

**PROCEEDINGS
SPECIAL TOWN MEETING
JUNE 14, 2004**

On Monday, June 14, 2004, Town Clerk Maxwell Gould opened the Special Town Meeting at 7:09 PM. "With 98 RTM members present we have a quorum."

Pledge of Allegiance to the Flag.

Moderator Steve Dalrymple read the Warrant

**NORTH ATTLEBOROUGH WARRANT
FOR THE REPRESENTATIVE SPECIAL TOWN MEETING
MONDAY, JUNE 14, 2004
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 14TH OF JUNE 2004 A.D. At 7:00 P.M., then and there 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 on or before the time of said meeting.

Given our hands and seal of the Town of North Attleborough on this Monday, May 3, 2004.

Marjorie A. Kraskouskas, Chairman
Mark C. Fisher, Vice-Chairman
David Chee
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 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

1. Central Fire Station
2. Richards Memorial Library
3. Town Offices
4. Cushman Union Church
5. Oldetown Church
6. Bristol County Savings Bank
7. Falls Post Office
8. Cumberland Farms – Kelley Boulevard
9. Registry of Motor Vehicles

10. **Housing for the Elderly (Circle Court)**
11. **Housing for the Elderly (Center)**
12. **Housing for the Elderly (Elm Terrace)**
13. **Attleboro Toyota**
14. **Fleet Bank (Center)**
15. **Fireside Nissan**
16. **Department of Public Works (Smith Street)**
17. **North Attleborough Federal Credit Union**

A Motion was made and seconded to suspend the Special Town Meeting until the end of the Annual Town Meeting. Motion carried.

On Wednesday June 23, 2004 at 9:22 PM the suspended session of the Special Town Meeting was reopened after the conclusion of the Annual Town Meeting.

John Donahue (P7) presented 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.

Motion carried.

John Donahue (P7) made a motion to adopt the Procedural Rule as follows:

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

Motion seconded.

Motion Carried.

ARTICLE 1 TOWN HALL MAINTENANCE EXPENSE BOARD, SELECTMEN

To see if the Town will vote to amend Article 5 of the FY 2004 Annual Town Meeting by raising and appropriating the sum of \$10,000 or some other sum, to supplement Line Item #21b, Town Hall Maintenance, General Expenses and to determine whether said sum shall be raised by transfer of available funds, taxation, borrowing, or otherwise. Or to do or act in any manner relative thereto. Board of Selectmen

PURPOSE AND JUSTIFICATION

This funding is needed to address year-end expenses related to the maintenance of the Town Hall building including elevator expenses and unforeseen HVAC repairs.

FINANCE COMMITTEE VOTE: 4-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article 5 of the FY 2004 Annual Town Meeting by appropriating the sum of \$10,000 to supplement Line Item No. 21b, "Town Hall Maintenance, General Expenses" by transferring said sum from Article 5 of the FY 2004 Annual Town Meeting Line Item 4a, "Board of Selectmen Salaries".

FINANCE COMMITTEE REASON: Per purpose and justification above.

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

ARTICLE 2 GENERAL EXPENSES BOARD, SELECTMEN

To see if the Town will vote to amend Article 5 of the FY 2004 Annual Town Meeting by raising and appropriating the sum of \$3,500 or some other sum, to supplement Line Item #4b, "Board of Selectmen – General Expenses" and to determine whether said sum shall be raised by transfer of available funds, taxation, borrowing, or otherwise. Or to do or act in any manner relative thereto. Board of Selectmen

PURPOSE AND JUSTIFICATION

This funding is needed for unexpected year-end expenses brought about by municipal advertising and printing costs.

FINANCE COMMITTEE VOTE: 4-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article 5 of the FY 2004 Annual Town Meeting by appropriating the sum of \$3,500 to supplement Line Item No. 4b, "Board of Selectmen – General Expenses" by transferring said sum from Article 5 of the FY 2004 Annual Town Meeting Line Item 4a, "Board of Selectmen Salaries".

FINANCE COMMITTEE REASON: Per purpose and justification above.

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

ARTICLE 3 LABOR NEGOTIATIONS

BOARD, SELECTMEN

To see if the Town will vote to amend Article 5 of the FY 2004 Annual Town Meeting by raising and appropriating the sum of \$30,000 or some other sum, to supplement Line Item #23, Labor Negotiations, and to determine whether said sum shall be raised by transfer of available funds, taxation, borrowing, or otherwise. Or to do or act in any manner relative thereto. Board of Selectmen

PURPOSE AND JUSTIFICATION

This funding is needed to fund the labor negotiator due to the extensive contractual negotiations.

