

**PROCEEDINGS
SEMI-ANNUAL TOWN MEETING
OCTOBER 15, 2012**

On Monday, October 15, 2012, Town Clerk, Maxwell G. Gould, opened the Semi-Annual Town Meeting at 7:10 PM by announcing, "With 113 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 in the Armed Forces.

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

**NORTH ATTLEBOROUGH WARRANT
FOR THE REPRESENTATIVE SEMI-ANNUAL TOWN MEETING**

MONDAY, OCTOBER 15, 2012

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 15th OF OCTOBER 2012 A.D.

At 7:10 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 August 23, 2012

NORTH ATTLEBOROUGH BOARD OF SELECTMEN
Michael S. Thompson, Chairman
Paul J. Belham, Sr., Vice-Chairman
Joan Marchitto
John C. Rhyno
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,
Constable, Town of North Attleborough

Robert Nerz (P7) made a motion as follows:

I move that the Town Meeting adopt the Bourne Amendment: That any motion to increase the amount of money recommended for an article must specify where the additional monies will come from.

Motion seconded

Motion carried

Robert Nerz (P7) made a motion as follows:

I move that the Town Meeting adopt the procedural rule: That the count of a super majority vote, when declared obvious by the Moderator, shall not be taken unless requested by seven or more RTM Members.

Motion seconded

Motion carried

Donald Bates (P8) made a motion to table Article 1

Motion seconded

Motion carried

Article 1 was taken up following action on Article 22 which was the end of the Warrant.

ARTICLE 1 AFSCME CONTRACT

HUMAN RESOURCES

To see if the Town will vote to appropriate a sum of money to supplement the budgets of various departments for the purpose of financing any changes made in the Personnel By-laws, as a result of Collective Bargaining and otherwise for salary increases for AFSCME Local 1702 and to determine how said appropriation shall be raised, whether by taxation, transfer from available funds or otherwise.

PURPOSE AND JUSTIFICATION: To fund contract effective July 1, 2012

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$33,630.00 to supplement the budgets of various departments for the purpose of financing any changes made in the Personnel By-Laws, as a result of Collective Bargaining for salary increases for AFSCME Local 1702. \$28,275.00 to be paid from Free Cash, \$2,310.00 from Solid Waste Enterprise Retained Earnings, \$2,415.00 from Water Enterprise Retained Earnings and \$630.00 from Sewer Enterprise Retained Earnings.

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

By a majority vote, obvious to the Moderator, the RTM Members approved the Finance Committee’s Recommendation for Article 1.

Donald Bates (P8) made a motion to move Articles 2, 6, 8, 9, 11, 21, & 22 to the end of the warrant.

Motion seconded

Motion carried

Article 2 was taken up following action on Article 22 which was the end of the Warrant.

ARTICLE 2 PTS SALARY INCREASES

HUMAN RESOURCES

To see if the Town will vote to appropriate a sum of money to supplement the budgets of various departments for the salary increases for personnel under the Personnel By-laws, “PTS” Classification, to amend the “PTS” wage and salary scale by the percentage increase approved by the Town Meeting and to determine how said appropriation shall be raised, whether by taxation, transfer from available funds or otherwise.

PURPOSE AND JUSTIFICATION

To provide funds to allow an increase for the Part-time and Seasonal Employees, effective July 1, 2012.

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$7,342.83 to supplement the budgets of various departments for the salary increases for personnel under the Personnel By-laws, "PTS" Classification, to amend the "PTS" wage and salary scale by an increase of 1.5%. \$6,803.63 to be paid from Free Cash, and \$539.20 from the Solid Waste Enterprise Retained Earnings.

FINANCE COMMITTEE REASON: At the time of voting, free cash had not been certified.

By a majority vote, obvious to the Moderator, the RTM Members approved the Finance Committee's Recommendation.

ARTICLE 3 PATROLMAN'S CONTRACT

HUMAN RESOURCES

To see if the Town will vote to appropriate a sum of money to supplement the budget of the Police Department for the purpose of financing any changes made in the Personnel By-laws, as a result of Collective Bargaining and otherwise for salary increases for Police Officers Association Local 550 and to determine how said appropriation shall be raised, whether by taxation, transfer from available funds or otherwise.

