

**PROCEEDINGS
SEMI-ANNUAL TOWN MEETING
OCTOBER 21, 2013**

On Monday, October 21, 2013, Moderator, Deborah Kohl called the meeting to order at 7:08 PM.

Town Clerk, Maxwell G. Gould, reported: *“With 95 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 21, 2013
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 21st of October 2013 A.D.

At 7:08 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. 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 29, 2013.

NORTH ATTLEBORO BOARD OF SELECTMEN

Paul J. Belham Sr., Chairman

Joan Marchitto, Vice-Chairman

John C. Rhyno

Mark Williamson

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

PURPOSE AND JUSTIFICATION: This article is for the payment of Payments in Lieu of Taxes (PILOT) for properties owned by the Town of North Attleborough Water Division within the Town of Plainville. This land is the site of four of the Town's drinking water supply wells. The Town questioned the calculations that were used by Plainville to develop the final amount for the 2011 PILOT bill, which was resolved by Town Counsel in March 2013. The Town of Plainville has since recalculated the 2012 and 2013 bills. The 2013 bill was paid during the fiscal year.

FINANCE COMMITTEE VOTE: 8-0

9/10 VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$5,200.20 for an unpaid bill relating to Payment in Lieu of taxes for the Town of Plainville, MA for FY2012. Said sum shall be paid from Water Enterprise Retained Earnings.

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

By a 9/10 vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.

ARTICLE 4 APPROPRIATE FUNDS FOR PRIOR YEARS OVERLAY BOARD OF ASSESSORS

To see if the Town will vote to appropriate the sum of \$55,533.02. Said sum to fund the overlay deficits of prior years: Fiscal 2010, \$7,968.85, Fiscal 2011, \$28,554.73, and Fiscal 2012, \$19,009.44. 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 recent settlements for fiscal 2010, fiscal 2011 and fiscal 2012 Commercial Appellate Tax Board Cases.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$55,533.02. Said sum to fund the overlay deficits of prior years: Fiscal 2010, \$7,968.85, Fiscal 2011, \$28,554.73, and Fiscal 2012, \$19,009.44.

Said sum to be paid 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 5 APPROPRIATE FUNDS TO SUPPLEMENT BUDGETS BOARD OF SELECTMEN

To see if the Town will vote to vote to appropriate a sum of money to supplement various FY14 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: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$501,744.14 to supplement the various FY14 departmental operating budgets as outlined below. \$425,735.14 to be paid from free cash, \$28,009.00 to be paid through additional operating revenues / taxation & \$48,000.00 to be transferred from the Ambulance Fund.

Department	Appropriated June ATM	Adjustment	New FY2014 Appropriation
115	RTM Coordinating Committing		

115A	General Expenses	\$ 217.00	\$ 2.00	\$ 219.00
	Total	\$ 217.00	\$ 2.00	\$ 219.00
116	By-Law Study Committee			
116A	General Expenses	\$ 48.00	\$ 2.00	\$ 50.00
	Total	\$ 48.00	\$ 2.00	\$ 50.00
122	Board of Selectmen & Town Hall			
122A	Salaries	\$ 314,351.60	\$ 10,508.00	\$ 324,859.60
	Total	\$ 314,351.60	\$ 10,508.00	\$ 324,859.60
135	Town Accountant			
135B	General Expenses	\$ 3,913.00	\$ 1,575.00	\$ 5,488.00
	Total	\$ 3,913.00	\$ 1,575.00	\$ 5,488.00
139	Municipal Bldg Com.			
139B	General Expenses	\$ 111.00	\$ 1.00	\$ 112.00
	Total	\$ 111.00	\$ 1.00	\$ 112.00
141	Board of Assessors			
141B	General Expenses	\$ 34,260.32	\$ 1,566.00	\$ 35,826.32
	Total	\$ 34,260.32	\$ 1,566.00	\$ 35,826.32
145	Treasurer/Collector			
145B	General Expenses	\$ 118,340.00	\$ 3,229.00	\$ 121,569.00
	Total	\$ 118,340.00	\$ 3,229.00	\$ 121,569.00
152	Human Resources			
152A	Salaries	\$ 214,051.00	\$ 506.00	\$ 214,557.00
152B	General Expenses	5,397.00	929.00	6,326.00
	Total	\$ 219,448.00	\$ 1,435.00	\$ 220,883.00
155	Information Technology			
155B	General Expenses	\$ 264,967.00	\$ 3,033.00	\$ 268,000.00
	Total	\$ 264,967.00	\$ 3,033.00	\$ 268,000.00
161	Town Clerk			
161B	General Expenses	\$ 2,685.00	\$ 545.00	\$ 3,230.00
	Total	\$ 2,685.00	\$ 545.00	\$ 3,230.00
171	Conservation Commission			
171B	General Expenses	\$ 26,895.00	\$ 685.00	\$ 27,580.00
	Total	\$ 26,895.00	\$ 685.00	\$ 27,580.00