FINANCE COMMITTEE VOTE: 4-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the town vote to amend Article 5 of the FY 2004 Annual Town Meeting by appropriating the sum of \$30,000 to supplement Line Item No. 23, "Labor Negotiations" by transferring said sum from Article 5 of the FY 2004 Annual Town Meeting Line Item No. 9c, "Medicare Tax Expenses".

FINANCE COMMITTEE REASON: Per purpose and justification above.

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

ARTICLE 4 TOWN COUNSEL – GENERAL EXPENSES

BOARD, SELECTMEN

To see if the Town will vote to amend Article 5 of the FY 2004 Annual Town Meeting by raising and appropriating the sum of \$15,000 or some other sum, to supplement Line 11b, Town Counsel - General Expenses, and to determine whether said sum shall be raised by transfer of available funds, taxation, borrowing, or otherwise. Or to do or act in any manner relative thereto. Board of Selectmen

PURPOSE AND JUSTIFICATION

This funding is needed for anticipated additional legal expenses through the end of the fiscal year.

FINANCE COMMITTEE VOTE: 4-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article 5 of the FY 2004 Annual Town Meeting by appropriating the sum of \$10,000 to supplement Line Item No. 11b, "Town Counsel – General Expenses" by transferring said sum from Article 5 of the FY 2004 Annual Town Meeting Line Item No. 9c, "Medicare Tax Expenses".

FINANCE COMMITTEE REASON: Per purpose and justification above.

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

ARTICLE 5 STREET LIGHTING

BOARD, SELECTMEN

To see if the Town will vote to amend Article 5 of the FY 2004 Annual Town Meeting by raising and appropriating the sum of \$15,000 or some other sum to supplement Line #46, Street Lighting, and to determine whether said sum shall be raised by transfer of available funds, by borrowing or otherwise. Or to do or act in any manner relative thereto. Board of Selectmen

PURPOSE AND JUSTIFICATION

This funding is needed to ensure sufficient funds for FY04 departmental obligations.

FINANCE COMMITTEE VOTE: 4-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article 5 of the FY 2004 Annual Town Meeting by appropriating \$5,000 to supplement Line Item No. 46, "Street Lighting" by transferring said sum from Article 5 of the FY 2004 Annual Town Meeting Line Item No. 9c, "Medicare Tax Expenses".

FINANCE COMMITTEE REASON: Per purpose and justification above.

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

ARTICLE 6 LEGAL FEES – CABLE CONTRACT

BOARD, SELECTMEN

To see if the Town will vote to appropriate \$25,000 to be raised by taxation, transfer of available funds, borrowing, or otherwise to retain a lawyer for the purpose of re-licensing of the cable contract. Or to do or act in any manner relative thereto. Board of Selectmen

PURPOSE AND JUSTIFICATION

Contract negotiations with Comcast are now being instituted and legal representation for the Town is required.

FINANCE COMMITTEE VOTE: 4-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article 5 of the FY 2004 Annual Town Meeting by appropriating \$25,000 to retain a lawyer for the purpose of re-licensing of the cable contract by transferring said sum from Article 5 of the FY 2004 Annual Town Meeting Line Item No. 66, "Health Insurance Expenses."

FINANCE COMMITTEE REASON: Per purpose and justification above.

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

ARTICLE 7 COMPENSATING BANK EXPENSE

TOWN TREASURER

To see if the Town will vote to transfer the following sums:

FROM:	Tax Title Foreclosure prior year general expenses	\$1,988.87
	Article 5 FY 2004 Annual Town Meeting Line 14 (Tax Title Enclosure)	\$4,000.00
TO:	Article 5 FY 2004 Annual Town Meeting Line 9d. (Compensating Bank)	\$5,988.87

Or to do or act in any manner relative thereto. Treasurer/Collector

PURPOSE AND JUSTIFICATION

To provide funds to pay for payroll services. These charges are usually offset by interest earned on bank deposits, however the historically low short-term interest rates have caused a deficit situation with the bank as it has in the last 3 years.

