURANCE BUDGET SUPPLEMENTAL**

**SELECTMEN**

To see if the Town will vote to amend Article 5 of the FY02 Annual Town Meeting by appropriating the sum of \$300,000 or some other sum to supplement Line Item 68 - Health Insurance, 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 Selectmen

**PURPOSE AND JUSTIFICATION**

**To ensure sufficient funds for FY02 municipal obligations relating to employee health insurance.**

**FINANCE COMMITTEE VOTE: 6-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town will vote to amend Article 5 of the FY02 Annual Town Meeting by appropriating the sum of \$150,000 to supplement Line Item 68-Health Insurance. Said sum shall be raised by taxation.

**FINANCE COMMITTEE REASON:** This will allow for a needed increase in the health insurance budget to reflect additional membership in the plan.

Town Administrator, J. Moynihan, gave a brief explanation on this Article to the body as to why the monies were necessary.

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

**ARTICLE 5 LESTAGE PROPERTY AUTHORIZATION TO LEASE**

**SELECTMEN**

To see if the Town will vote to authorize the Board of Selectmen to lease for residential use the house and attached two-car garage at 217 High Street, North Attleborough, identified further as a portion of Lot 29 on Assessors' Plat No. 19. The lease shall be for a term not to exceed three years.

Or to do or act in any manner relative thereto.

Board of Selectmen

**FINANCE COMMITTEE VOTE: 6-0**

**2/3 VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town will vote to authorize the Board of Selectmen to lease for residential use the house and attached two-car garage at 217 High Street, North Attleborough, identified further as a portion of Lot 29 on Assessors' Plat No. 19. The lease shall be for a term not to exceed three years.

**FINANCE COMMITTEE REASON:** This Article permits the Town to lease the home located on the LeStage property.

After much discussion, Wayne Patterson (P4) made a motion to move the question, motion seconded, and motion carried.

**Needing a 2/3's vote, the RTM members defeated the Finance Committee's recommendation, with 99 members voting, 61-Yes & 38-No. (66 votes needed)**

**ARTICLE 6 \$12,000-MAINTENANCE LESTAGE PROPERTY**

**SELECTMEN**

To see if the Town will vote to appropriate the amount of \$12,000, or some other sum, for the general maintenance of the LeStage property and facilities thereon, commonly known as 217 High Street and 123 Broadway consisting of three parcels (Lot 29 on Assessors' Plat 19 and Lots 1 and 6 on Plat 20). Said funds to be administered and under the direction of the Board of Selectmen, and to determine how said appropriation shall be raised, whether by taxation, appropriation or otherwise.

Or to do or act in any manner relative thereto.

Board of Selectmen

**PURPOSE AND JUSTIFICATION**

**The funds are requested in order to maintain the purchased property and facilities.**

**FINANCE COMMITTEE VOTE: 5-1**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town will vote to appropriate the amount of \$4,000 for the general maintenance of the LeStage property and facilities thereon, commonly known as 217 High Street and 123 Broadway consisting of three parcels (Lot 29 on Assessors' Plat 19 and Lots 1 and 6 on Plat 20). Said funds to be administered and under the direction of the Board of Selectmen. Said appropriation shall be raised by taxation.

**FINANCE COMMITTEE REASON:** The recommended \$4,000 will allow for maintenance of the home located on the LeStage property. Expenses contemplated will include electricity, heating and outdoor lighting to decrease the incidence of vandalism.

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

**ARTICLE 7 \$25,000-FY02 GENERAL EXPENSES-CABLE**

**SELECTMEN**

To see if the Town will vote to raise and appropriate or transfer from available funds the amount of \$25,000 or any other sum, to increase Article 5, Line 5b, Selectmen/General Expenses, of the FY02 Annual Town Meeting.

Or to do or act in any manner relative thereto.

Board of Selectmen

**PURPOSE AND JUSTIFICATION**

**For the services of legal counsel to the town for matters relating to ongoing negotiations by the Town for a new cable television contract.**

**FINANCE COMMITTEE VOTE: 6-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** Insufficient information was available at the time of voting to substantiate this increase in funding.

Jim Wood (P7) asked that the RTM members overturn the recommendation of the Finance Committee so that he could present an Affirmative Action.

Moderator called for a 15 minute break.

