

**PROCEEDINGS
SPECIAL TOWN MEETING
JUNE 4, 2012**

On Monday, June 4, 2012, Town Clerk, Maxwell G. Gould, opened the Special Town Meeting at 7:04 PM by announcing, "With 114 RTM members present, we have a quorum."

Town Moderator, Deborah Kohl led the membership in the Pledge of Allegiance to our Flag. She then called for a moment of silence for our men and women serving overseas in the Armed Forces.

Town Moderator, Deborah Kohl, read the warrant and return:

**NORTH ATTLEBOROUGH WARRANT
FOR THE REPRESENTATIVE SPECIAL TOWN MEETING**

MONDAY, JUNE 4, 2012

THE COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

To either Constable 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 4TH OF JUNE 2012 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 ten 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 April 26, 2012

NORTH ATTLEBOROUGH BOARD OF SELECTMEN

Michael S. Thompson, Chairman
Paul J. Belham, Sr. , Vice-Chairman
John C. Rhyno
Joan Marchitto
Mark Williamson

Town Moderator, Deborah Kohl, then read the Return:

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 nineteen (19) public places in said town twenty-one (21) days before the time of said meeting.

Chief John J. Reilly, Constable Town of North
Attleborough

FINANCE COMMITTEE VOTE: 9-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$80,000.00 to offset medical co-pay reimbursements for employees of the town throughout all of the divisions. \$16,710.16 to be appropriated from Free Cash, \$23,289.84 to be transferred from Dept. 914 – Health Insurance Account and \$40,000.00 to be transferred from Dept. 913 – Unemployment Account.

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

Joan Marchitto (P3) made a motion to amend the recommendation:

Change the last sentence to read “\$76,710.16 to be appropriated from Free Cash, \$3,289.84 to be transferred from Dept. 914 – Health Insurance Account.”

Motion seconded.

Motion carried.

By a majority vote the RTM members approved the Finance Committee’s Recommendation as amended.

ARTICLE 3 Renew FY13 School E-Rate 53E ½ Revolving Fund

SCHOOL COMMITTEE

To see if the Town will vote to renew an FY2013 School E-Rate Revolving Fund in accordance with MGL Chapter 44 Section 53E ½ for the collection of federal e-rate funds and to authorize expenditures up to \$40,000 to be used to help schools improve and expand telecommunications and technology, including training for staff and students.

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

Annual vote per MGL Ch44 Section 53E ½. The purpose of this fund is to assist schools with improving or expanding telecommunication and technology including training for staff and students. The School Department periodically applies for and receives federal E-Rate funds which are requested under four categories: telecommunication services, internet access, internal connections, and basic maintenance of internal connections. This action is necessary to remain in statutory compliance.

FINANCE COMMITTEE VOTE: 9-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to renew an FY2013 School E-Rate Revolving Fund in accordance with MGL Chapter 44 Section 53E ½ for the collection of federal e-rate funds and to authorize expenditures up to \$40,000 to be used to help schools improve and expand telecommunications and technology, including training for staff and students.

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

By a majority vote the RTM members approved the Finance Committee’s Recommendation.

ARTICLE 4 Renew FY13 Fire Alarm 53E ½ Revolving Fund

FIRE COMMISSIONERS

To see if the Town will vote to renew an FY 2013 Fire Alarm Revolving Fund in accordance with MGL Chapter 44, Section 53E ½ for the collection of fire alarm fees and to authorize expenditures up to \$50,000 to be used to purchase, support and maintain all communication supplies and services related to the fire alarm service/operation.

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

This is an annual renewal article presented at the Annual Town Meeting.

FINANCE COMMITTEE VOTE: 9-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to renew an FY 2013 Fire Alarm Revolving Fund in accordance with MGL Chapter 44, Section 53E ½ for the collection of fire alarm fees and to authorize expenditures up to \$50,000 to be used to purchase, support and maintain all communication supplies and services related to the fire alarm service/operation.

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

By a majority vote the RTM members approved the Finance Committee's Recommendation.

ARTICLE 5 Renew FY13 WWII Memorial Pool 53E ½ Revolving Fund

PARK COMMISSION

To see if the Town will vote to renew for FY2013 WWII Memorial Pool Revolving Fund in accordance with MGL Chapter 44, Section 53E 1/2 for the collection of swimming pool program fees and to authorize expenditures of up to \$50,000 to support the operating expenses and programs of the WWII Memorial Pool.

