

**PROCEEDINGS**

**SPECIAL TOWN MEETING  
DECEMBER 19, 2001**

On December 19, 2001, William Moffitt, Town Clerk, met with members of the RTM coordinating committee. There was not a quorum present as members were told that no business would be conducted at this session. Bart Steele (P7) made the motion to adjourn the Special Town Meeting to January 7, 2002 at 7:15pm at the North Attleborough Middle School. John Donahue (P7) seconded the motion and the motion passed.

On January 9, 2002, Town Clerk William A. Moffitt, opened the adjourned session at 7:02pm with 67 RTM members present. We have a quorum.

Pledge Allegiance to the Flag.

Moderator read the warrant.

**NORTH ATTLEBOROUGH  
WARRANT  
FOR THE  
REPRESENTATIVE  
SPECIAL TOWN MEETING  
WEDNESDAY, DECEMBER 19, 2001  
AT 7:00 P.M.  
THE COMMONWEALTH OF MASSACHUSETTS**

Bristol, ss.

To either of the Constables of the Town of North Attleborough:

**GREETINGS:**

**In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the legal voters of the Town of North Attleborough to meet at the Community School Auditorium, 45 South Washington Street, in said North Attleborough on:**

**WEDNESDAY, THE NINETEENTH OF DECEMBER, 2001 AD**

**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 Clerk at or before the time of said meeting.

Given our hands and seal of the Town of North Attleborough on this November 19, 2001.

**Marjorie A. Kraskousksas, Chairman,  
Mark C. Fisher, Vice-Chairman  
Bradley A. Plante  
John C. Rhyno  
James C. Wood**

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

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**Chief Michael P. Gould, Sr.  
Constable  
Town of North Attleborough**

- 1. Central Fire Station**
- 2. Richards Memorial Library**
- 3. Town Offices**
- 4. Cushman Union Church**
- 5. Oldtown Church**
- 6. Chamber of Commerce**
- 7. Falls Post Office**
- 8. RoJacks Fruitland**
- 9. Registry of Motor Vehicles**
- 10. Housing for the Elderly (Circle Court)**
- 11. Attleboro Toyota**
- 12. Housing for the Elderly (Center)**
- 13. Housing for the Elderly (Elm Terrace)**
- 14. Fleet Bank (Center)**
- 15. Fireside Motors**
- 16. Department of Public Works (Smith Street)**
- 17. North Attleborough Federal Credit Union**

**ARTICLE 1 SUPPLEMENT BUDGETS – CLERICAL CONTRACT SELECTMEN**

To see if the Town will vote to raise and appropriate a sum of money to supplement the budgets of various departments, who employ personnel under Local 1702, Municipal Clerks, to fund all Contracts as a result of collective bargaining and to finance any changes made in the Personnel By-Law as a result of collective bargaining 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**  
**To fund contract effective as of 7/1/01.**

**FINANCE COMMITTEE VOTE: 6-0 MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** indefinitely postponed at the request of the petitioner as contract negotiations had not been completed at the time of voting.

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

**ARTICLE 2 UNPAID LANDFILL BILLS SELECTMEN**

To see if the Town will vote to appropriate the amount of \$17,296.82, or any other sum, under the provisions of M.G.L. c. 44, section 64, for unpaid Landfill environmental monitoring bills incurred prior to June 30, 2001 and to determine how said appropriation shall be raised either by taxation, transfer from available funds or otherwise.

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

**PURPOSE AND JUSTIFICATION**  
**Approval of this article will permit the Town to pay two invoices for environmental monitoring work done by CDM in fiscal year 2001.**

**FINANCE COMMITTEE VOTE: 6-0**

**9/10 VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to appropriate the amount of \$17,296.82 under the provisions of M.G.L. c. 44, section 64 for unpaid Landfill environmental monitoring bills incurred prior to June 30, 2001. Said appropriation to be transferred from the Landfill Enterprise Account.

**FINANCE COMMITTEE REASON:** This article provides for the payment of outstanding invoices for services incurred and billed prior to June 30, 2001.

James Wood (P7) and member Board of Selectmen made a motion to amend Article 2 by inserting the words "*Retained Earnings*" after Landfill Enterprise.

Motion seconded and carried.

Amended recommendation reads as follows:

That the Town vote to appropriate the amount of \$17,296.82 under the provisions of M.G.L. c. 44, section 64 for unpaid Landfill environmental monitoring bills incurred prior to June 30, 2001. Said appropriation to be transferred from the Landfill Enterprise Retained Earnings Account.