FINANCE COMMITTEE VOTE: 4-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article 5 of the FY 2004 Annual Town Meeting by appropriating the sum of \$5,988.87 to supplement Article 5 of the FY 2004 Annual Town Meeting, Line Item No. 9d, "Compensating Bank" by transferring \$1,988.87 from "Tax Title Foreclosure Prior Year General Expenses" and by transferring \$4,000 from Article 5 of the FY 2004 Annual Town Meeting, Line Item No. 14, "Tax Title Foreclosure".

FINANCE COMMITTEE REASON: Per purpose and justification above.

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

ARTICLE 8 GENERAL EXPENSES

ELECTION COMMISSIONERS

To see if the Town will vote to amend Article 5 of the FY 2004 Annual Town Meeting by transferring the sum of \$1,000.00 from Line 16A (Election Salary & Wages) to Line 16B (Election General Expenses) Or to do or act in any manner relative thereto. Election Commissioners

PURPOSE AND JUSTIFICATION

Funds are available in salary and wages due to the fact that it was not necessary to conduct a preliminary election this year. There is inadequate funding in General Expenses, especially postage due to the rise in postage costs, the growth of the Town and the ever increasing number of mailings the Elections Office is required to do.

FINANCE COMMITTEE VOTE: 4-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article 5 of the FY 2004 Annual Town Meeting by appropriating the sum of \$1,000 to supplement Line Item 16b, "Election General Expenses" by transferring said sum from Article 5 of the FY 2004 Annual Town Meeting Line Item No. 16a "Election Salary & Wages".

FINANCE COMMITTEE REASON: Per purpose and justification above.

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

ARTICLE 9 GENERAL EXPENSES

PARK COMMISSIONERS

To see if the Town will vote to transfer the sum of \$7,700 from the Fiscal Year 2004 Article 5, line 59A Salary & Wages to Article 5, line 59b General Expenses. Or to do or act in any manner relative thereto. Park Commissioners See Attached

PURPOSE AND JUSTIFICATION

The money transferred will be used to pave area at Mason Field, repair fence work at Community Field and fence work at World War I.

FINANCE COMMITTEE VOTE: 4-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article 5 of the FY 2004 Annual Town Meeting by appropriating the sum of \$7,700 to supplement Line Item No. 59b, "Park & Recreation General Expenses" by transferring said sum from Article 5 of the FY 2004 Annual Town Meeting, Line Item No. 59a, "Park & Recreation Salary & Wages".

FINANCE COMMITTEE REASON: Per purpose and justification above.

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

ARTICLE 10 GENERAL EXPENSES

BOARD, PUBLIC WORKS

To see if the Town will vote to amend Article V of the FY 2004 Annual Town Meeting by transfer of the following items:

Item 39a (Forestry)	\$10,000 Salary & Wages	to
Item 47b (Motor Maintenance)	General Expenses	
Item 39a (Forestry)	\$5,000 Salary & Wages	to
Item 44b (Highway)	General Expenses	
Item 49a (WWTF)	\$35,000 Salary & Wages	to
Item 49b (WWTF)	General Expenses	

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

PURPOSE AND JUSTIFICATION

Fund Motor Maintenance to cover unanticipated repair costs for plows and other snow removal equipment.

Fund Highway to cover maintenance to roads items that were reduced during budget deliberations.

Fund WWTF to cover two contracts with WWTF engineer of record to address recent MADEP issues involved with wastewater discharge parameters.

FINANCE COMMITTEE VOTE: 4-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article 5 of the FY 2004 Annual Town Meeting by appropriating the sum of \$10,000 to supplement Line Item No. 47b "Motor Maintenance" by transferring said sum from Article 5 of the FY 2004 Annual Town Meeting Line Item No. 39a "Forestry Salary & Wage", and amend Article 5 of the FY 2004 Annual Town Meeting by appropriating the sum of \$5,000 to supplement Line Item No. 44b, "Highway General Expenses" by transferring said sum from Article 5 of the FY 2004 Annual Town Meeting Line Item No. 39a "Forestry Salary & Wages" and amend Article 5 of the FY 2004

Annual Town Meeting by appropriating the sum of \$35,000 to supplement Line Item No. 49b, "Wastewater Treatment Facility General Expenses" by transferring said sum from Article 5 of the FY 2004 Annual Town Meeting Line Item No. 49a "Wastewater Treatment Facility Salary & Wages".

FINANCE COMMITTEE REASON: Per purpose and justification above.