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

Annual vote per MGL Ch 44, Section 53E ½. The purpose of the WWII Memorial Pool Revolving Fund is to provide enrichment programs and life saving swimming instruction for the community.

FINANCE COMMITTEE VOTE: 9-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to renew for FY2013 WWII Memorial Pool Revolving Fund in accordance with MGL Chapter 44, Section 53E 1/2 for the collection of swimming pool program fees and to authorize expenditures of up to \$50,000 to support the operating expenses and programs of the WWII Memorial Pool.

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

By a majority vote the RTM members approved the Finance Committee's Recommendation.

ARTICLE 6 Appropriate Funds to supplement Legal Proceedings

Board of Assessors

To see if the Town will vote to appropriate the sum of \$100,000 to supplement Article 4 of the June 27, 2011 STM to retain under the direction of the Board of Assessors, professional, legal, accounting, and appraisal services to assist the Town in legal proceedings relative to the Town's determination and defense of values and assessments of outstanding commercial and or industrial court actions, or Appellate Tax Board Cases. Or to do or act in any manner relative thereto. Said sum to be funded from free cash or other available funds.

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

The appropriation of the requested funds will provide the Board of Assessors with the professional assistance it needs to protect the Town's interest in legal challenges, either in court actions, or before the Appellate Tax Board.

FINANCE COMMITTEE VOTE: 9-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$50,000.00 to supplement Article 4 of the June 27, 2011 STM to retain under the direction of the Board of Assessors, professional, legal, accounting, and appraisal services to assist the Town in legal proceedings relative to the Town's determination and defense of values and assessments of outstanding commercial and or industrial court actions, or Appellate Tax Board Cases. Said sum to be appropriated from Free Cash.

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

By a majority vote the RTM members approved the Finance Committee's Recommendation.

ARTICLE 7 Appropriate \$60,000.00 for Abatements

BOARD OF ASSESSORS

To see if the Town will vote to appropriate the sum of \$60,000. Said sum to be funded from overlay surplus to offset the expense of settlement of the fiscal 2009, 2010 and 2011 Appellate Tax Board Cases, and the fiscal 2012 abatement settlement agreement for the Emerald Square Mall.

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

The appropriation of the requested funds will help to offset the expense of the settlement of the Appellate Tax Board expense of settlement of the fiscal 2009, 2010, and 2011 Appellate Tax Board Cases, and the fiscal 2012 abatement settlement agreement for the Emerald Square Mall.

FINANCE COMMITTEE VOTE: 9-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$60,000 to offset the expense of settlement of the fiscal 2009, 2010 and 2011 Appellate Tax Board Cases, and the fiscal 2012 abatement settlement agreement for the Emerald Square Mall. Said sum to be appropriated from Free Cash.

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

Joan Marchitto (P3) made a motion to amend the recommendation:

Change the last sentence to read: "Said sum to be appropriated from Overlay Surplus."

Motion seconded.

Motion carried.

By a majority vote the RTM members approved the Finance Committee's Recommendation as amended.

At 7:29 PM a motion was made and seconded to adjourn the meeting for the purpose of opening the Annual Town Meeting.

Motion carried.

At 7:35 PM the Special Town Meeting was resumed.

ARTICLE 8 Appropriate \$500,000 for Feasibility Study of HS Lab Renovation

SCHOOL COMMITTEE

To see if the Town will vote to appropriate, borrow or transfer from available funds, the sum of \$500,000.00 to be expended under the direction of the School Building Committee for the North Attleborough High School (located at One Wilson Whitty Way) for a feasibility study for the North Attleborough High School Science Lab Renovation located at One Wilson Whitty Way, North Attleborough, MA 02760, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION The purpose of the project is to assist with overcrowding of an outdated facility that may jeopardize student and staff safety. The current conditions adversely affect student achievement. The project may be eligible for a grant from the Massachusetts School Building Authority and the Town is eligible for approximately 52% reimbursement for this project if fully approved. The Town acknowledges that the MSBA's

grant program is a non-entitlement discretionary program based on need as determined by the MSBA and any costs incurred in excess of any grant approved by and received from MSBA shall be the sole responsibility of the Town of North Attleborough and the amount of funding authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town of North Attleborough and the MSBA. The proposed study and full project will not be authorized without the award of the grant from MSBA.