Discussion resumed with Brad Plante, Board of Selectmen, making a brief presentation on the three options we could consider if the RTM members defeated the Finance Committee’s recommendation.

Jim McKenna (P2) moved to amend Article 7 from \$25,000.00 to \$10,000.00.

Point of Order: John Dromsky (P3) motion on the floor is to Indefinitely Postpone Article 7, cannot amend an IP.

Jim McKenna (P2) withdrew the amendment to an appropriate time.

**Following further discussion, the RTM members defeated the Finance Committee’s recommendation as read.**

Jim Wood (P7) made a motion, seconded, for an Affirmative Action as follows:

That the Town vote to appropriate and transfer from available free cash the sum of \$25,000 to increase Article 5, Line 5b, Selectmen General Expenses of the Fiscal Year 2002 Annual Town Meeting.

Jim McKenna (P2) made a motion, seconded, to amend the Affirmative Action from requested \$25,000 to the sum of \$10,000 from free cash.

**The RTM members voted to amend the Affirmative Action, with 97 members voting, 60-yes & 37-no.**

The amended Affirmative Action reads as follows:

**That the Town vote to appropriate and transfer from available free cash the sum of \$10,000.00 to increase Article 5, Line 5b, Selectmen General Expenses of the Fiscal Year 2002 Annual Town Meeting.**

**The RTM members approved the Affirmative Action as amended.**

**ARTICLE 8 \$15,000 TO CLEAN AND REMOVE HAZARDOUS WASTE AT WWI MEMORIAL PARK**

**PARK & RECREATION**

To see if the Town will vote to appropriate the sum of \$15,000.00 or any other sum for the purpose of cleaning and removing the hazardous waste adjacent to the maintenance garage at the World War I Memorial Park. Said sum to be raised by taxation or transfer of available funds or otherwise.

Or to do or act in any manner relative thereto.

Park and Recreation

**PURPOSE AND JUSTIFICATION**

**An accident occurred at the maintenance garage at the World War I Memorial Park causing a tank containing waste oil to fall over and spill approximately 100 gallons that ran off into a wooded area located on the side and rear of the maintenance garage. Franklin Environmental Services performed the clean up and removal according to specifications mandated by the Department of Environmental Services.**

**FINANCE COMMITTEE VOTE: 6-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town will vote to appropriate the sum of \$15,000 for the purpose of cleaning and removing the hazardous waste adjacent to the maintenance garage at the World War I Memorial Park. Said sum to be raised by taxation.





**use of North Attleborough School Department space. The School Committee requires Town approval to enter into a contract that exceeds three years in length.**

**FINANCE COMMITTEE VOTE: 6-0**

**2/3 VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town will vote to authorize the School Committee to enter into a ten-year agreement with a vendor, to be determined, for the lease/purchase of a modular addition to North Attleborough High School.

**FINANCE COMMITTEE REASON:** This will allow the School Department to extend the leasing period from three to ten years.

**The RTM members approved the Finance Committee's recommendation, with a 2/3's vote from the Chair.**

### **ARTICLE 13 RTM-12 PER PRECINCT**

### **SELECTMEN**

To see if the Town will vote to amend Section 2 of Article 1 of the Town By-Laws by deleting the second paragraph that states: The membership of the Representative Town Meeting shall consist of eighteen members in each precinct with one-third of its members elected annually at the April Town election for a term of three years.

And by substituting in its place the following:

The membership of the Representative Town Meeting shall consist of eighteen (18) members in each precinct with one-third of its members elected annually at the April Town election for a term of three years; provided however, effective at the April Town election in 2002 and each said election thereafter, the Town shall choose by ballot four (4) representative town meeting members from each precinct for a three year term such that each precinct shall have a total of sixteen (16) members after the election of 2002, fourteen (14) members after the election of 2003 and twelve (12) members after the election of 2004 and each year thereafter.

Or to do or act in any manner relative thereto.

Board of Selectmen

### **PURPOSE AND JUSTIFICATION**

**Approval of this article will reduce the membership of the RTM from the present 18 members per precinct to 12 members per precinct. The reduction in the size of the RTM will increase public awareness of the actions and votes of individual RTM precinct representatives.**

**FINANCE COMMITTEE VOTE: 6-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town will vote to amend Section 2 of Article 1 of the Town By-Laws by deleting the second paragraph that states: The membership of the Representative Town Meeting shall consist of eighteen members in each precinct with one-third of its members elected annually at the April Town election for a term of three years.