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

ARTICLE 11 E RATE REIMBURSEMENT

SCHOOL COMMITTEE

To see if the Town will vote to appropriate the sum of \$24,507.39, 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 reimbursement Reserved for Expenditures Fund. 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: 4-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$24,507.39 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 reimbursement Reserved for Expenditures Fund

FINANCE COMMITTEE REASON: Per purpose and justification above.

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

ARTICLE 12 ROOF REPLACEMENT

SCHOOL COMMITTEE

To see if the Town will vote to transfer the sum of \$7,080.00. from Article 13, Item 12 which was originally passed at the October 11, 2000 Semi-Annual Town Meeting and raised by taxation. Said sum shall be appropriated by taxation, transfer of available funds, bonding, or otherwise. Or to do or act in any manner relative thereto. School Committee

PURPOSE AND JUSTIFICATION

Engineering specifications have been generated for the High School, Roosevelt Avenue, Amvet Boulevard, Allen Avenue and Falls Schools.

Subsequent to the reports, roofs have been replaced at the High School and Amvet Boulevard and the Roosevelt Avenue roof is expected to be replaced in the summer of 2004.

It is also anticipated that major roof repairs will be done with funds of 2004 at the Allen Avenue School.

Additionally, pending approval at the RTM in May/June 2004, a request has been made to accomplish major roof repairs at the Early Learning Center and Falls Schools.

The only remaining buildings in the district which have not had an analysis of the roofs are Community, Martin (old wing) and the Woodcock Administration building. If approved, \$7,080 will be used to generate engineering specifications for roofs at the above buildings.

FINANCE COMMITTEE VOTE: 4-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: Town Counsel has advised that the article was improperly written because the purpose of the transfer of funds was omitted from the petition.

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

ARTICLE 13 TRANSPORTATION EXPENSE

SCHOOL COMMITTEE

To see if the Town will vote to appropriate the sum of \$80,000.00 or any other sum to supplement Article 5 Line 41B – School Department Transportation Expenses of the Annual Town Meeting for the Fiscal Year 2004. Said sum shall be appropriated either by transfer from Article 5, Line 41A – School Department Expenses, or by transfer of available funds, or otherwise. Or to do or act in any manner relative thereto. School Committee

PURPOSE AND JUSTIFICATION

The transportation line item was level-funded from FY 2003. Contractual increases for the school bus contractor and Special Education drivers were already in place. Fuel prices/consumption increased approximately 35%.

FINANCE COMMITTEE VOTE: 4-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article 5 of the FY 2004 Annual Town Meeting by appropriating the sum of \$80,000 to supplement Line Item No. 41b, “School Department Transportation Expenses” by transferring said sum from Article 5 of the FY 2004 Annual Town Meeting Line Item No. 41a, “School Department Expenses”.

FINANCE COMMITTEE REASON: Per purpose and justification above.

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

ARTICLE 14 GENERAL EXPENSES

FIRE COMMISSIONERS

To see if the Town will vote to transfer the sum of \$25,000 from Article V of the FY04 Annual Town Meeting line 29a, Overtime, Salary and Wages to Line 29b, General Expenses. Or to do or act in any manner relative thereto. Fire Commissioners

PURPOSE AND JUSTIFICATION

This transfer will allow for immediate repair to complete braking systems on 2 pumpers and the aerial truck as well as steering and front end problems on Deputy Chief’s vehicle and transmission repairs to Chief’s vehicle. All of these issues are considered a priority for safety in emergency responses.

FINANCE COMMITTEE VOTE: 4-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article 5 of the FY 2004 Annual Town Meeting by appropriating the sum of \$25,000 to supplement Line Item No. 29b, “Fire Department General Expenses” by transferring said sum from Article 5 of the FY 2004 Annual Town Meeting Line Item No. 29a, “Fire Department Overtime Salary & Wages”.

FINANCE COMMITTEE REASON: Per purpose and justification above.

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

ARTICLE 15 NEW AMBULANCE

FIRE COMMISSIONERS

To see if the Town will vote to appropriate the sum of \$150,000 for the cost of a new ambulance to replace the primary transporting ambulance, which is suffering maintenance issues. Or to do or act in any manner relative thereto. Fire Commissioners

PURPOSE AND JUSTIFICATION

The status of the current Rescue 1 is a 1999 International Model 4700 with 69,000 miles and 5800 engine hours. A conservative conversion of engine hours to miles is 35:1 or a total of 203,000 miles.