FINANCE COMMITTEE VOTE: 8-1

2/3 ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town appropriates Five Hundred Thousand Dollars (\$500,000) for the purpose of paying costs associated with a Feasibility Study for the North Attleborough High School Science Lab Renovation Project, located at One Wilson Whitty Way, North Attleborough, Massachusetts, including the payment of all costs incidental or related thereto, and for which Town of North Attleborough may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the North Attleborough School Building Committee. To meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town of North Attleborough acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town of North Attleborough incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of North Attleborough, and that, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town of North Attleborough and the MSBA.

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

By a roll call vote the RTM members approved the Finance Committee’s recommendation.

115 members voting: 2/3 required 77. 112 YES / 3 NO

ARTICLE 9 Appropriate \$1,000,000.00 for Roosevelt School Window & Doors SCHOOL COMMITTEE

To see if the Town will vote to appropriate the sum of \$1,000,000.00 to be expended under the direction of the School Building Committee for the design, engineering, and total project for the window and door replacement project at Roosevelt Avenue School located at 108 Roosevelt Avenue. Said sum to be funded from free cash, available funds or borrowing.

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

The purpose of this project is to assist with improving the energy efficiency as well as the safety and comfort of the students and staff. The current condition is less than efficient and many of the windows do not open. The doors are not insulated and provide no energy saving for the building fuel consumption. The School Department through the Massachusetts School Building Authority (MSBA) applies annually with Statements of Interest (SOI) for such projects. The MSBA has started the MSBA Accelerated Repair Projects for the replacement of windows, doors, roofs and boilers. The Town would only fund the Design and Engineering as well as the entire project if fully approved and reimbursed by approximately 52% by the MSBA for the cost of Windows and doors at the Roosevelt Avenue Elementary School.

FINANCE COMMITTEE VOTE: 8-1

2/3 ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town appropriates \$1,000,000 (One Million Dollars) for the purpose of paying costs of the Roosevelt Avenue Elementary School Window and Door Replacement Project located at 108 Roosevelt Avenue, North Attleborough, Massachusetts, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the

required educational program, and for which the Town has applied for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the North Attleborough School Building Committee. To meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to M.G. L. Chapter 44, or pursuant to any other enabling authority. The Town of North Attleborough acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA’s Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of North Attleborough and the MSBA.

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

By a unanimous vote the RTM members approved the Finance Committee’s recommendation.

ARTICLE 10 Re-appropriation of Unexpended Funds

BOARD PUBLIC WORKS

To see if the Town will vote to re-appropriate the unexpended amount of borrowed money approved by the following votes of the Town for the Sewer Enterprise Fund:

<u>Article</u>	<u>Unexpended Amount</u>
Art. 14, April 1998 ATM, WWTF Rehab/Replace Equipment – CIP #4	\$ 10,302.00
Art. 6, April 2002 ATM, Falls Pumping Station – CIP #5	\$ 4,795.67
Art. 6, May 2003 ATM, WWTF Improvements (Phase III – CW – 03-33) – CIP#24	\$ 242,346.45
Art. 26, Oct. 2004 STM, Oakridge Ave Sewer	\$ 22,908.97
Art. 17, Dec. 2004 STM, Add’l Sewer System for Cliffs Subdivision	\$ 7,371.53
Art. 18, Dec. 2004 STM, Sewer System for Cliffs Subdivision	\$ 40,684.90
Art. 17, May 2005 ATM, WWTF Upgrade (Phase IV – CW-05-32) – CIP#21	\$ 10,798.62
Art. 7, May 2006 ATM, WWTF Phase V Upgrade (CWS-05-32) – CIP#63	\$ 24,439.30
Art. 6, May 2007 ATM, WWTF Upgrade Phase VI (CW-07-39 –CIP#77	\$ 66,078.11
Art. 22, Oct. 2008 STM, Sewer on Towne Street	\$ 25,009.27

For a total of \$454,734.82 to offset expenditures for Article 6, Part 4, Item #38 of the June 2010 Annual Town Meeting for Infiltration and Inflow Removal Program.