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

**ARTICLE 3 RATIFY VOTE OF ARTICLE 6 FROM 2001 ANNUAL TOWN MEETING      SELECTMEN**

To see if the Town will vote to ratify, approve and confirm the vote of the Town taken under Article 6, Part 3 of the Warrant at the 2001 Annual Town Meeting, which vote authorized the borrowing of \$3,141,005 to finance the costs of various capital improvement projects as set forth therein, or to take any other action relative thereto.

Or to do or act in any manner relative thereto.

Town Treasurer  
SEE ATTACHED

**PURPOSE AND JUSTIFICATION**

**According to the Town By-Law, Article 1, Section 4 (k), any article over \$100,000 shall be taken by roll call vote in which a verbal response shall be recorded by name in the journal unless this requirement is waived by a unanimous vote of RTM members. The vote taken at the Town Meeting was unanimous, but a vote to waive the roll call was not evident in the Town Clerk's transcription. This ratification of the vote will meet Town By-Law requirements, and will render legal opinion from Bond Counsel for future borrowing.**

**FINANCE COMMITTEE VOTE: 6-0**

**2/3 ROLL-CALL VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to ratify vote of the Town taken under Article 6, Part 3 of the Warrant at the 2001 Annual Town Meeting, which vote authorized the borrowing of \$3,141,005 to finance the costs of various capital improvement projects as set forth therein, or to take any other action relative thereto.

**FINANCE COMMITTEE REASON:** This article will ratify the vote taken at the 2001 Annual Town Meeting. Although the vote was unanimous, a motion to waive the required roll-call was not made. Bond counsel requires a roll-call vote or waiver. Therefore, this is a corrective article designed to meet the legal requirements.

**Moderator: According to Town By-Laws, unanimity will dispense with a 2/3 Roll Call vote.**

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

**ARTICLE 4      AMEND ARTICLE V OF 2001 ANNUAL TOWN MEETING      SELECTMEN**

To see if the Town will vote to amend the Finance Committee recommendation of Article V of the calendar year 2001 Annual Town Meeting by inserting "transfer the additional sum of \$\_\_\_\_\_ from the Stabilization Fund or other available funds" after transfer the sum of \$1,184,154 from available free cash or in any manner relative thereto.

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

**PURPOSE AND JUSTIFICATION**

**At the time of the writing of this article, a fiscal year 2002 state budget has not yet been approved and the Town of North Attleborough does not know definitively what state aid amounts it will be receiving. Approval of this article will provide the fiscal resources required to avoid the municipality reducing the fiscal year 2002 municipal operating budget, as previously approved.**

**FINANCE COMMITTEE VOTE: 6-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** Upon the advice of Town counsel, the article is not proper "... (1) you cannot in this meeting amend a recommendation from a closed Town Meeting, (2) there was no Article V, (3) there is no additional amount designated, and (4) after the sum of \$1,184,154 from available free cash or in any manner relative thereto was not part of the recommendation."

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

**ARTICLE 5 PURCHASE REAL ESTATE ON ELLIS ROAD (77.2 ACRES) SELECTMEN**

To see if the Town will vote to: authorize the Board of Selectmen, pursuant to the offer set forth in the attached letter dated October 1, 2001, to purchase for municipal \_\_\_\_\_ purposes the real estate on Ellis Road owned by Dale L. Evans, consisting of four parcels (Lots 20 and 21 on Assessors' Plat 21 and Lots 47 and 79 on Assessors' Plat 32) containing approximately 77.2 acres, more or less, and to raise and appropriate the sum of \$655,000.00 or any other sum for the foregoing purposes by taxation, by borrowing, by transfer of available funds or otherwise.

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

**FINANCE COMMITTEE VOTE: 4-2**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** Fiscal considerations preclude the Town from purchasing this land at the present time.

Discussion began and Town Administrator Jay Moynihan informed the body that there was some misinformation when the offer to buy the land was initially offered to the Town. The Attorney incorrectly identified 3 parcels as 61A property. So the actual 61A property is not the 70 acres but approximately 6 acres which includes the house. The remaining acreage is protected by the Agricultural Preservation restrictions and those rights have already been bought by the State. So the only area the Town would have the option on is the 61A.

**Following further discussion, the RTM members approved the Finance Committee's recommendation as read.**

**ARTICLE 6 PURCHASE REAL ESTATE ON ELLIS ROAD (70.8 ACRES) SELECTMEN**

To see if the Town will vote to authorize the Board of Selectmen, pursuant to Chapter 61A of the General Laws and to the right of first refusal set forth in the attached letter dated October 1, 2001, to purchase the real estate on Ellis Road owned by Dale L. Evans, consisting of three parcels (Lot 79 on Assessors' Plat 32 and Lots 20 and 21 on Assessors' Plat 21), containing approximately 70.8 acres, more or less, and further, pursuant to the attached letter, to purchase the fourth parcel (Lot 47 on Assessors' Plat 32) owned by Dale L. Evans, containing approximately 6.4 acres, more or less, and to raise and appropriate the sum of \$655,000.00 or any other sum for the foregoing purposes by taxation, by borrowing, by transfer of available funds or otherwise.

