

**PROCEEDINGS
SPECIAL TOWN MEETING
JANUARY 28, 2008**

On Monday, January 28, 2008, Town Clerk, Maxwell Gould opened the Special Town Meeting at 7:05PM. "With 74 RTM members present, we have a quorum."

Pledge of Allegiance to our Flag.

Moment of silence for our men and women serving overseas in the Armed Forces.

Town Moderator, Steve Dalrymple, read the warrant.

**TOWN OF NORTH ATTLEBOROUGH
WARRANT
FOR THE REPRESENTATIVE SPECIAL TOWN MEETING
MONDAY, JANUARY 28, 2008
AT 7:00 P.M.
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, 564 Landry Avenue, in said North Attleborough on:

MONDAY, THE 28th OF JANUARY 2008 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 Clerk on or before the time of said meeting.

Given our hands and seal of the Town of North Attleborough on this Monday, December 17, 2007

William A. Moffitt, Chairman
John C. Rhyno, Vice-Chairman
Marjorie A. Kraskouskas
Dale Langille
Paul J Belham, Sr.

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

PURPOSE AND JUSTIFICATION:

Pursuant to M.G.L. Ch 44 §53, insurance proceeds in excess of \$20,000 require Town Meeting appropriation. The exact amount was reported erroneously to RTM.

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article 5 of the October 15, 2007 Semi-Annual Town Meeting to accept insurance proceeds for the repair of the damage to the North Attleborough Middle School incurred on August 6, 2007. Said amount should have been voted as \$63,699.72 as transferred from insurance receipts reserved from appropriation.

FINANCE COMMITTEE REASON: This is a correction from the original article which was based upon an estimate. The final insurance claim paid to the town exceeded the original amount.

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

ARTICLE 5

E-RATE REIMBURSEMENT

SCHOOL COMMITTEE

To see if the Town will vote to appropriate the sum of \$10,422.66, 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 Expenditure Fund.

Or to do or act in any other 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: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town Vote to transfer the sum of \$10,422.66, for the purpose of providing technology, and/or telecommunication related supplies, equipment or services to the North Attleborough Public Schools. Said sum to be transferred from the E-Rate Receipts Reserved for Appropriation Account.

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

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

ARTICLE 6 APPROPRIATE MONEY INTO RESERVE FUND

FINANCE COMMITTEE

To see if the Town will vote to appropriate the sum of \$35,000.00 or some other sum, to supplement the FY2008 Reserve Fund Account. Said sum to be appropriated from free cash, other available funds or otherwise.

Or to do or act in any other manner relative thereto.

Finance Committee

PURPOSE AND JUSTIFICATION:

Currently the Reserve Fund Account has a balance of \$57,249.00, due to a recent \$38,737.00 transfer to the School Department for a new generator, which is required by Fire Code. The Finance Committee feels it’s important to replenish this account because we anticipate receiving more Reserve Fund Transfer requests prior to the end of the Fiscal Year.

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to transfer the sum of \$35,000.00 from Free Cash into the Reserve Fund, Article 5 Department 132, of the FY2008 Omnibus Budget.

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

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

ARTICLE 7 TO SUPPLEMENT FY08 BUDGET INTEREST ON SHORT TERM

TREASURER/COLLECTOR

To see if the Town will vote to appropriate the sum of \$206,564.66 or any other sum, to supplement the Article 5 FY 2008 Omnibus Budget Dept. 752, Interest on Short Term. Based on the recent ruling on the ATB case involving Mayflower Emerald Square LLC and the Town of North Attleborough for fiscal years 2002, 2003, 2004, 2005, 2006, and 2007. Said sum to be appropriated from Overlay Surplus Account, free cash, or other available funds.

Or to do or act in any other manner relative thereto.

Treasurer/Collector

PURPOSE AND JUSTIFICATION:

By MGL Chapter 58A, Section 13 "If the order grants an abatement of a tax assessed by the Board of Assessors, and the tax has been paid, the amount abated with interest at the 8% shall be paid to the taxpayer by the Town Treasurer." This amount represents the interest owed on the recent abatements for Mayflower Emerald Square LLC, and their attorneys have demanded payment of this interest.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY ROLL CALL

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to transfer the sum of \$206,564.66 from the Overlay Surplus Account to supplement the Article 5 FY 2008 Omnibus Budget, Dept. 752, Interest on Short Term.

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

By Roll Call Vote, the RTM members approved the Finance Committee's recommendation as read. 78 members voting, 74-yes, 4-no and 1 abstention.

ARTICLE 8 REPLACEMENT OF PICK UP TRUCK W/PLOW

FIRE COMMISSIONERS

To see if the Town will vote to appropriate the sum of \$32,558 to replace the Pickup Truck w/Plow. The Town shall also determine if said sum shall be appropriated by transfer of available funds, taxation, bonding, free cash, or otherwise.

Or to do or act in any other manner relative thereto.

Fire Commissioners

See Attached

PURPOSE AND JUSTIFICATION:

This vehicle provides emergency support and snow removal for rescues and fire station facilities. The previous pickup is no longer in service.

FINANCE COMMITTEE VOTE: 5-1

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to transfer the sum of \$32,558 from Free Cash to purchase the Pickup Truck with Plow for the NAFD.

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

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

ARTICLE 9 REIMBURSE N.A.E.D. / WORKERS COMP.