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

These sewer projects have been completed and closed out by the Public Works. These remaining borrowed funds, which are under the Sewer Enterprise Fund, will be used to offset unissued authorizations for current Sewer Enterprise Fund Infiltration and Inflow removal projects.

FINANCE COMMITTEE VOTE: 9-0

MAJORITY ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to re-appropriate the unexpended amount of borrowed money approved by the following votes of the Town for the Sewer Enterprise Fund:

<u>Article</u>	<u>Unexpended Amount</u>
Art. 14, April 1998 ATM, WWTF Rehab/Replace Equipment – CIP #4	\$ 10,302.00
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Art. 6, May 2003 ATM, WWTF Improvements (Phase III – CW – 03-33) – CIP#24	\$ 242,346.45

Art. 26, Oct. 2004 STM, Oakridge Ave Sewer	\$ 22,908.97
Art. 17, Dec. 2004 STM, Add'l Sewer System for Cliffs Subdivision	\$ 7,371.53
Art. 18, Dec. 2004 STM, Sewer System for Cliffs Subdivision	\$ 40,684.90
Art. 17, May 2005 ATM, WWTF Upgrade (Phase IV – CW-05-32) – CIP#21	\$ 10,798.62
Art. 7, May 2006 ATM, WWTF Phase V Upgrade (CWS-05-32) – CIP#63	\$ 24,439.30
Art. 6, May 2007 ATM, WWTF Upgrade Phase VI (CW-07-39 –CIP#77	\$ 66,078.11
Art. 22, Oct. 2007 SATM, Sewer on Town Street	\$ 25,009.27

For a total of \$454,734.82 to offset expenditures for Article 6, Part 3, Item #38 of the June 2010 Annual Town Meeting for Infiltration and Inflow Removal Program.

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

By a unanimous vote the RTM members approved the Finance Committee’s recommendation.

ARTICLE 11 Rescind Borrowing Authorization for Unexpended Funds BOARD PUBLIC WORKS

To see if the Town will vote to rescind the Sewer Enterprise Fund borrowing authorization for the following articles and the following unissued amounts:

Town Meeting Date	Article #	Short Title	Project Authorization	Total Authorization to be Rescinded
June 6, 2005	18	Additional Funding for WWTF	\$ 550,698.45	\$ 13,032.00
May 16, 2006	7	WWTF Phase V Upgrade	\$1,500,000.00	\$460,150.00

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

The actual costs of these projects were less than the amounts authorized. Town Meeting Action is required to dissolve these un-borrowed funding authorizations.

FINANCE COMMITTEE VOTE: 9-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to rescind the Sewer Enterprise Fund borrowing authorization for the following articles and the following unissued amounts:

Town Meeting Date	Article #	Short Title	Project Authorization	Total Authorization to be Rescinded
June 6, 2005	18	Additional Funding for WWTF	\$ 550,698.45	\$ 13,032.00
May 16, 2006	7	WWTF Phase V Upgrade	\$1,500,000.00	\$460,150.00

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

By a majority vote the RTM members approved the Finance Committee’s recommendation.

ARTICLE 12 Establish Sewer Enterprise Betterment Stabilization Fund BOARD PUBLIC WORKS

To see if the Town will vote to establish a Sewer Enterprise Betterment Stabilization Fund pursuant to MGL Chapter 40, Section 5B. Said special purpose stabilization fund shall be for the payment of Sewer Enterprise debt service projects authorized through betterments/special assessments collected annually by the Town.

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION The Department of Revenue has recommended the establishment of special purpose Stabilization Funds as a mechanism to help communities manage debt. The Sewer Enterprise Fund will use the collected annual revenue via a vote of retained earnings to offset the annual debt payments associated with the sewer betterment program.

FINANCE COMMITTEE VOTE: 9-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to establish a Sewer Enterprise Betterment Stabilization Fund pursuant to MGL Chapter 40, Section 5B. Said special purpose stabilization fund shall be for the payment of Sewer Enterprise debt service projects authorized through betterments/special assessments collected annually by the Town.

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

By a 2/3 vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.