And by substituting in its place the following:

The membership of the Representative Town Meeting shall consist of eighteen (18) members in each precinct with one-third of its members elected annually at the April Town election for a term of three years; provided however, effective at the April Town election in 2002 and each said election thereafter, the Town shall choose by ballot four (4) representative town meeting members from each precinct for a three year term such that each precinct shall have a total of sixteen (16) members after the election of 2002, fourteen (14) members after the election of 2003 and twelve (12) members after the election of 2004 and each year thereafter.

**FINANCE COMMITTEE REASON:** This will allow for a decrease in the precinct members at the time that the number of precincts is increasing. By reducing the precinct membership the overall size of the Town Meeting will remain essentially stable.

Dan Rogers (P1) made a motion, seconded, to amend Article 13 as follows:

**Move to amend the second paragraph of the motion by deleting it in its entirety and substituting the following: The membership of the Representative Town meeting shall consist of fourteen (14) members serving in each precinct with five (5) members to be elected each year except in each third year, four (4) to be elected at the April Town election. All members to be elected for three year terms. Starting at the April Town election in 2002, the Town shall choose by ballot five (5) Representative Town Meeting members from each precinct for a three year term so that each precinct shall have a total of 17 members after the election of 2002,**

**sixteen (16) members after the election of 2003 and at the April Town election in 2004, the Town shall choose by ballot four (4) Representative Town Meeting members from each precinct for a three year term so that each precinct shall have a total of fourteen (14) members.**

After some discussion, there was a motion made and seconded, to adjourn until Wednesday, October 17, 2001 @ 7:00 PM.

Motion carried.

Town Clerk, William A. Moffitt, opened the adjourned session of the Semi-Annual and Special Town Meeting on Wednesday, October 17, 2001 at 7:03 PM with 66 members present. We have a quorum.

The Moderator led the body in the Pledge of Allegiance.

Discussion resumed on Article 13.

Dan Rogers (P1) made a request to withdraw the motion he made Monday evening so that he could present another motion that is in clearer language.

**Motion withdrawn.**

Dan Rogers (P1) made a motion to amend the second paragraph of Article 13 by deleting it in its entirety and substituting the following:

**The membership of the Representative Town Meeting shall consist of eighteen (18) members per precinct with one-third of its members elected annually at the April Town election for a term of three years. However, beginning with the April 2002 election, and every third year thereafter, five (5) members will be elected per precinct for a three year term; beginning with the April 2003 election, and every third year thereafter, five (5) members will be elected per precinct for a three year term, and; beginning with the 2004 election, and every third year thereafter, four (4) members will be elected per precinct for a three year term. Therefore, there will be a total of seventeen (17) members per precinct after the election of 2002; sixteen (16) members per precinct after the election of 2003, and; fourteen (14) members per precinct after the election of 2004 and each year thereafter.**

Motion seconded.

**After much discussion, the motion to amend carried.**

Discussion began on the amended motion with John Dromsky (P3) making a motion to amend the Article that is before us by adding the following sentence:

“Provided however, that said By-Law amendment and any reduction in voter representation from the current eighteen (18) members in each precinct shall not become effective unless said By-Law amendment and any specific reduction in voter representation shall have been approved by the voters of the Town in a general or special town election.”

Motion seconded.

**After some discussion on the proposed amendment, and a brief consultation with Town Counsel, the Chair ruled it was Out of Order and not accepted. There is no statute that would provide for that in the Special Election and it is outside the scope of the Article.**

After much discussion, Diane Brady Szpila moved the question, seconded.  
Motion carried.

**The RTM members defeated the amended Article 13, with 80 members having voted, 37-yes & 43-no.**

**ARTICLE 14 RTM-ACT-HOME RULE PETITION**

**SELECTMEN**

To see if the Town will vote to authorize the Board of Selectmen to submit a Home Rule Petition to the Massachusetts General Court to amend Paragraph 1 of Section 4 of St. 1999 c. 88 ("An Act Relative to the Form of Representative Town Government in the Town of North Attleborough") by adding the following, "...terms of one third of the members shall expire each year, except as otherwise provided by by-law".