175	Planning Board			
175B	General Expenses	\$ 10,758.00	\$ 853.00	\$ 11,611.00
	Total	\$ 10,758.00	\$ 853.00	\$ 11,611.00
210	Police Department			
210A	Salaries	\$ 3,943,593.89	\$ 29,282.00	\$ 3,972,875.89
	Total	\$ 3,943,593.89	\$ 29,282.00	\$ 3,972,875.89
220	Fire Department			
220A	Salaries	\$ 4,348,271.00	\$ 79,251.00	\$ 4,427,522.00
	Total	\$ 4,348,271.00	\$ 79,251.00	\$ 4,427,522.00
That the following sums be appropriated from the various Reserve and Trust Funds:				
\$776.16 from the Littlefield Fire Trust Fund; and				
\$844,250 from the Ambulance Reserve for Appropriation Account				
241	Building Inspector			
241B	General Expenses	\$ 8,511.00	\$ 1,689.00	\$ 10,200.00
	Total	\$ 8,511.00	\$ 1,689.00	\$ 10,200.00
292	Animal Control			
292B	General Expenses	\$ 16,547.44	\$ 773.00	\$ 17,320.44
	Total	\$ 16,547.44	\$ 773.00	\$ 17,320.44
300	School Department			
300A	General Expenses	\$ 34,956,279.00	\$ 313,581.00	\$ 35,269,860.00
	Total	\$ 34,956,279.00	\$ 313,581.00	\$ 35,269,860.00
421	DPW Admin			
421B	General Expenses	\$ 18,098.84	\$ 2,350.00	\$ 20,448.84
	Total	\$ 18,098.84	\$ 2,350.00	\$ 20,448.84
422	DPW Highway			
422B	General Expenses	\$ 216,761.02	\$ 6,255.00	\$ 223,016.02
	Total	\$ 216,761.02	\$ 6,255.00	\$ 223,016.02
511	Board of Health			
511A	Salaries	\$ 228,430.00	\$ 1,568.00	\$ 229,998.00
	Total	\$ 228,430.00	\$ 1,568.00	\$ 229,998.00
541	Council on Aging			
541A	Salaries	\$ 125,581.00	\$ 1,073.00	\$ 126,654.00

	Total	\$ 125,581.00	\$ 1,073.00	\$ 126,654.00
543	Veterans Services			
543A	Salaries	\$ 69,406.00	\$ (4,598.86)	\$ 64,807.14
543B	General Expenses	\$ 402,191.00	\$ 20,000.00	\$ 422,191.00
	Total	\$ 471,597.00	\$ 15,401.14	\$ 486,998.14
610	Library			
610B	General Expenses	\$ 91,975.78	\$ 3,649.00	\$ 95,624.78
	Total	\$ 91,975.78	\$ 3,649.00	\$ 95,624.78
650	Park Department			
650A	Salaries	\$ 365,701.00	\$ 2,832.00	\$ 368,533.00
	Total	\$ 365,701.00	\$ 2,832.00	\$ 368,533.00
691	Historical Commission			
691B	General Expenses	\$ 927.00	\$ 6.00	\$ 933.00
	Total	\$ 927.00	\$ 6.00	\$ 933.00
916	Medicare Tax			
691B	General Expenses	\$ 581,400.00	\$ 20,600.00	\$ 602,000.00
	Total	\$ 581,400.00	\$ 20,600.00	\$ 602,000.00
	Grand Total		\$ 501,744.14	

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 FOR TRAFFIC IMPROVEMENTS BPW

To see if the Town will vote to appropriate the sum of \$80,000.00, to be expended under the jurisdiction of the Board of Public Works for the design and construction of traffic safety improvements to the Route 1, Park Street and Elmwood Street intersection area. Said sum to be appropriated by free cash.

PURPOSE AND JUSTIFICATION: In February 2013, mitigation funds in the amount of \$80,000.00 were received from a private developer to mitigate the impacts on traffic in the immediate area of a condominium development located on Park Street. These funds shall be used to offset ongoing engineering consulting costs and any short or long-term construction costs associated with traffic safety improvements to the Route 1, Park Street, and Elmwood Street intersection area.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$80,000.00, to be expended under the jurisdiction of the Board of Public Works for the design and construction of traffic safety improvements to the Route 1, Park Street and Elmwood Street intersection area. 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 FUNDS INTO SEWER STABILIZATION BPW

To see if the Town will vote to appropriate the sum of \$100,809.00 from Sewer Retained Earnings to the Sewer Enterprise Stabilization Fund. Said sum is the collected FY13 Revenue for special assessments/betterments.