PURPOSE AND JUSTIFICATION: To fund contract effective 7/1/09.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: At the time of voting the contract had not been settled.

By a majority vote, obvious to the Moderator, the RTM Members approved the Finance Committee's Recommendation.

ARTICLE 4 PROFESSIONAL POLICE CONTRACT

HUMAN RESOURCES

To see if the Town will vote to appropriate a sum of money to supplement the budget of the Police Department for the purpose of financing any changes made in the Personnel By-laws, as a result of Collective Bargaining and otherwise for salary increases for Professional Police Officers' Association Local 280 and to determine how said appropriation shall be raised, whether by taxation, transfer from available funds or otherwise.

PURPOSE AND JUSTIFICATION: To fund contract effective 7/1/09.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: At the time of voting the contract had not been settled.

By a majority vote, obvious to the Moderator, the RTM Members approved the Finance Committee's Recommendation.

ARTICLE 5 FIRE DEPARTMENT CONTRACT

HUMAN RESOURCES

To see if the Town will vote to appropriate a sum of money to supplement the budgets of the Fire Department and Ambulance for the purpose of financing any changes made in the Personnel By-laws, as a result of Collective Bargaining and otherwise for salary increases for Firefighters Local 1992 and to determine how said appropriation shall be raised, whether by taxation, transfer from available funds or otherwise.

PURPOSE AND JUSTIFICATION: To fund contract effective July 1, 2011

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: At the time of voting the contract had not been settled.

By a majority vote, obvious to the Moderator, the RTM Members approved the Finance Committee's Recommendation.

Article 6 was taken up following action on Article 22 which was the end of the Warrant.

ARTICLE 6 LABORERS' CONTRACT

HUMAN RESOURCES

To see if the Town will vote to appropriate a sum of money to supplement the budgets of various departments for the purpose of financing any changes made in the Personnel By-laws, as a result of Collective Bargaining and otherwise for salary increases for Laborers Local 1144 and to determine how said appropriation shall be raised, whether by taxation, transfer from available funds or otherwise.

PURPOSE AND JUSTIFICATION: To fund contract effective July 1, 2011

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$26,964.20 to supplement the budgets of various departments for the purpose of financing any changes made in the Personnel By-Laws, as a result of Collective Bargaining for salary increases for Laborers' Local 1144. \$12,189.94 to be paid from Free Cash, \$8,392.87 from Water Enterprise Retained Earnings and \$6,381.39 from Sewer Enterprise Retained Earnings.

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

By a majority vote, obvious to the Moderator, the RTM Members approved the Finance Committee's Recommendation.

ARTICLE 7 SUPPLEMENT CO-PAY REIMBURSEMENTS /NAED

BOARD OF SELECTMEN

To see if the Town will vote to transfer the sum of \$11,382.76 to supplement Article 6 of the March 26, 2012 Special Town Meeting established to offset medical co-pay reimbursements for employees of the Town of North Attleborough throughout all divisions. This funding will support those expenses directly related to the co-pay reimbursement of employees of the North Attleborough Electric Department for FY13 and will be appropriated from the receipts of the plant by vote of the Board of Electric Light Commissioners.

PURPOSE AND JUSTIFICATION: The funds will cover the cost of potential co-pay reimbursements per the terms of an agreement negotiated with the Electric Department unions in settlement of negotiations around the impact of co-pay increases.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$11,382.76 to supplement Article 6 of the March 26, 2012 Special Town Meeting established to offset medical co-pay reimbursements for employees of the Town of North Attleborough throughout all divisions. This funding will support those expenses directly related to the co-pay reimbursement of employees of the North Attleborough Electric Department for FY13. Said sum to be appropriated from the receipts of the plant by vote of the Board of Electric Light Commissioners.

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

By a majority vote, obvious to the Moderator, the RTM Members approved the Finance Committee's Recommendation.

Article 8 was taken up following action on Article 22 which was the end of the Warrant.