Rescue 2, our reserve ambulance, is a 1994 International model 4700 with 128,937 miles and 9807 engine hours. This would indicate 343,245 miles.

During the past year, Rescue 1 has been out of service 10 occasions for more than 1-2 days at a time. Rescue 2, 8 occasions for more than 1-2 days at a time.

During the past 60 days, there have been two occasions where both rescues have been out of service at the same time requiring us to use an Attleboro ambulance as our primary ambulance.

If an approval was granted, the approximate order and bid and delivery time would be 10-12 months, so it would be prudent to do this at this time.

FINANCE COMMITTEE VOTE: 4-0

2/3 ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$154,500 for the purchase of an ambulance and that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow the sum of \$154,500 under and pursuant to Chapter 44 Section 7(9) of the General Laws or any other enabling authority and to issue bonds or notes of the Town therefore; and that the sum of \$150,000 be expended by the Fire Commissioners for the equipment purchase and the sum of \$4,500 be expended under the direction of the Town Treasurer for issuance costs.

FINANCE COMMITTEE REASON: Per purpose and justification above.

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

ARTICLE 16 PURCHASE REAL ESTATE

BOARD, 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 April 14, 2004, to purchase the real estate owned by Suzanne Holmes located on Draper Avenue, being shown as Lots 43 and 44 on Assessors' Plat 22 and Lot 11 on Assessors' Plat 26. Said Lots containing approximately 110 acres, more or less, and to raise and appropriate the sum of \$2,800,000.00 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: 4-0

2/3 VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town is hereby authorized to acquire land and buildings owned by Suzanne Holmes located on Draper Avenue, consisting of three parcels being shown as Lots 43 and 44 on Assessors' Plat 22 and Lot 11 on Assessors' Plat 26, said lots containing approximately 110 acres, more or less; that the sum of \$2,867,000 be hereby appropriated for such acquisition, pursuant to the Town's right of first refusal to purchase such land under Chapter 61A of the General Laws, and for the costs incidental thereto; that to raise said appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow the sum of \$2,867,000, at one time or from time to time, under and pursuant to Chapter 44, Section 7(3), of the General Laws as amended, or any other enabling authority, and to issue bonds or notes of the Town therefore; and that of such sum \$2,784,000 shall be expended under the direction of the Board of Selectmen for project costs and \$83,000 shall be expended by the Town Treasurer for issuance costs.

FINANCE COMMITTEE REASON: This will allow the Town to purchase property made available under M. G. L. Chapter 61A. This property is strategically located near the south side of town, has access to important utilities, and has multiple potential uses for the Town. The Committee also agrees that, in order to finance the purchase of this property, that the Town should look to various sources of one-time funds to reduce the amount of new borrowing to about \$1 million. Those potential sources, as presented to the Committee by the Selectmen and Treasurer, include: re-appropriating excess bond proceeds from previous bond issues, and; the sale of Town assets, potentially including but not limited to, portions of the Holmes Farm property itself, the Mason Avenue police station, tax foreclosure sales, and portions of the LeStage property. After approval from Town Meeting, the proceeds from such actions could be used to "pay down" the temporary debt incurred to purchase the property within the statutory time limit (120 days per Chapter 61A) prior to permanent financing through a future bond issue

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

Motion seconded.

Motion carried.

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

ARTICLE 17 AMEND STREET DEFINITION

PLANNING BOARD

To see if the Town will vote to amend the Zoning By-Laws, Section IX-DEFINITIONS, Subsection B, Selected Words and Terms, by replacing the definition of the term "Street" with a revised definition of the term "Street", and by adding the term "Subdivision Control Law" and adding a definition of the term "Subdivision Control Law". By removing the existing definition of the term **Street**, and inserting in its place the following definition of the term Street:

Street. A way, which is classified as one of the following: (a) a public way which the Town Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance

with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective in the Town having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. The term Street shall be synonymous with the words road, avenue highway, and parkway, and similar designations.;

And by adding the following definition of the term **Subdivision Control Law**:

Subdivision Control Law. Refers to Sections 81-K to 81-GG, inclusive of Chapter 41, of the General Laws of the Commonwealth of Massachusetts, entitled "Subdivision Control" including all subsequent amendments thereto.