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 Sewer betterment programs.

FINANCE COMMITTEE VOTE: 8-0 2/3 ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$100,809.00 into the Sewer Enterprise Stabilization Fund. Said sum to be transferred from Sewer Retained Earnings.

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

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

ARTICLE 8 APPROPRIATE FUNDS INTO WATER STABILIZATION BPW

To see if the Town will vote to appropriate the sum of \$87,329.00 from Water Retained Earnings to the Water Enterprise Stabilization Fund. Said sum is the collected FY13 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: 8-0 2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$87,329.00 into the Water Enterprise Stabilization Fund. Said sum to be transferred from Water Retained Earnings.

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

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

ARTICLE 9 APPROPRIATE FUNDS TO SUPPLEMENT SCHOOLS SCHOOL COMMITTEE

To see if the Town will vote to appropriate the sum of \$_____, or any other sum, to supplement Article 5 Line 300A – School Department General Expenses of the Annual Town Meeting for the Fiscal Year 2014. Said sum to be appropriated either by transfer from Free Cash, transfer from Stabilization, transfer of available funds, taxation, or otherwise.

PURPOSE AND JUSTIFICATION: The acceptance of this article will allow the District to purchase necessary resources for the students of the North Attleborough Public Schools. Our schools are experiencing the continued effects of lack of programs, services and materials. In an effort to maintain the operation of the District, we have had to implement transportation, athletic and activity fees plus we continue to be listed as the lowest per pupil expenditure from the state.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: The requested increase was handled within Article 5 of the warrant so this article is no longer necessary.

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

ARTICLE 10 AMEND ARTICLE 6 (CIP), OF JUNE 3, 2013 ATM

TREASURER

To see if the Town will vote to amend a portion of its vote adopted under Article 6, Part 3, of the Warrant at the Annual Town Meeting held on June 3, 2013, so as to clarify the descriptions of the purposes for which funds authorized to be borrowed in Items 12 and 28 thereof may be expended. The descriptions of the purposes originally approved were as follows:

<u>Item</u>	<u>Amount</u>	<u>Description</u>	<u>Requested By</u>	<u>Authority</u>
12.	\$120,000	Haz. Material – Comm. Hallways	School Dept.	44, 7(31)
28.	65,000	Bus – 42 Passenger – Diesel AC with Wheelchair Capacity	School Dept.	44, 7(9)

The amended descriptions of the purposes for which funds authorized to be borrowed in Items 12 and 28 of Article 6, Part 3 of the Warrant for the Annual Town Meeting held on June 3, 2013, would be as follows:

<u>Item</u>	<u>Amount</u>	<u>Description</u>	<u>Requested By</u>	<u>Authority</u>
12.	\$120,000	Haz. Material Removal -- All Schools	School Dept.	44, 7(31)
28.	65,000	Bus -- Special Education	School Dept.	44, 7(9)

PURPOSE AND JUSTIFICATION: The descriptions of the projects/items listed were considered too narrow. The amended descriptions will permit borrowing for the intended purposes.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the scope of the descriptions, of the purposes for which funds are authorized to be borrowed, in Items 12 and 28 of Article 6, Part 3 of the Warrant for the Annual Town Meeting held on June 3, 2013, as follows:

<u>Item</u>	<u>Amount</u>	<u>Description</u>	<u>Requested By</u>	<u>Authority</u>
12.	\$120,000	Haz. Material Removal -- All Schools	School Dept.	44, 7(31)
28.	65,000	Bus -- Special Education	School Dept.	44, 7(9)

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 RESCIND BORROWING OF UNISSUED AMOUNTS

TREASURER

To see if the Town will vote to rescind the borrowing authorization for the following articles and unissued amounts for which borrowing authority is no longer required.

6/4/2012 Annual Town Meeting Article 6 part 3 #29 – High School Synchronized Clocks
Authorized for \$35,000, amount unissued and to be rescinded = \$1,250

6/6/2011 Special Town Meeting Article 13 – Amend Article 14 of 1/10/2011 Special Town Meeting, Appropriate \$495,000 for
new Window & Doors at Falls Elementary School
Authorized for \$710,000, amount unissued and to be rescinded = \$345,183

PURPOSE AND JUSTIFICATION: The projects/items listed are complete and require no further borrowing. Resulting excess borrowing capacity should necessarily be rescinded.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to rescind the borrowing authorization for the following articles and unissued amounts for which borrowing authority is no longer required.