ARTICLE 8 APPROPRIATE FUNDS FOR OVERLAY DEFICIT BOARD OF ASSESSORS

To see if the Town will vote to appropriate the sum of \$71,512.64. Said sum to fund the overlay deficits of prior years: Fiscal 2010, \$31,878.03, and Fiscal 2012, \$39,634.61. Said sum to be funded from free cash, stabilization, taxation, or other available funds.

PURPOSE AND JUSTIFICATION: The appropriation of the requested funds will fund the overlay deficits of prior years. The deficits are a result of the recent settlement of the fiscal 2009, 2010, and 2011 Appellate Tax Board Cases, and the Fiscal 2012 abatement settlement agreement with the Emerald Square Mall

FINANCE COMMITTEE VOTE: 6-0 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$71,512.64 to fund the overlay deficits of prior years: Fiscal 2010, \$31,878.03, and Fiscal 2012, \$39,634.61. Said sum to be paid from free cash.

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

By a majority vote, obvious to the Moderator, the RTM Members approved the Finance Committee's Recommendation.

Article 9 was taken up following action on Article 22 which was the end of the Warrant.

ARTICLE 9 APPROPRIATE FUNDS TO SUPPLEMENT BUDGETS BOARD OF SELECTMEN

To see if the Town will vote to appropriate a sum of money to supplement various FY13 departmental operating budgets. Said sum to be funded by taxation, free cash or other available funds.

PURPOSE AND JUSTIFICATION: This article was submitted to facilitate the operating expenses for various departments for the fiscal year.

FINANCE COMMITTEE VOTE: 6-0 MAJORITY ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$125,652.00 to supplement the following departmental budgets. Said sums to be paid from free cash.

Line 122A – Board of Selectmen Salaries (for Salary Reserves)	\$80,600.00
Line 132A – Reserve Fund	\$12,000.00
Line 135A – Town Accountant Salaries	\$33,052.00

**By a roll call vote the RTM Members approved the Finance Committee's recommendation.
96 Members voting; Majority Required = 49; Yes 92 / No 4**

ARTICLE 10 APPROPRIATE FUNDS TO SUPPLEMENT LIABILITY & PROPERTY INSURANCE ACCOUNT BOARD OF SELECTMEN

To see if the Town will vote to appropriate a sum of money to supplement Department #945 Liability and Property Insurance – General Expenses. Said sum to be transferred from taxation, free cash or other available funds.

PURPOSE AND JUSTIFICATION: The Worker's Compensation Insurance Carrier has increased the premium for fiscal year 2013 due to a change mandated by the state. The experience modification for the Town was amended and increased resulting in a change in the premium.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: This article was indefinitely postponed at the request of the petitioner.

By a majority vote, obvious to the Moderator, the RTM Members approved the Finance Committee's Recommendation.

Article 11 was taken up following action on Article 22 which was the end of the Warrant.

**ARTICLE 11 APPROPRIATE FUNDS INTO PUBLIC PROPERTY
GENERAL EXPENSE ACCOUNT**

BOARD OF SELECTMEN

To see if the Town will vote to appropriate the sum of \$500.00 to Division 122, Line 122E Public Property General Expenses. Said sum to be transferred from free cash or available funds.

PURPOSE AND JUSTIFICATION: A security system was installed at the LeStage property and is monitored monthly by an outside contractor. Additional money to the account is required to pay the charges.

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$500 to supplement the Board of Selectmen/Town Hall Public Property account (Line #122E). Said sum to be paid from free cash.

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

By a majority vote, obvious to the Moderator, the RTM Members approved the Finance Committee's Recommendation.

**ARTICLE 12 APPROPRIATE FUNDS FOR ANIMAL SHELTER
ADDITION AND RENOVATION**

BOARD OF SELECTMEN

To see if the Town will vote to appropriate a sum of money to supplement (original amount \$400,000.00) Article 6 of June 6, 2010 ATM for CIP, Part 3, Item 35 for the North Attleborough Animal Shelter Addition and Renovation project. Said sum to be transferred from the Sale of Real Estate Receipts Reserved for Appropriation Fund under MGL Ch 44, Section 63.

PURPOSE AND JUSTIFICATION: The Animal Shelter project budget needs to be increased to allow for additional expenses related to the actual construction, and including the temporary relocation of the shelter to other Town owned property. Prior to Town Meeting bids will be opened for this project. It is expected that the bids will exceed \$500,000 currently available through borrowing (400K) and donations (100K).