Or to do or act in any manner relative thereto.

Board of Selectmen  
SEE ATTACHED

**FINANCE COMMITTEE VOTE: 4-2**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** Fiscal considerations preclude the Town from purchasing this land at the present time.

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

**ARTICLE 7 MILITARY LEAVE FOR TOWN EMPLOYEES**

**C. CHAPMAN**

To see if the Town will vote to adopt Massachusetts General Law Chapter 33 S59.

Or to do or act in any manner relative thereto.

Petition  
SEE ATTACHED

**PURPOSE AND JUSTIFICATION**

**To allow all Town employees who serve in our armed forces as a National Guardsman or Reservist equal benefits outlined by this General Law. Also to encourage membership in the National Guard or Reserves by protecting employees from suffering loss of pay or rights to leaves and vacation during their service.**

**FINANCE COMMITTEE VOTE: 6-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** This article is not in the proper format to permit adoption by Town Meeting.

Paul Belham (P4) asked the body to overturn the Finance Committee's recommendation so that he could present the following Affirmative Action: To see if the Town would vote to amend the Personnel By-Law section 11 Other Leave Paragraph B by deleting "The difference between compensation and allowances received also in his regular compensation rate and add his regular compensation rate." Proposed amendment would read as: "An employee in full time employment serving in the military reserve shall be paid his regular compensation rate while on active reserve training not to exceed two weeks."

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

Paul Belham (P4) then wanted to present an Affirmative Action.

The Moderator asked to see the Affirmative Action. He ruled the Affirmative Action would be outside the scope of the original Article and therefore out of order.

**ARTICLE 8 AMEND TOWN By-LAW ARTICLE 1, SECTION 4(f)**

**RTM COORD. COM.**

To see if the Town will vote to amend the Town By-Laws in Section 4f of Article 1 by deleting Section 4f in its entirety and substituting the following: A quorum at any Town Meeting, unless otherwise required by law, shall mean one-half of the membership, not including any vacancies which might then exist, plus one. A lesser number may organize and adjourn to some further time.

Or to do or act in any manner relative thereto.

RTM Coordinating Committee  
SEE ATTACHED

**PURPOSE AND JUSTIFICATION**

**To bring Article 1, Section 4f of the Town By-Laws into conformity with the definition of a quorum contained in Chapter 88, An Act Relative to the Form of Representative Town Meeting in the Town of North Attleborough.**

**FINANCE COMMITTEE VOTE: 6-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to amend the Town By-Laws in Section 4f of Article 1 by deleting Section 4f in its entirety and substituting the following: A quorum at any Town Meeting, unless otherwise required by law, shall mean one-half of the membership, not including any vacancies which might then exist, plus one. A lesser number may organize and adjourn to some further time

**FINANCE COMMITTEE REASON:** This is a housekeeping article designed to conform the Town By-Laws with the Special Act, Chapter 88 of the Acts of 1999. Since the wording in the Special Act would control, the By-Laws should reflect the same wording.

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

**ARTICLE 9 REINSTATE RESIDENTIAL ACCESS TO ALLEN AVENUE**

**P. REZZA**

To see if the Town will vote to reinstate residential access, excluding access by commercial trucking, to Allen Avenue via Old Post Road and South Washington Street, and to direct the North Attleborough Highway Department to make necessary improvements to ensure Allen Avenue (from Old Post Road to South Washington Street) meets the mandated safety requirements for a public roadway, and/or rescind all prior town meeting votes of 1989/91.

Or to do or act in any manner relative thereto.

Petition

SEE ATTACHED

**PURPOSE AND JUSTIFICATION**

**This petition seeks to allow an alternate access route via Allen Avenue to Old Post Road or South Washington Street, as an alternative to exclusively traveling on South Washington Street. We affirm that reinstating access to Allen Avenue will reverse the undue hardship experienced by the residents of North Attleborough who currently must exclusively travel on South Washington Street when attempting to travel to their nearby homes. This hardship is particularly exasperated during the holiday season when South Washington Street traffic is at its peak.**

**FINANCE COMMITTEE VOTE: 6-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** Further information is needed including opinions from Town departments and legal counsel and input from residents prior to passage of this article

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

Motion seconded.

Motion carried.

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

Moderator, "Do I hear a motion to adjourn?" So moved.

Motion seconded.

Motion carried.

It is 7:50PM the Special Town Meeting is adjourned.

Sine Die.