ARTICLE 13 Appropriate \$163,288.14 from Sewer Retained Earnings to Sewer Enterprise Stabilization Account BOARD PUBLIC WORKS

To see if the Town will vote to appropriate the sum of \$163,288.14 from Sewer Retained Earnings to the Sewer Enterprise Stabilization Fund. Said sum is the collected FY11 Revenue for special assessments/betterments.

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

The Department of Revenue has recommended the use of a special purpose Stabilization Funds as a mechanism to help communities manage debt. This article will apply the prior fiscal year collected revenues from betterments, via a vote of retained earnings, to offset the upcoming year's annual debt payments associated with the water betterment program.

FINANCE COMMITTEE VOTE: 9-0

2/3 ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$163,288.14 from Sewer Retained Earnings to the Sewer Enterprise Stabilization Fund. Said sum is the collected FY11 Revenue for special assessments/betterments.

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

By a unanimous vote the RTM members approved the Finance Committee's recommendation.

ARTICLE 14 Establish Water Enterprise Betterment Stabilization Fund BOARD PUBLIC WORKS

To see if the Town will vote to establish a Water Enterprise Betterment Stabilization Fund pursuant to MGL Chapter 40, Section 5B. Said special purpose Stabilization Fund shall be for the payment of Water Enterprise debt service projects authorized through betterments/special assessments collected annually by the Town.

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

The Department of Revenue has recommended the establishment of special purpose Stabilization Funds as a mechanism to help communities manage debt. The Water Enterprise Fund will use the collected annual revenue via a vote of retained earnings to offset the annual debt payments associated with the water betterment program.

FINANCE COMMITTEE VOTE: 9-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to establish a Water Enterprise Betterment Stabilization Fund pursuant to MGL Chapter 40, Section 5B. Said special purpose Stabilization Fund shall be for the payment of Water Enterprise debt service projects authorized through betterments/special assessments collected annually by the Town.

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

By a unanimous vote the RTM members approved the Finance Committee's recommendation.

ARTICLE 15 Appropriate \$75,197.91 from Water Retained Earnings to the BOARD PUBLIC WORKS Water Enterprise Stabilization Fund

To see if the Town will vote to appropriate the sum of \$75,197.91 from Water Retained Earnings to the Water Enterprise Stabilization Fund. Said sum is the collected FY11 Revenue for special assessments/betterments.

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

The Department of Revenue has recommended the use of a special purpose Stabilization Funds as a mechanism to help communities manage debt. This article will apply the prior fiscal year collected revenues from betterments, via a vote of retained earnings, to offset the upcoming year's annual debt payments associated with the water betterment program.

FINANCE COMMITTEE VOTE: 9-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$75,197.91 from Water Retained Earnings to the Water Enterprise Stabilization Fund. Said sum is the collected FY11 Revenue for special assessments/betterments.

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

By a 2/3 vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.

Town Moderator, Deborah Kohl, read a letter from the Planning Board regarding Articles 16 and 17:

June 18, 2012

*Deborah Kohl
Town Moderator
Town of North Attleborough
43 South Washington Street
North Attleborough, MA 02760*

Re: Articles Pertaining to Proposed Amendments to the North Attleborough Zoning By-Laws and Zoning Map for the June 4, 2012 Special Town Meeting

Dear Ms. Kohl:

At their meeting held on Thursday, May 17, 2012 the Planning Board voted as follows on Articles No. 16 and 17 on the June 4, 2012 Special Town Meeting Warrant to see if the Town will vote to approve proposed amendments to the Zoning By-Laws and Zoning Map:

- Article 16: The Board voted unanimously (5-0) to recommend that this article be approved as submitted.*
- Article 17: The Board voted unanimously (5-0) to recommend that this article be approved as Submitted*

On Behalf of the Planning Board,

*Mary E. Burgess
Town Planner*

ARTICLE 16 Amend Zoning Map for 416 North Washington Street BOARD OF SELECTMEN

To see if the Town will vote to amend the Zoning By-Law Map of the Town of North Attleborough, Massachusetts dated August 18, 2011, as amended by changing the zoning district of the land described as North Attleborough Assessor's Plat 8 Lot 29 located at 416 North Washington Street in said North Attleborough, from R10 to C7.5. A portion of Assessor's Map 8 depicting Lot 29 and its location is attached hereto as Exhibit "A".