6/4/2012 Annual Town Meeting Article 6 part 3 #29 – High School Synchronized Clocks
Authorized for \$35,000, amount unissued and to be rescinded = \$1,250

6/6/2011 Special Town Meeting Article 13 – Amend Article 14 of 1/10/2011 Special Town Meeting, Appropriate \$495,000
for new Window & Doors at Falls Elementary School
Authorized for \$710,000, amount unissued and to be rescinded = \$345,183

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 RESCIND OLD BORROWING AUTHORIZATIONS

TREASURER

To see if the Town will vote to rescind all authorized, but unissued debt of the Town, approved by votes of Town Meeting on or before June 30, 2007, which borrowing authority is no longer required for the purposes for which it was originally approved. Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION: This broad-in-scope housekeeping article serves to clean up numerous projects and items for which borrowing has already taken place or is no longer required. It also serves to give the Treasurer, Town Accountant, the Department of Revenue, and other interested parties a precise basis from which to track current and future borrowing. Finally, bond rating agencies look favorably on cities and towns reducing or eliminating their unwanted excess “authorized, but unissued” borrowing capacity.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to rescind all authorized, but unissued debt of the Town, approved by votes of Town Meeting on or before June 30, 2007, which borrowing authority is no longer required for the purposes for which it was originally approved.

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 ACCEPT M.G.L. CHAP. 60, COLLECTIONS OF LOCAL TAXES, SECTION 3C – CITY OR TOWN SCHOLARSHIP AND EDUCATION FUND

TREASURER

To see if the Town will vote to accept M.G.L. Chapter 60, Section 3C, or take any other action relative thereto.
Chapter 60 Collection of Local Taxes

Section 3C City or town scholarship fund; donation; deposits; distribution

Any city or town which accepts the provisions of this section or has previously accepted chapter one hundred and ninety-four of the acts of nineteen hundred and eighty-six is hereby authorized, subject to the approval of the commissioner, to design and designate a place on its municipal tax bills, or the motor vehicle excise tax bills, or to mail with such tax bills a separate form, whereby the taxpayers of said city or town can voluntarily check off, donate and pledge an amount not less than one dollar or such other designated amount which shall increase the amount otherwise due, and to establish a city or town scholarship fund, the purpose of which shall be to provide educational financial aid to deserving city and town residents in accordance with this section and to establish a city or town educational fund, the purpose of which shall be to provide supplemental educational funding for local educational needs or to provide funding for existing adult literacy programs.

Any amounts donated to the scholarship fund or educational fund shall be deposited into a special account in the general treasury and shall be in the custody of the treasurer. The treasurer shall invest said funds at the direction of the officer, board, commission, committee or other agency of the city or town who or which is otherwise authorized and required to invest trust funds of the city or town and subject to the same limitations applicable to trust fund investments, except as otherwise specified herein. Interest earned upon such fund shall remain therewith and shall be used for the purpose of said fund without further appropriation.

In any city or town establishing a scholarship fund, there shall be a scholarship committee and educational fund committee to consist of the superintendent of the city or town schools or designee thereof, and no fewer than four residents of the city or town appointed by the board of selectmen to a term of three years. The scholarship committee or educational fund committee shall select the recipients of and amounts of financial aid from the scholarship fund and educational fund and shall be guided by any criteria established by the scholarship committee or educational fund committee subject to any ordinance or by-law and further subject to the following criteria:

(a) The recipients of financial aid must be residents of the city or town at the time the financial aid is first awarded and have been accepted to pursue education beyond the secondary school level at an institution deemed accredited by the committee.

(b) The committee shall take into consideration each recipient's financial need, character, scholastic record and involvement in community work as well as extracurricular school activities.

The scholarship committee may distribute financial aid from both interest and principal of the fund, without further appropriation. The scholarship committee shall establish a procedure for determining at least on an annual basis the amounts or percentage of the funds that shall be authorized for distribution and for notifying the investing officer or agency so that the funds may be made available in a timely manner and with a minimum of penalties.

PURPOSE AND JUSTIFICATION: While acceptance of this section of the Massachusetts General Laws permits the Town to obtain Dept. of Revenue (DOR) Commissioner's approval to create a Scholarship Fund, it also permits creation of an Educational Fund, which is the main focus of this article submission. There are many scholarship-oriented trust funds managed by the Treasurer, as well as some funds external to the Town, that are for the benefit of town school students moving on to higher education, but there is no fund to supplement the ordinary School Department budget. Acceptance of this article and subsequent DOR approval will establish an Education Fund and thus permit tax payers to send in additional monies to be designated specifically for School Department use in its operating budget.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to accept M.G.L. Chapter 60, Section 3C, or take any other action relative thereto.