FINANCE COMMITTEE VOTE: 6-2

MAJORITY ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$250,000.00 to supplement (original amount \$400,000.00) Article 6 of June 7, 2010 ATM for CIP, Part 3, Item 35 for the North Attleborough Animal Shelter Addition and Renovation project. Said sum to be transferred from the Sale of Real Estate Receipts Reserved for Appropriation Fund under MGL Ch 44, Section 63.

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

By a unanimous vote the RTM Members approved the Finance Committee's Recommendation.

ARTICLE 13 APPROPRIATE FUNDS FOR SCHOOL FIRE ALARMS

BOARD OF SELECTMEN

To see if the Town will vote to appropriate a sum of money to supplement Article 15 of the January 10, 2011 Special Town Meeting for the school fire alarm project. Said sum to be funded by taxation, free cash, and other available funds, borrowing or otherwise and will be under the jurisdiction of the Municipal Building Committee.

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION: Over the past five years, the Town has appropriated \$823,000 for the updating of the fire alarm systems in all of the Town’s schools; with the exception of the Middle School. To date the Town has been able to complete the following: Engineering for all schools - \$130,880 and Fire Alarms/Fire Doors replacement at Falls and Community Schools - \$603,130. The next two projects scheduled for the summer of 2013 are at Roosevelt Avenue and the High School. The estimated cost for Roosevelt is \$140K and the present balance of available funds is \$88,990. An additional \$51K is needed to complete the project. The cost of the High School update will be included in the High School Lab Renovation Project. The balance of the projects to be completed in the summer of 2014 (Amvet, ELC, Allen Avenue) the estimated cost is in the vicinity of \$425K and will be funded through the FY2014 CIP.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That \$51,000 is appropriated to supplement the costs of the school fire alarm projects originally authorized under Article 15 of the January 10, 2011 Special Town Meeting, said funds to be expended at the Roosevelt Avenue School, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow a total of \$51,000 under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

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 14 APPROPRIATE FUNDS FOR PHASE 1 OF DOWNTOWN MAINTENANCE & REHAB. PROJECT

BOARD OF SELECTMEN

To see if the Town will vote to appropriate the sum of \$115,000.00 for the engineering and design for the Downtown Maintenance and Rehabilitation Renovation Project Phase One. Said sum to be borrowed by the Treasurer with the approval of the Board of Selectmen. Said sum to be under the jurisdiction of the Board of Selectmen.

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION: The need to maintain and enhance the downtown area for continued growth and sustainability must be addressed by the Town to promote future prosperity. The merchants and businesses is an integral part of our community and it is incumbent upon the Town to form a partnership with this community. This article is proposing Phase One of a multi-year project that will include upgrading parking areas, sidewalks and road construction.

FINANCE COMMITTEE VOTE: 8-0

2/3 ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That \$115,000 is appropriated to pay costs of engineering and design for the Downtown Maintenance and Rehabilitation Renovation Project Phase One, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(22) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

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

By a roll call vote the RTM Members approved the Finance Committee’s Recommendation.

112 Members voting; 2/3 Required = 75; Yes 110 / No 2

ARTICLE 15 APPROPRIATE FUNDS FOR H.S. SCIENCE LAB

SCHOOL COMMITTEE

To see if the Town will vote to appropriate, borrow or transfer from available funds, the sum of Six Million Dollars (\$6,000,000.00) to be expended under the direction of the School Building Committee for the North Attleborough High School Science Lab project located at 1 Wilson Whitty Way, North Attleborough, MA 02760 for which the Town may be eligible for a grant from the Massachusetts School Building Authority (MSBA). 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 excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 52.06% of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

MOTION

That the *Town of North Attleborough* appropriate the amount of Six Million, Dollars (\$6,000,000) for the purpose of paying costs of the North Attleborough High School Science Lab project, located at One Wilson W. Whitty Way, North Attleborough, MA 02760. The project will be a renovation of the existing High School to replace the currently deficient science labs with 12 state of the art science labs, including the payment of all costs incidental or related thereto (the “Project”). The 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* may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of *the 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 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 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 *Town* may receive from the MSBA for the Project shall not exceed the lesser of (1) 52.06% of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½); 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.