Or to do or act in any manner relative thereto.

Board of Selectmen  
SEE ATTACHED

**PURPOSE AND JUSTIFICATION**

**This article will allow the Board of Selectmen to file the Home Rule legislation to allow transition inherent with implementing the article of this Town Meeting proposing to reduce the RTM membership.**

**FINANCE COMMITTEE VOTE: 6-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town will vote to authorize the Board of Selectmen to submit a Home Rule Petition to the Massachusetts General Court to amend Paragraph 1 of Section 4 of St. 1999 c. 88 ("An Act Relative to the Form of Representative Town Government in the Town of North Attleborough") by adding the following, "...terms of one third of the members shall expire each year, except as otherwise provided by by-law".

**FINANCE COMMITTEE REASON:** This provides for a Home Rule Petition to be submitted to enact Article 13.

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

**ARTICLE 15 COMMUNITY PRESERVATION ACT**

**SELECTMEN**

To see if the Town will vote to accept General Laws Chapter 44 sections 3-7, known as the Community Preservation Act, which establishes a special Community Preservation Fund that may be appropriated and spent for certain open space, historic resources and affordable housing purposes, to approve a property tax surcharge in an amount not to exceed three percent of the taxes assessed annually on real property which shall be dedicated to the fund, such surcharge to be imposed on taxes assessed for fiscal years beginning on or after July 1, 2002, and to exempt from the surcharge any or all of the following: (1) property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the community; (2) Class Three, Commercial, and Class Four, Industrial property in any year the town adopts a higher tax rate for those classes; or (3) \$100,000 of the assessed valuation of Class One, Residential parcels.

Or to do or act in any manner relative thereto.

Board of Selectmen

**PURPOSE AND JUSTIFICATION**

**Town Meeting approval of this article is required prior to the question of acceptance of this act being presented to the voters at the April, 2002 town election.**

**FINANCE COMMITTEE VOTE: 6-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town will vote to accept General Laws Chapter 44B sections 3-7, known as the Community Preservation Act, which establishes a special Community Preservation Fund that may be appropriated and spent for certain open space, historic resources and affordable housing purposes, to approve a property tax surcharge in an amount of three percent of the taxes assessed annually on real property which shall be dedicated to the fund, such surcharge to be imposed on taxes assessed for fiscal years beginning on or after July 1, 2002, and to exempt from the surcharge any or all of the following: (1) property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the community; (2) Class Three, Commercial, and Class Four, Industrial property in any year the town adopts a higher tax rate for those classes; or (3) \$100,000 of the assessed valuation of Class One, Residential parcels.

**FINANCE COMMITTEE REASON:** This will allow the Town to vote on whether it wishes to accept and take part in the Community Preservation Act.

Ken Phipps (P1) began discussion by presenting a motion to amend Article 15 by changing “surcharge any or all of the following” to “surcharge the following”.

Motion seconded.

**The RTM members defeated the motion to amend.**

Discussion continued and John Kraskouskas (P2) gave a presentation on the Community Preservation Act.

Jim McKenna (P2) presented a motion to amend Article 15, because of a scrivner’s error, the motion would read: “any reference to G.L.C. 44 be amended to read G.L.C.44B”

**The RTM members approved the motion to amend Article 15. (Change reflected in above Finance Committee recommendation)**

Jim McKenna (P2) continued discussion and presented a motion to amend Article 15 as follows:

The provisions of this act shall expire five (5) years from its active date. Nothing contained herein shall prohibit any effort to extend the termination date of G.L.C. 44B sections 3-7.

**After a brief consultation with Town Counsel, the Chair ruled the motion was outside the scope of the Article and therefore was out of order.**

Ann Chapdelaine, a member of the Historical Commission, gave a presentation on the various ways the monies could be used should the Community Preservation Act be adopted at the April Town Election.

**Following further discussion, Wayne Patterson (P4) made a motion to move the question, the motion was seconded and carried.**

**The RTM members approved the Finance Committee’s recommendation as read, with 77 members voting, 47-yes & 30-no.**

The Chair entertained a motion to adjourn the Special Town Meeting, second, carried.

It is 9:15PM the Special Town Meeting is adjourned.

Sine Die.