Chapter 60 Collection of Local Taxes

Section 3C City or Town scholarship fund; donation; deposits; distribution

Any city or town which accepts the provisions of this section or has previously accepted chapter one hundred and ninety-four of the acts of nineteen hundred and eighty-six is hereby authorized, subject to the approval of the commissioner, to design and designate a place on its municipal tax bills, or the motor vehicle excise tax bills, or to mail with such tax bills a separate form, whereby the taxpayers of said city or town can voluntarily check off, donate and pledge an amount not less

than one dollar or such other designated amount which shall increase the amount otherwise due, and to establish a city or town scholarship fund, the purpose of which shall be to provide educational financial aid to deserving city and town residents in accordance with this section and to establish a city or town educational fund, the purpose of which shall be to provide supplemental educational funding for local educational needs or to provide funding for existing adult literacy programs.

Any amounts donated to the scholarship fund or educational fund shall be deposited into a special account in the general treasury and shall be in the custody of the treasurer. The treasurer shall invest said funds at the direction of the officer, board, commission, committee or other agency of the city or town who or which is otherwise authorized and required to invest trust funds of the city or town and subject to the same limitations applicable to trust fund investments, except as otherwise specified herein. Interest earned upon such fund shall remain therewith and shall be used for the purpose of said fund without further appropriation.

In any city or town establishing a scholarship fund, there shall be a scholarship committee and educational fund committee to consist of the superintendent of the city or town schools or designee thereof, and no fewer than four residents of the city or town appointed by the board of selectmen to a term of three years. The scholarship committee or educational fund committee shall select the recipients of and amounts of financial aid from the scholarship fund and educational fund and shall be guided by any criteria established by the scholarship committee or educational fund committee subject to any ordinance or by-law and further subject to the following criteria:

(a) The recipients of financial aid must be residents of the city or town at the time the financial aid is first awarded and have been accepted to pursue education beyond the secondary school level at an institution deemed accredited by the committee.

(b) The committee shall take into consideration each recipient's financial need, character, scholastic record and involvement in community work as well as extracurricular school activities.

The scholarship committee may distribute financial aid from both interest and principal of the fund, without further appropriation. The scholarship committee shall establish a procedure for determining at least on an annual basis the amounts or percentage of the funds that shall be authorized for distribution and for notifying the investing officer or agency so that the funds may be made available in a timely manner and with a minimum of penalties.

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

Deborah Kohl, Town Moderator, called for a motion to waive the reading of the Finance Committee Recommendation for Article 13.

Motion Seconded.

Motion Carried.

Joan Marchitto (P3) made a motion to amend the Finance Committee's Recommendation:

That the Town vote to accept MGL Chapter 60, Section 3C exclusive of that portion of said section which provides for the establishment of a scholarship fund.

Motion Seconded.

Motion Carried.

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

ARTICLE 14 ESTABLISH A SEWER ENTERPRISE FILTRATION & INFLOW REMOVAL PROGRAM STABILIZATION FUND

BPW

To see if the Town will vote to establish a Sewer Enterprise Infiltration and Inflow Removal Program Stabilization Fund pursuant to MGL Chapter 40, Section 5B. Said special purpose of the Stabilization Fund shall be for the payment of Sewer Enterprise Infiltration and Inflow (I/I) Removal related projects authorized through Infiltration and Inflow Capacity Fees collected annually by the Town.

PURPOSE AND JUSTIFICATION: The Department of Environmental Protection has required that the Town remove Infiltration and Inflow (rain and groundwater) from the sewer system, in order to allow for new services to be connected and the system to be expanded. This program allocates the infiltration and inflow capacity fees paid from new connections to specifically fund Infiltration and Inflow removal projects.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to establish a Sewer Enterprise Infiltration and Inflow Removal Program Stabilization Fund pursuant to MGL Chapter 40, Section 5B. Said special purpose of the Stabilization Fund shall be for the payment of Sewer Enterprise Infiltration and Inflow (I/I) Removal related projects authorized through Infiltration and Inflow Capacity Fees collected annually by the Town.

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

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

ARTICLE 15 APPROPRIATE FUNDS TO THE SEWER ENTERPRISE INFILTRATION & INFLOW REMOVAL PROGRAM STABILIZATION FUND

BPW

To see if the Town will vote to appropriate the sum of \$27,720.00 from Sewer Retained Earnings to the Sewer Enterprise Infiltration and Inflow Removal Program Stabilization Fund. Said sum is the collected FY13 Revenues for the Sewer Infiltration and Inflow Capacity Fee.

