

**PROCEEDINGS  
SPECIAL TOWN MEETING  
JUNE 6, 2011**

On Monday, June 6, 2011, Town Clerk, Maxwell G. Gould opened the Special Town Meeting at 7:11 PM by announcing "With 92 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:

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

**MONDAY, JUNE 6, 2011**

**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 6TH OF JUNE 2011 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 28, 2011

NORTH ATTLEBOROUGH BOARD OF SELECTMEN

John C. Rhyno, Chairman

Christopher L. Sweet, Vice-Chairman

Paul J. Belham

Joan Marchitto

Michael S. Thompson

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,  
ConstableTown of North Attleborough



**ARTICLE 2 Appropriate Funds for Prior Fiscal Year Bill**

**HUMAN RESOURCES**

To see if the town will vote to appropriate \$2,478.68 for unpaid bill relating to expenses incurred in prior fiscal year, and to determine whether said sum shall be paid from free cash, transfer from available funds or otherwise.

Or to do or act in any manner relative thereto.

Human Resources

**PURPOSE AND JUSTIFICATION**

To pay for adjustment to Unemployment billing which occurred prior to July 2010, due to billing error with the new on-line QUEST System.

**FINANCE COMMITTEE VOTE: 7-0**

**9/10 VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$2478.68 for unpaid bills relating to expenses incurred in prior fiscal years. Said sum to be paid from free cash.**

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

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

**ARTICLE 3 Appropriate Funds for Prior Fiscal Year Legal Bill**

**TREASURER/COLLECTOR**

To see if the town will vote to vote to appropriate the sum of \$325.00 for an unpaid bill relating to expenses incurred in prior fiscal years, and to determine whether said sum shall be paid from free cash, transfer of available funds or otherwise.

Or to do or act in any manner relative thereto.

Treasurer/Tax Collector

See Attached

**PURPOSE AND JUSTIFICATION**

To pay for legal expenses related to a tax title account from February 12, 2010. The invoice was never received and the vendor recently brought the unpaid balance to my attention. These services represent a legitimate municipal obligation.

**FINANCE COMMITTEE VOTE: 7-0**

**9/10 VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$325.00 for an unpaid bill relating to expenses incurred in prior fiscal years. Said sum to be paid from free cash.**

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

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

**ARTICLE 4 Appropriate Funds for Purchase of Five Police Cruisers**

**B.O.S.**

To see if the town will vote to appropriate the sum of \$150,000 for the purchase of police cruisers, including the payment of all costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise.

Or to do or act in any manner relative thereto.

Board of Selectmen

**PURPOSE AND JUSTIFICATION: To purchase 5 cruisers.**



**FINANCE COMMITTEE VOTE: 7-0**

**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.

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

**ARTICLE 7 Supplement Various Departments Operating Budgets**

**B.O.S.**

To see if the town will vote to supplement various departmental operating budgets. Said sum to be funded from Free Cash, Overlay Surplus or transferring from other available funds.

Or to do or act in any manner relative thereto.

Board of Selectmen

**PURPOSE AND JUSTIFICATION**

This article will be necessary for the town departments to meet the operational expenses for the fiscal year end.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** At the time of voting there were no known budgetary shortfalls.

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

**ARTICLE 8 Amend the Scope of FY10 Article 6 (CIP) , Part III, Item 26 POLICE DEPARTMENT**

To see if the town will vote to amend Article 6, Part III, Item #26 of the Annual Town Meeting for FY10 CIP (June 2009, Annual Town Meeting) by amending the description of the scope of the project to include "Ballistic Shields".

Or to do or act in any manner relative thereto.

Police Department

**PURPOSE AND JUSTIFICATION**

Ballistic shields have proven to be a very valuable asset to patrol officers, detectives and any special operations team. Ballistic shields have gone from heavy, cumbersome shields to lightweight versions offering the same physical protection from many different types of life threatening projectiles. To ensure that our officers are as safe as possible while on the streets, patrol use of lightweight and portable ballistic shields is a necessity – similar to the philosophy incorporated when concealable body armor was first introduced for daily patrol wear. Because officers have used shields to protect themselves from a wide range of weaponry for many years, as more powerful guns become more widespread, the extra protection provided by shields has become a necessity for daily patrol usage by every officer. Our current cumbersome, heavy shields have outlasted their use and it has become a life saving necessity to incorporate more efficient, lightweight and safer shields for daily patrol usage.

**FINANCE COMMITTEE VOTE: 6-1**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Article 6, Part III, Item #26 of the Annual Town Meeting for FY10 CIP (June 2009, Annual Town Meeting) by amending the description of the scope of the project to include "Ballistic Shields".**

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

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

**ARTICLE 9 Supplement Snow & Ice Budget**

**B.O.S.**

To see if the town will vote to amend Article 5 of the FY 2011 Annual Town Meeting by appropriating free cash or transfer from available funds, the sum of \$ \_\_\_\_\_ to Line 423, Snow & Ice.

Or to do or act in any manner relative thereto.

Board of Selectmen

**PURPOSE AND JUSTIFICATION**

The cost of road salt, labor and fuel related to snow removal work for this fiscal year has exceeded the appropriation.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** This item was handled under Article 16 of the Annual Town Meeting.