Or to do or act in any manner relative thereto. Planning Board See Attached

PURPOSE AND JUSTIFICATION

This article will bring the definition of "street" within the Zoning By-Laws into conformance with the definition of "street" that the Planning Board must consider when performing their mandated duties under the Subdivision Control Law.

FINANCE COMMITTEE VOTE: 4-1

2/3 VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Zoning By-Laws, Section IX-DEFINITIONS, Subsection B, Selected Words and Terms, by replacing the definition of the term "Street" with a revised definition of the term "Street", and by adding the term "Subdivision Control Law" and adding a definition of the term "Subdivision Control Law".

By removing the existing definition of the term **Street**, and inserting in its place the following definition of the term Street:

Street. A way, which is classified as one of the following: (a) a public way which the Town Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective in the Town having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. The term Street shall be synonymous with the words road, avenue highway, and parkway, and similar designations.;

And by adding the following definition of the term **Subdivision Control Law**:

Subdivision Control Law. Refers to Sections 81-K to 81-GG, inclusive of Chapter 41, of the General Laws of the Commonwealth of Massachusetts, entitled "Subdivision Control" including all subsequent amendments thereto.

FINANCE COMMITTEE REASON: Per purpose and justification above.

The following letter dated May 24, 2004 was read into the minutes by the Moderator:

Dear Mr. Dalrymple: Articles 17 and 18 of the June 14, 2004 Special Town Meeting are to see if the Town will vote to amend the Zoning By-Laws.

Pursuant to Section 5 of Chapter 40A of the Massachusetts General Laws, the Planning Board held a duly called public hearing on these proposed amendments on May 13, 2004, which was continued to May 24, 2004.

At their meeting held on May 24, 2004, the Board voted as follows to recommend the following to Town Meeting on these two articles for amendments to the Zoning By-laws:

- *Article 17: The Board voted 5 in favor, 0 opposed, on the motion to recommend that the Town Meeting vote to approve this article as submitted. This article will make the definition of the term "street" within the Zoning By-Laws more consistent with the definition of "street" that the Planning Board must consider pursuant to the General Laws when reviewing plans for the creation of lots. Further, this article will correct ambiguous language in the current definition of street, thereby assisting the Building Inspector in his enforcement of the Zoning By-Laws by allowing him to use the same definition of street that must be used by the Planning Board.*
- *Article 18: The Board voted 5 in favor, 0 opposed, on the motion to recommend that the Town Meeting vote to approve this article as submitted, with a minor amendment to the submitted text, by changing the beginning*

text of the three rows that begin with the word "Multifamily" to the words "Dwelling, Multi-family", for consistency with the wording of that term as it presently appears in the definitions section of the Zoning By-laws. A proposed affirmative action motion for this article with that change being incorporated is attached. The Planning Board has found that, based on the shape of existing lots and blocks within areas in which two-family and multifamily dwellings are already permitted, this article will help to provide housing alternatives to town residents who are first-time homebuyers or renters by making the creation and purchase of two-family and multi-family dwellings more attainable.

For the Planning Board, Donald T. Johnson Planning Board Agent

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

ARTICLE 18 AMEND INTENSITY SCHEDULE A PLANNING BOARD

To see if the Town will vote to amend the Zoning By-Laws, Section IV – INTENSITY REGULATIONS, Intensity Schedule A, pertaining to two-family dwellings within the R-10 and R-10S zoning districts. Or to do or act in any manner relative thereto. Planning Board See Attached

PURPOSE AND JUSTIFICATION

This article will help to provide for housing needs by lifting some existing restrictions on lot size for two-family homes and multiple family homes in the two zoning districts in which they are allowed by right (or, in the case of the R-10 district, two units by right and three units by special permit), eliminating an ambiguity in the text of the Zoning By-Laws by removing the term "Duplex" (which actually refers to a type of structure, not to a type of land use), and by allowing more flexibility in the shape of lots for multi-family housing within the R-10 and R-10S districts.

FINANCE COMMITTEE VOTE: 4-0

MAJORITY 2/3 VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Zoning By Laws, Section IV Intensity Regulations, Intensity Schedule A, pertaining to two-family and multi-family dwellings within the R-10 and R10S zoning districts, to read as stated on Page No. 8A attached hereto.

FINANCE COMMITTEE REASON: Per purpose and justification above.

After some discussion a motion was made and seconded to move the question.
Motion carried.