PURPOSE AND JUSTIFICATION: The purpose of this project will be to renovate the existing High School to replace the currently deficient science labs with 12 state of the art science labs. The renovation is necessary to provide an optimal learning environment that meets the educational program of North Attleborough School District. The 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 may be eligible for a school construction grant from the Massachusetts School Building Authority (MSBA). The project may be eligible for 52.06% reimbursement through a grant from the Massachusetts School Building Authority if this project is 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 project costs the Town incurs in excess of any grant approved by and received from MSBA shall be the sole responsibility of the Town of North Attleborough. Any grant that the Town may receive from the MSBA for the project shall not exceed the lesser of (1) 52.06% of eligible, approved projects costs, as determined by the MSBA or (2) the total maximum grant amount determined by the MSBA.

FINANCE COMMITTEE VOTE: 7-1

2/3 ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the *Town of North Attleborough* appropriate the amount of Six Million Dollars (\$6,000,000) for the purpose of paying costs of the North Attleborough High School Science Lab project, located at One Wilson W. Whitty Way, North Attleborough, MA 02760. The project will be a renovation of the existing High School Science Labs which are deficient and fail to meet the academic needs of the students of North Attleboro. The renovation will include 12 state-of-the-art science labs, including the payment of all costs incidental or related thereto (the “Project”). The proposed renovation 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* may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the *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 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 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 *Town* may receive from the MSBA for the Project shall not exceed the lesser of (1) 52.06% 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.

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

By a roll call vote the RTM Members approved the Finance Committee’s Recommendation.

112 Members voting; 2/3 Required = 75; Yes 110 / No 2

ARTICLE 16 AMEND ZONING BY-LAWS USE SCHEDULE – FARM STAND BUILDING INSPECTOR

To see if the Town will vote to amend the Zoning By-Laws of the Town of North Attleborough by adding the following accessory use, to Section V. USE REGULATIONS, SCHEDULE B.

Accessory Use:

****#24 Farm Stand:	R10	R10S	R15	R20	R40	C7.5	C30	C60	OP60	IC30	I60
	P	P	P	P	P	-	-	-	-	-	-

**** Must be a Minimum one acre (43,560 square feet) parcel

PURPOSE AND JUSTIFICATION: To allow property owners with a minimum of a one acre (43,560 square feet) parcel of land to grow, harvest, and sell produce (vegetables and fruit only) that have been produced by the owner of the land on which the residential structure is located.

FINANCE COMMITTEE VOTE: 7-1

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Zoning By-Laws of the Town of North Attleborough by adding the following accessory use, to Section V. USE REGULATIONS, SCHEDULE B.

Accessory Use:

****#24 Farm Stand:	R10	R10S	R15	R20	R40	C7.5	C30	C60	OP60	IC30	I60
	P	P	P	P	P	-	-	-	-	-	-

**** Must be a minimum one acre (43,560 square feet) parcel

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

Deborah Kohl, Town Moderator, read the Planning Board letter regarding Articles 16 and 17 into the record of the meeting.

By a 2/3’s majority vote, obvious by the Moderator, the RTM Members approved the Finance Committee’s Recommendation.

Walter St. Lawrence (P2) and at least 18 RTM Members questioned the vote and the Moderator caused a recount to be taken.

**By a 2/3's majority vote the RTM Members approved the Finance Committee's Recommendation.
Total voting 103; 2/3 Required = 69; Yes 75 / No 28**

Charles Beale (P9) made a motion to reconsider Article #16.

Motion failed

On Wednesday, October 17, 2012, following action on Article 17, Marie Clarner (P1) made a motion to reconsider Article 16.

Motion seconded

By a 2/3's majority vote, obvious by the Moderator, the RTM Members approved the motion to reconsider Article 16.

With less than the required 2/3's majority vote, obvious to the Moderator, the RTM Members defeated the Finance Committee's Recommendation on Article 16.