PURPOSE AND JUSTIFICATION: These funds were collected in FY2013 for the specific purpose of funding for the removal of infiltration and inflow from the system to accommodate the new flows. These funds will be appropriated to the Stabilization Fund for future projects.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$27,720.00 from Sewer Retained Earnings account into the Sewer Enterprise Infiltration and Inflow Removal Program Stabilization Fund

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

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

ARTICLE 16 AMEND TOWN BY-LAWS – ARTICLE 1, SECTION 2

TOWN CLERK

To see if the Town will vote to amend the Town By-Laws, Article 1, Section 2 – Town Meeting – Notice and Membership by striking out the words “in not less than ten (10) public place in the Town and also” from the first sentence of paragraph 1. The new sentence would then read:

“Notice of every Town Meeting shall be given by posting copies of the Warrant calling said meeting at least twenty-one days before the day appointed for said meeting in one place in each of the voting precincts within the Town.”

PURPOSE AND JUSTIFICATION: In addition to newspaper and local television coverage of upcoming Town Meetings, Warrants are posted on the Town’s web page and available in the Town Clerk’s Office. Notification by mail is also made by the Town Clerk to each member of the RTM as a part of the Warranting posting process. These notifications of a Town Meeting and the Warrant being physically posted in each voting precinct should be sufficient to alert and warn the voters of the meeting.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town By-Laws, Article 1, Section 2 – Town Meeting – Notice and Membership by striking out the words “in not less than ten (10) public place in the Town and also” from the first sentence of paragraph 1. The new sentence will now read:

“Notice of every Town Meeting shall be given by posting copies of the Warrant calling said meeting at least twenty-one days before the day appointed for said meeting in one place in each of the voting precincts within the Town.”

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

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

ARTICLE 17 AMEND TOWN BY-LAWS ARTICLE 1, SECTION 3

TOWN CLERK

To see if the Town will vote to amend the Town By-Laws, Article I, Section 3, PETITIONS AND ARTICLES, by deleting Paragraph e in its entirety and replacing it with:

- e. The Town Administrator shall submit, to Town Meeting, a group of articles for items proposed through the Capital Improvement Program (CIP) per Article III, Section 2.

There shall be a separate article for each of the following categories:

1. Items to be appropriated through taxation
2. Items to be appropriated through grants and other funds (enterprise)
3. Borrowing for capital purposes.
4. Authorization for the Town to apply for and expend grant funds (if forthcoming for any projects)

These Capital Improvement Program Articles shall also include the amount requested, description, department requesting, enabling authority (if bonded) and source of funding.

PURPOSE AND JUSTIFICATION: The Capital Improvements Article at Town Meeting has traditionally been divided into its four parts to be voted on. This change is intended to simplify the process at Town Meeting and facilitate the reporting efforts after Town Meeting is adjourned. The last paragraph in this Section 3 e is removed as it is duplicated in By-Law Article III, Section 2, paragraph b which defines the contents of a “CIP Program Report”.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town By-Laws, Article I, Section 3, PETITIONS AND ARTICLES, by deleting Paragraph “e” in its entirety and replacing it with:

- e. The Town Administrator shall submit, to Town Meeting, a group of articles for items proposed through the Capital Improvement Program (CIP) per Article III, Section 2.

There shall be a separate article for each of the following categories and each article with the exception of category 4, shall include the following wording: “and to appropriate by general taxation, borrowing,

transfer of available funds, or otherwise, such sums of money as may be required to defray these changes.”:

1. **Items to be appropriated through taxation**
2. **Items to be appropriated through grants and other funds (enterprise)**
3. **Borrowing for capital purposes.**
4. **Authorization for the Town to apply for and expend grant funds (if forthcoming for any projects)**

These Capital Improvement Program Articles shall also include the amount requested, description, department requesting, enabling authority (if bonded) and source of funding.

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

Joan Marchitto (P3) made a motion to amend the Finance Committee’s recommendation for Article 17:

Eliminate the words: “..... and each article with the exception of category 4, shall include the following wording: “and to appropriate by general taxation, borrowing, transfer of available funds, or otherwise, such sums of money as may be required to defray these changes.

Motion Seconded.

Motion Carried.

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

ARTICLE 18 AMEND TOWN BY-LAWS, ARTICLE 1, SECTION 4 TOWN CLERK

To see if the Town will vote to amend the Town By-Laws, Article 1, Section 4 – Rules of Town Meeting.