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

ARTICLE 19 AMEND REMOVAL OF TOP SOIL REGULATION PLANNING BOARD

To see if the Town will vote to amend the Town By-Laws, Article XX, SUPPLEMENTARY REGULATIONS, Section 1. REMOVAL OF TOP SOIL.

Or to do or act in any manner relative thereto. Planning Board See Attached

PURPOSE AND JUSTIFICATION

This article will correct and eliminate ambiguities in the present text of the Town By-Laws pertaining to the removal of topsoil.

FINANCE COMMITTEE VOTE: 4-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town By-Laws, ARTICLE XX. SUPPLEMENTARY REGULATIONS, Section 1. REMOVAL OF TOP SOIL, by rewording paragraphs a, b, and c as follows, by re-wording paragraph c and re-designating paragraph c to paragraph d, and by re-designating paragraphs c – i to paragraphs d – j as follows (changes in bold and underlined):

a. The removal of top soil from any parcel of land in the Town of North Attleborough, by any person, firm or corporation shall be allowed only by approval of the Planning Board after Public Notice and Hearing.

b. Topsoil cannot be removed from the boundaries of the Town of North Attleborough.

c. No approval is required where topsoil removal is:

i. incidental to or in connection with the construction, alteration, excavating or grading for a building or road, or

ii. involved in the use of land, for which a plan has been approved by the Planning Board.

- d. No approval shall be required where the surface area from which topsoil is removed is less than two hundred (200) square feet.
- e. Approval by the Planning Board shall be subject to the determination that the topsoil removal is not detrimental to the neighborhood.
- f. Approval shall be limited to two (2) years from date of acceptance.
- g. Removal operations as a nonconforming use shall not be extended beyond the property lines of the particular parcels upon which such operations are in progress at the time of the adoption of this amendment.
- h. All areas from which topsoil has been removed shall:
 - 1. be graded to meet adjacent ground elevations at a slope of not less than one (1) foot vertical to two (2) feet horizontal.
 - 2. A suitable plant cover shall be seeded and maintained until established to the satisfaction of the Planning Board. A bond may be required to insure the satisfactory completion of this covering.
- i. In issuing approval, the Planning Board may impose other reasonable restrictions under removal operations. Such requirements imposed in addition to those above shall be considered as conditions of approval.
- j. Maximum excavation under a single granted permit shall be five (5) acres.

FINANCE COMMITTEE REASON: Per purpose and justification above.

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

ARTICLE 20 STREET ACCEPTANCE

PLANNING BOARD

To see if the Town will vote to accept Red Oak Road from Station 0+0 to Station 9+09.42 and White Oak Way from Station 0+0 to Station 6+15 +/- as public ways, said streets having been completed as per Planning Board specifications.

Red Oak Road runs Easterly off Landry Avenue for approximately 909 feet to a cul-de-sac, and the portion of White Oak Way as described above is located on the South side of Red Oak Road and runs Southerly for approximately 615 feet to the property line of the Cliffs Village II subdivision.

Said streets are shown on a plan entitled "As Built Plan and Profile, Northwoods Estate, North Attleborough, MA Drawn for the RJM Group by Gallagher Engineering, Foxboro, MA June 14, 1999 Scale 1" = 40', on file with the Planning Board. Or to do or act in any manner relative thereto. Planning Board See Attached

PURPOSE AND JUSTIFICATION

Red Oak Road and White Oak Way, as described above, having been built to town requirements and specifications and available to use by all persons, should be classified as "Public Ways".

FINANCE COMMITTEE VOTE: 4-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to accept Red Oak Road from Station 0+0 to Station 9+09.42 and White Oak Way from Station 0+0 to Station 6+15 +/- as public ways, said streets having been completed as per Planning Board specifications.

Red Oak Road runs Easterly off Landry Avenue for approximately 909 feet to a cul-de-sac, and the portion of White Oak Way as described above is located on the South side of Red Oak Road and runs Southerly for approximately 615 feet to the property line of the Cliffs Village II subdivision.

Said streets are shown on a plan entitled "As Built Plan and Profile, Northwoods Estate, North Attleborough, MA Drawn for the RJM Group by Gallagher Engineering, Foxboro, MA June 14, 1999 Scale 1" = 40', on file with the Planning Board.

FINANCE COMMITTEE REASON: Per purpose and justification above.

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

Motion made and seconded to adjourn the Special Town Meeting Sine Die.
Motion carried.

It is 10:15PM