ARTICLE 17 AMEND ZONING BY-LAWS DEFINITIONS – FARM STAND BUILDING INSPECTOR

To see if the Town will vote to amend the Zoning By-Laws of the Town of North Attleborough by adding the following definitions, to Section IX. DEFINITIONS, B. Selected Words and Terms:

Farm Stand: A temporary open air stand or place, approved by the Building Inspector, for the seasonal retail sales (June 15 – October 31) of agricultural produce (including fruits and vegetables only), that have been produced by the owner of the property on which the stand is located. A farm stand is portable, no larger than 200 square feet, and capable of being easily dismantled or removed from the site.

PURPOSE AND JUSTIFICATION: To define the farm stand for the proposed Zoning By-Law, Section V, Use Regulations, Schedule B #24

FINANCE COMMITTEE VOTE: 7-1

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Zoning By-Laws of the Town of North Attleborough by adding the following definition, to Section IX. DEFINITIONS, B. Selected Words and Terms:

Farm Stand: A temporary open air stand or place, approved by the Building Inspector, for the seasonal retail sales (June 15 – October 31) of agricultural produce (including fruits and vegetables only), that have been produced by the owner of the property on which the stand is located. A farm stand is portable, no larger than 200 square feet, and capable of being easily dismantled or removed from the site.

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

At 10:00 PM the Town Meeting was adjourned until 7 PM on Wednesday October 17, 2012.

On Wednesday, October 17, 2012, Town Clerk, Maxwell G. Gould, re-opened the Semi-Annual Town Meeting at 7:08 PM by announcing, "With 97 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 in the Armed Forces.

Discussion resumed on Article 17.

By a 2/3's majority vote, obvious to the Moderator, the RTM Members defeated the Finance Committee's Recommendation on Article 17.

Marie Clarner (P1) made a motion to reconsider Article 16.
Motion seconded

By a 2/3's majority vote, obvious to the Moderator, the RTM Members approved the motion to reconsider Article 16 which was then acted upon.

ARTICLE 18 AMEND TOWN BY-LAWS – FIRE DEPARTMENT

PETITION

To see if the Town will vote to amend Article 12, Section 5 (Fire Department) by deleting the present bylaw (sections a-e, inclusive) and replacing it as follows:

Section 5. FIRE DEPARTMENT

a. The Fire Chief, all permanent full-time members and permanent intermittent firefighters of the Fire Department shall be appointed by the Board of Selectmen in accordance with provisions of the Massachusetts Civil Service Laws and Rules.

The Chief shall be responsible to the Board of Selectmen and shall submit an annual report and such other lawful reports as may be required or requested to the Board of Selectmen.

b. The Fire Chief is the chief administrative officer of the Department and the departmental authority in all matters of policy, operations and discipline. He exercises all lawful powers of his office and issues such lawful orders as are necessary to assure the effective performance of the Department.

c. The Fire Chief shall have charge and jurisdiction over all firefighters, and all facilities and equipment of the Fire Department in fighting fires or other hazards coming within the province and responsibility of the Department.

d. All permanent full time firefighters shall be employed by the Town of North Attleborough in accordance with the provisions of the Massachusetts Civil Service Laws and Rules, and shall receive such compensation as the Board of Selectmen may determine subject to applicable law(s) and Collective Bargaining agreement(s).

PURPOSE AND JUSTIFICATION: The proposed amendment to the bylaw is designed to have the Board of Selectmen oversee the Fire Department, in the same manner as the Board oversees the Police Department.

Currently, the Board of Selectmen provide recommendations to the Finance Committee and Town Meeting relative to the Fire Department's operating budget and capital improvements and negotiate all labor agreements involving Fire Department personnel.

FINANCE COMMITTEE VOTE: 6-2

MAJORITY

VOTEFINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town By-Laws, Article 12, Section 5 (Fire Department) by deleting the present bylaw (sections a-e, inclusive) and replacing it as follows:

Section 5. FIRE DEPARTMENT

a. The Fire Chief, all permanent full-time members and permanent intermittent firefighters of the Fire Department shall be appointed by the Board of Selectmen.