In line 2 of Paragraph 1., add the words “or Capital Improvements Program Items,” after the words “other than for recurring departmental expenses”.

PURPOSE AND JUSTIFICATION: This will eliminate the requirement for a Roll Call Vote for the Capital Improvements Program Article as is currently done for the Departmental Budgets Article at Town Meeting.

FINANCE COMMITTEE VOTE: 8-0 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town By-Laws, Article 1, Section 4.1 – Rules of Town Meeting to read as follows:

1. **Voting on appropriations of one hundred thousand dollars (\$100,000) or more, other than for recurring departmental expenses or Capital Improvements Program Items, shall be by roll call vote in which a verbal response shall be recorded by name in the journal unless this requirement is waived by a unanimous vote of RTM members.**

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

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

ARTICLE 19 AMEND TOWN BY-LAWS, ARTICLE IV, SECTION 4 TOWN CLERK

To see if the Town will vote to amend the Town By-Laws by deleting Article IV, Section 4, Paragraph c. General Provisions – Official Records and Papers in its entirety. The paragraph currently reads “All boards, committees and commissions, however established, shall submit a copy of the approved minutes of a public meeting to the Town Clerk, as a keeper of the records, within fifteen days of said approval.”

PURPOSE AND JUSTIFICATION: MGL's require that all public bodies prepare and permanently retain a hard copy of the minutes of all meetings held by that public body. Those minutes must be retained, in hard copy, permanently and must be made available to any member of the public who requests them.

The current By-Law does not relieve those boards of these requirements and results in redundant effort. The Clerk has been receiving copies of minutes from many of the Town's Boards and Commissions since this by-law became effective in July of 2008. To date there have been only 3 requests for access to minutes of a meeting, and those minutes were for a board with offices in the Town Hall, so there has been little if any advantage to the public to have them in the Clerk's office. With budgets shrinking and workloads being absorbed by fewer staff members, it seems prudent to remove the additional work and expense of preparing and storing duplicate records.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town By-Laws by deleting Article IV, Section 4, Paragraph c. General Provisions – Official Records and Papers, in its entirety.

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

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

ARTICLE 20 AMEND SECTION IX OF THE ZONING BY-LAW

BUILDING INSPECTOR

To see if the Town will vote to amend the North Attleborough Zoning By-Laws, Section IX: Definitions, B. Selected Words and Terms by deleting the definition for "Drive-In establishment" in its entirety and adding the following:

Drive-thru establishment: A commercial establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles, so as to provide sales and/or services directly to patrons inside their motor vehicles, or where patrons drive motor vehicles onto the premises to a window or mechanical device, through or by which the customers are serviced without exiting their vehicles.

PURPOSE AND JUSTIFICATION: The term "Drive-In" is no longer applicable and is to be replaced with the term "Drive-thru" to facilitate this type of business in the Commercial 30 and Commercial 60 Districts.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the North Attleborough Zoning By-Laws, Section IX: Definitions, B. Selected Words and Terms by deleting the definition for "Drive-In establishment" in its entirety and adding the following:

Drive-thru establishment: A commercial establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles, so as to provide sales and/or services directly to patrons inside their motor vehicles, or where patrons drive motor vehicles onto the premises to a window or mechanical device, through or by which the customers are serviced without exiting their vehicles.

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

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

Following the Moderator's reading, after Article 21, of the Planning Board's letter of recommendation on Zoning Articles contained in the Warrant, the RTM again - by a 2/3's majority vote, declared obvious by the Moderator, approved the Finance Committee's recommendation.

To see if the Town will vote to amend the North Attleborough Zoning By-Laws, Section IX: Definitions, B. Selected Words and Terms by deleting the definition for “Drive-In establishment:” in its entirety and adding the following:

Drive-thru window: A service window within an establishment designated and intended to be used to provide for sales and/or service to patrons who remain in their vehicles.

PURPOSE AND JUSTIFICATION: The term “Drive-In” is no longer applicable and is to be replaced with the term “Drive-thru” to facilitate this type of business in the Commercial 30 and Commercial 60 Districts.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the North Attleborough Zoning By-Laws, Section IX: Definitions, B. Selected Words and Terms by deleting the definition for “Drive-In establishment:” in its entirety and adding the following:

Drive-thru window: A service window within an establishment designated and intended to be used to provide for sales and/or service to patrons who remain in their vehicles.

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

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

Following the Moderator’s reading, after Article 21, of the Planning Board’s letter of recommendation on Zoning Articles contained in the Warrant, the RTM again - by a 2/3’s majority vote, declared obvious by the Moderator, approved the Finance Committee’s recommendation.