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

**ARTICLE 10 Transfer Funds from Street Lighting to Legal Services**

**B.O.S.**

To see if the town will vote to amend Article 5 of FY11 Annual Town Meeting by transferring \$10,000 from Board of Selectmen Department Line Item 122M Street Lighting Account to Legal Department Line Item 150B Legal Services General Expenses.

Or to do or act in any manner relative thereto.

Board of Selectmen

**PURPOSE AND JUSTIFICATION**

This account is used to pay for legal services for Town Counsel and the Labor Attorney. Due to a higher than usual number of union issues and employee issues, the original anticipated budget will need to be increased to meet the additional expenses associated with the work performed by the Town’s Labor Attorney.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to transfer \$10,000 from Board of Selectmen Department Line Item 122M Street Lighting Account to Legal Department Line Item 150B Legal Services General Expenses.**

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

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

**ARTICLE 11 Establish Other Post Employment Benefits Liability Trust Fund**

**B.O.S.**

To see if the town will vote to accept M.G.L. Chapter 32B, Section 20 for the purpose of establishing an OPEB (Other Post Employment Benefits) Liability Trust Fund and a funding schedule for the employees of the Town and their dependents.

Or to do or act in any manner relative thereto.

Board of Selectmen

**PURPOSE AND JUSTIFICATION**

GASB 45 (Governmental Accounting Standards Board) is an accounting and financial reporting provision requiring government employers to measure and report the liabilities associated with other (than pension) postemployment

benefits (OPEB). The potential magnitude of the Town's obligations for post-employment benefits needs to be measured to provide the town with the potential financial obligation for the future. The Town needs to recognize the cost of OPEB benefits and determine the course of action in planning for the long term financial liability. The acceptance of this M.G.L. and establishment of the trust fund is the first step in the process.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to accept M.G.L. Chapter 32B, Section 20 for the purpose of establishing an OPEB (Other Post Employment Benefits) Liability Trust Fund and a funding schedule for the employees of the Town and their dependents.**

**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 Remove Town By-law Requirement to Advertise Budget & CIP  
Recommendations**

**B.O.S.**

To see if the town will vote to delete in its entirety the following by-law:

Article III, Section 1, Paragraph L.

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

Or to do or act in any manner relative thereto.

Board of Selectmen

**PURPOSE AND JUSTIFICATION**

The cost associated with publishing the recommendations is expensive and will continue to rise each year. 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 meetings' recommendations. 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. In Fiscal Year 2010, the cost of printing in the local newspaper was approximately \$2,300.00.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to delete in its entirety the following by-law:**

**Article III, Section 1, Paragraph L.**

**"A summary of the sources of revenue, proposed department budgets submitted to the Finance Committee, and the Finance Committee's recommendations shall be published in a newspaper of general circulation at least seven (7) days prior to the Annual Town Meeting."**

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

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

**ARTICLE 13 Amend Article 14 of January 10, 2011 Special Town Meeting**

**SCHOOL DEPT.**

To see if the town will vote to amend in its entirety the vote adopted under Article 14 of the January 10, 2011 Special Town Meeting pursuant to which the Town authorized a borrowing in the amount of \$495,000 to pay costs for window and door replacements at the Falls Elementary School to read as follows:

That the Town hereby appropriates the sum of Seven Hundred Ten Thousand Dollars (\$710,000), to be expended under the direction of the School Building Committee to pay costs for window and door replacements at the Falls Elementary School, located at 2 Jackson Street. This proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the educational program, for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"); that to meet said appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Town acknowledges that the MSBA grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 52.06 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that 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 and the MSBA. No funds shall be borrowed or expended hereunder unless and until the Town shall have entered into a Project Funding Agreement or any similar agreement with the MSBA for the receipt of grant funds in aid of this project.

Or to do or act in any manner relative thereto.

School Committee

#### **PURPOSE AND JUSTIFICATION**

The reason for this request is because, due to the Massachusetts "Stretch Energy Code Regulations", the current Glass block walls within the stairwells are not energy efficient and need to be replaced. The glass block walls within the stairwells at the Falls Elementary School were not originally planned to be replaced, although the windows within these walls were included. The Abatement costs have also increased due to the presence of lead and PCB's. The existing window shades will also need to be replaced, as they will not fit the new aluminum window frames.

We have been approved for a 52.06% MSBA reimbursement for this project.

#### **FINANCE COMMITTEE VOTE: 7-0**

#### **2/3 ROLL CALL VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town hereby appropriates the sum of Seven Hundred and Ten Thousand Dollars (\$710,000), to be expended under the direction of the School Building Committee to pay costs for window and door replacements at the Falls Elementary School, located at 2 Jackson Street. This proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the educational program, for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"); that to meet said appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Town acknowledges that the MSBA grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 52.06 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that 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 and the MSBA. No funds shall be borrowed or expended hereunder unless and until the Town shall have entered into a Project Funding Agreement or any similar agreement with the MSBA for the receipt of grant funds in aid of this project.

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

**By a Roll Call Vote the RTM members approved the Finance Committee's recommendation. Total voting = 93. 2/3 majority required = 62. Yes = 90, No = 3.**

**A motion to Adjourn Sine Die was approved by a majority vote of the RTM members at 9:50 PM.**