The Chief shall be responsible to the Board of Selectmen and shall submit an annual report and such other lawful reports as may be required or requested to the Board of Selectmen.

b. The Fire Chief is the chief administrative officer of the Department and the departmental authority in all matters of policy, operations and discipline. He exercises all lawful powers of his office and issues such lawful orders as are necessary to assure the effective performance of the Department.

c. The Fire Chief shall have charge and jurisdiction over all firefighters, and all facilities and equipment of the Fire Department in fighting fires or other hazards coming within the province and responsibility of the Department.

d. All permanent full time firefighters shall be employed by the Town of North Attleborough in accordance with the provisions of the Massachusetts Civil Service Laws and Rules, and shall receive such compensation as the Board of Selectmen may determine subject to applicable law(s) and Collective Bargaining agreement(s).

FINANCE COMMITTEE REASON: The majority of the Committee felt that it makes sense that both the Fire & Police Department are managed in the same way.

**By a majority vote the RTM Members approved the Finance Committee's recommendation.
95 Members voting; Majority Required 48; Yes 51 / No 44**

ARTICLE 19 APPROPRIATE FUNDS INTO SEWER BETTERMENT BOARD PUBLIC WORKS

To see if the Town will vote to appropriate the sum of \$89,335.00 to the Sewer Betterment Stabilization Fund. Said sum to be funded from Sewer Enterprise Retained Earnings.

PURPOSE AND JUSTIFICATION: This is an annual appropriation made to fund the Sewer Betterment Stabilization Fund as a result of the free cash/retained earnings certification. This above amount is derived from revenues collected during FY12 for special assessments.

FINANCE COMMITTEE VOTE: 8-0 2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$89,335.00 to the Sewer Betterment Stabilization Fund. Said sum to be funded from Sewer Enterprise Retained Earnings.

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

By a 2/3's majority vote, obvious to the Moderator, the RTM Members approved the Finance Committee's Recommendation.

ARTICLE 20 APPROPRIATE FUNDS INTO WATER BETTERMENT BOARD OF PUBLIC WORKS

To see if the Town will vote to appropriate the sum of \$59,925.07 to the Water Enterprise Betterment Stabilization Fund. Said sum to be funded from Water Enterprise Retained Earnings.

PURPOSE AND JUSTIFICATION: This is an annual appropriation made to fund the Water Enterprise Betterment Stabilization Fund as a result of the free cash/retained earnings certification. This above amount is derived from revenues collected during FY12 for special assessments.

FINANCE COMMITTEE VOTE: 8-0 2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$59,925.07 to the Water Enterprise Betterment Stabilization Fund. Said sum to be funded from Water Enterprise Retained Earnings.

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

By a 2/3's majority vote, obvious to the Moderator, the RTM Members approved the Finance Committee's Recommendation.

ARTICLE 21 APPROPRIATE FUNDS INTO BETTERMENT STABILIZATION TOWN ACCOUNTANT

To see if the town will vote to appropriate the sum of \$121,625.77 to the Betterment Stabilization Fund. Said sum to be funded by free cash.

PURPOSE AND JUSTIFICATION: This is an annual appropriation made to fund the Betterment Stabilization Fund as a result of the free cash certification. The above amount is derived from those local receipts collected during FY12 for special assessments.

FINANCE COMMITTEE VOTE: 6-0

2/3 ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$121,625.77 into the Betterment Stabilization Fund. Said sum to be paid from free cash.

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

By a unanimous vote the RTM Members approved the Finance Committee's Recommendation.

ARTICLE 22 STABILIZATION ACCOUNT

BOARD OF SELECTMEN

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

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

FINANCE COMMITTEE VOTE: 6-0

2/3 ROLL CALLVOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$1,233,976.12 into the Stabilization Fund. Said sum to be paid from Free Cash.

FINANCE COMMITTEE REASON: The committee feels that it's important to replenish the Towns Stabilization account.

By a unanimous vote the RTM Members approved the Finance Committee's Recommendation.

Charles Beale (P9) made a motion to take Article 1 off the table.

Motion seconded

Motion carried

Articles 1, 2, 6, 8, 9, and 11 were acted upon at this point in the meeting.

A motion to Adjourn Sine Die was approved by a majority vote of the RTM members at 9:25 PM.