Or to do or act in any manner relative thereto.

See Attached

PURPOSE AND JUSTIFICATION

Lot 29 has a house and is in a mixed business/residential use area. It lacks all minimum requirements. It has a lot size of 2360 s.f., 24% of 10,000 s.f. needed, Frontage/Width 59 ft (Need 75 ft.) Depth 29 ft. (Need 100 ft.) Front yard 5 ft. **ON RT. 1** (Need 30 ft.) Side yard 3 ft (Need 10 ft.) Back yard 7 ft. (Need 15 ft.) Part of lot 29 has been used for commercial use, parking, egress and drive thru for lot 27 for at least 31 years. See Exhibit "C". It abuts other C-7.5 lots. The adjacent C-7.5 lot 27 has a non conforming building sitting 7 ft. from the property line (Needed 25 ft. setback). The house is in need of renovations. Renovating this house having all these drawbacks would not make sense. It would be costly and very difficult to rent in the end. Upon rezoning of the lot to C-7.5 it would be joined with lot 28 and become a conforming lot and no longer be used as a nonconforming residential property. Waiting to rezone is a hardship. This location abuts other commercial uses and changing the zoning would not be detrimental to the existing uses in the neighborhood.

FINANCE COMMITTEE VOTE: 9-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Zoning By-Law Map of the Town of North Attleborough, Massachusetts dated August 18, 2011, as amended by changing the zoning district of the land described as North Attleborough Assessor's Plat 8 Lot 29 located at 416 North Washington Street in said North Attleborough, from R10 to C7.5. A portion of Assessor's Map 8 depicting Lot 29 and its location is attached hereto as Exhibit "A".

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

By a 2/3 vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.

ARTICLE 17 Amend Zoning By-Laws Section VI.H.1

PLANNING BOARD

To see if the Town will vote to amend the North Attleborough Zoning By-Laws, by removing Section VI.H.1. in its entirety and replacing it with the following:

1. any person(s) desiring approval or review of a site plan under this Section shall submit three (3) full-size copies of the plan at a scale of 1"=40', seven (7) 11"X17" copies of said plan, two copies of the Form O application for determination thereof, an initial fee in the amount as specified in the Planning Board's current Application Fee Schedule, unless waived by the Board, and 3 copies of all accessory documentation as determined by the Planning Board, directly to the Planning Board after receiving a dated receipt/stamp for plans filed with the Town Clerk.

Or to do or act in any manner relative thereto.

See Attached

PURPOSE AND JUSTIFICATION

To bring the current Zoning By-Laws in harmony with the Planning Board’s newly adopted fee schedule and revised policies and procedures for application submissions (See Exhibit A).

FINANCE COMMITTEE VOTE: 9-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: At the time of voting the Planning Board had not yet held their public hearing.

The RTM members defeated the Finance Committee’s recommendation.

Richard Peterson (P2) made a motion for affirmative action:

That the Town vote to amend the North Attleborough Zoning By-Laws, by removing Section VI.H.1. in its entirety and replacing it with the following:

- 1. *any person(s) desiring approval or review of a site plan under this Section shall submit three (3) full-size copies of the plan at a scale of 1”=40’, seven (7) 11”X17” copies of said plan, two copies of the Form O application for determination thereof, an initial fee in the amount as specified in the Planning Board’s current Application Fee Schedule, unless waived by the Board, and 3 copies of all accessory documentation as determined by the Planning Board, directly to the Planning Board after receiving a dated receipt/stamp for plans filed with the Town Clerk.*

Motion seconded.

By a 2/3 vote, declared obvious by the Moderator, the RTM members approved the motion.

ARTICLE 18 Appropriate Money into Stabilization Fund

BOARD OF SELECTMEN

To see if the Town will vote to appropriate from free cash or other available funds the sum of \$_____ to the Stabilization Fund.

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION

This article was submitted to transfer funds that were used at the Annual Town Meeting for operating budgets.

FINANCE COMMITTEE VOTE: 9-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: At the time of voting there were no available funds being recommended for appropriation.

By a majority vote the RTM members approved the Finance Committee’s recommendation.

A motion to Adjourn Sine Die was approved by a majority vote of the RTM members at 8:28 PM.