ELECTRIC COMMISSIONERS

To see if the Town will vote to raise from taxation, transfer from available funds, or receive a credit from the Town for the department's FY 2006 and/or FY 2007 Workers' Compensation costs, in the amount of \$18,332, or any other sum, for the purpose of reimbursing the North Attleborough Electric Department (NAED) for Workers' Compensation charges assessed by the Town of North Attleborough upon NAED for Fiscal Years 2004 and 2005.

Or to do or act in any other manner relative thereto.

Electric Commissioners

PURPOSE AND JUSTIFICATION:

A review of the Town's assessments of NAED Workers' Compensation costs for the period of FY 2004-2007, inclusive indicated that NAED's Workers' Compensation (WC) assessments for FY 2004 and FY 2005 should have been modified and NAED reimbursed for the amounts previously assessed and paid by NAED upon the issuance of the final WC audit for the two fiscal years in question.

FINANCE COMMITTEE VOTE: 6-0 **9/10 VOTE**

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

FINANCE COMMITTEE REASON: The Finance Committee feels that it would be more appropriate to look at all of the workers Compensation accounts that may be owed funds and handle it at one time rather than as individual requests.

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

ARTICLE 10 REALLOCATION OF FUNDS MUNICIPAL BUILDING COMM.

To see if the Town will vote to amend Article 7, Part II, Item 33 of the FY07 CIP (May Annual Town Meeting) relative to purchases and on-going maintenance efforts funded by retained earnings/enterprise funds concerning the Whiting Street Rehab. Project – Technology & Furnishings by reallocating funds to cover additional construction costs not related to technology and furnishings.

Or to do or act in any other manner relative thereto.

Municipal Building Committee

See Attached

PURPOSE AND JUSTIFICATION:

To provide funds for unforeseen construction costs at the 49 Whiting Street rehabilitation project.

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

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article 7, Part II, Item 33 of the FY07 CIP (May Annual Town Meeting) relative to purchases and on-going maintenance efforts funded by retained earnings/enterprise funds concerning the Whiting Street Rehab. Project – Technology & Furnishings, to include other construction costs associated with the Whiting Street Rehabilitation project.

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

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

ARTICLE 11 ESTABLISHMENT OF MITIGATION COMMITTEE **B.O.S.**

To see if the Town will vote to create a nine member committee to submit a report with recommendations to the Town meeting relative to the disbursement of all funds received pursuant to an agreement with Carpionato Properties as mitigation for rezoning property that allowed for construction of the commercial development.

Said Committee shall consist of the following: A representative of the Board of Selectmen, one member of the Board of Public Works, one member of the Conservation Commission, one member of the Planning Board, one member of the Historical Commission, four members appointed by the Town Moderator, as follows: two members from Precinct Three; two members from Precinct Nine.

A report of the Committee shall be completed and submitted as funds become available, and after a Public Hearing to the Planning Board in ample time prior to a Town Meeting to allow the Planning Board to submit an article for said Town Meeting based on the report. The Town Clerk shall call the Committee in order within 30 days after the close of the Town Meeting.

And to appropriate the sum of \$2,000.00 to be expended by the Committee for expenses incurred, and to determine how said appropriation shall be raised, whether by taxation, by transfer of available funds, by borrowing, or otherwise.

Or to do or act in any other manner relative thereto.

Board of Selectmen

PURPOSE AND JUSTIFICATION:

The purpose of this Committee is to make recommendations for use of the funds received as a result of the Carpiionato agreement.

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to create a nine member committee to submit a report with recommendations to the Town meeting relative to the disbursement of all funds received pursuant to an agreement with Carpiionato Properties as mitigation for rezoning property that allowed for construction of the commercial development.

Said Committee shall consist of the following: A representative of the Board of Selectmen, one member of the Board of Public Works, one member of the Conservation Commission, one member of the Planning Board, one member of the Historical Commission, four members appointed by the Town Moderator, as follows: two members from Precinct Three; two members from Precinct Nine.

A report of the Committee shall be completed and submitted as funds become available, and after a Public Hearing to the Planning Board in ample time prior to a Town Meeting to allow the Planning Board to submit an article for said Town Meeting based on the report. The Town Clerk shall call the Committee in order within 30 days after the close of the Town Meeting.

And to appropriate the sum of \$2,000.00 from the Lowes Home Center Revolving Fund to be expended by the Committee for expenses incurred.

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

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 12 TOWN BY-LAW AMENDMENT

B.O.S.

To see if the Town will vote to delete in its entirety as provided for in Article XXX, Section 1 Repeal and Amendment of by-laws, the following by-law: Article III, Section 1, Paragraph 1,

“A summary of the sources of revenue, proposed department budgets submitted to the Finance Committee’s recommendations shall be published in a newspaper of general circulation at lest seven (7) days prior to the Annual Town Meeting.”

Or to do or act in any other manner relative thereto.

Board of Selectmen

See Attached

PURPOSE AND JUSTIFICATION:

The cost associated with publishing the recommendations is expensive and will continue to rise each year with advertising rates. The focus of continuous communication between government and the private citizens is critical and will always remain an important consideration. The determination to delete this by-law is based on the overwhelming ability to distribute the town meeting recommendations currently in place. The information is posted in seventeen (17) places within the town, published on the Town’s website, and distributed to the RTM in booklet form for each meeting. Additional copies are available at the Town Clerk’s office for residents. If the by-law is eliminated, the savings will be \$3,500.00.

FINANCE COMMITTEE VOTE: 3-3

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: The Committee was deadlocked in their decision.

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

Motion made to adjourn the Special Town Meeting Sine Die.

Motion seconded.

Motion carried.

It is 8:10 PM.