The Town Moderator, Deborah Kohl, read a letter from the Planning Board regarding their recommendations for Articles 20, 21, 22, 23, 24, 25, 26, and 27

September 20, 2013

*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, Scheduled for the October 21, 2013 Semi-Annual Town Meeting.

Dear Ms. Kohl:

At their meeting held on Thursday, September 19, 2013, the Planning Board voted as follows on Articles No. 20, 21, 22, 23, 24, 25, 26 and 27 for proposed amendments to the North Attleborough Zoning By-Laws scheduled for the October 21, 2013 Semi-Annual Town Meeting:

Article No. 20: *The Board voted unanimously (4-0) to recommend that this article be approved as submitted.*

Article No. 21: *The Board voted unanimously (4-0) to recommend that this article be approved as submitted.*

Article No. 22: The Board voted unanimously (4-0) to recommend that this article be approved as submitted.

Article No. 23: The Board voted unanimously (4-0) to recommend that this article be approved as amended, to read as follows:

Accessory Use : R10 R10S R15 R20 R40 C7.5 C30 C60 OP-60 IC30 I60

4. Accessory P P P P P P P P P P P P
~~residential building,~~
such as a ~~private~~ garage,
playhouse, greenhouse,
tool shed, private swimming pool,
carport, or similar
accessory structures.

RE: Articles Pertaining to Proposed Amendments to the North Attleborough Zoning By-Laws, Scheduled for the October 21, 2013 Semi-Annual Town Meeting.

Article No. 24: The Board voted unanimously (4-0) to recommend that this article be approved as submitted.

Article No. 25: The Board voted unanimously (4-0) to recommend that this article be approved as submitted.

Article No. 26: The Board voted unanimously (4-0) to recommend that this article be approved as amended, to read as follows:

To see if the Town will vote to amend the Zoning Bylaws **Section VIII - ADMINISTRATION AND ENFORCEMENT- J.** by adding the following new language to read as follows:

Neither this bylaw nor any amendment thereto nor the zoning map shall be modified, changed, or replaced except in accordance with the provisions of Section 5 of Chapter 40A of the Massachusetts General Laws. In all cases involving changes to the Zoning Map where notice of public hearing is required, notice shall be sent to the parties of interest by first class mail by the petitioner. It shall be the petitioner's responsibility to provide proof of mailing to the Planning Board. "Parties of interest" shall mean the petitioner, the owner of the property if he is not the petitioner, abutters, owners of land directly opposite on any public or private street or way and abutters to abutters within 300 feet of the property line of the land subject to public hearing, as they appear on the most recent applicable tax list; or take any action thereto.

Article No. 27: The Board voted unanimously (4-0) not to endorse this article as submitted.

On Behalf of the Planning Board,

Mary E. Burgess, Town Planner

In response to a point of order, Moderator Kohl ruled that Articles 20 and 21 should not have been acted upon prior to the reading of the Planning Board's letter of recommendation on the zoning articles contained in the Warrant. She therefore called for reconsideration of Articles 20 and 21. (See individual article for subsequent actions.)

ARTICLE 22 AMEND SECTION IV OF THE ZONING BY-LAW BUILDING INSPECTOR

To see if the Town will vote to amend the North Attleborough Zoning By-Laws, Section IV. Intensity Regulations, B. Requirements, 8. To read, as follows:

8. In the "R" District, an accessory building shall not occupy more than 25 percent of the required rear yard. An accessory building attached to or detached from the principal building shall be subject to front, side, and rear yard requirements applicable to the principal building, except that in ~~the R-15, R-20 and R-40~~ all districts the minimum side and rear yards for an accessory building, not to exceed 200 square feet in area nor 12 feet in height, which is detached from the principal building shall be 15 feet fifty percent (50%) of the side and rear minimum yard setbacks as listed in Section IV. Intensity Regulations, Schedule A. Detached accessory buildings in the "C" and "I" Districts shall be located on the lot so as not to violate the minimum open space requirements set forth in Schedule A. ~~An accessory private swimming pool in any district shall be completely enclosed by a~~

~~fence at least five feet in height having a self-closing gate with a latch.~~ No in-ground swimming pool or any appurtenant structure thereto shall be located neither within any required front yard nor within 15 feet from any side or rear lot line.
Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION: To allow for greater flexibility in situating accessory structures within rear and side yards.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the North Attleborough Zoning By-Laws, Section IV. Intensity Regulations, B. Requirements, 8. To read, as follows:

8. In the “R” District, an accessory building shall not occupy more than 25 percent of the required rear yard. An accessory building attached to or detached from the principal building shall be subject to front, side, and rear yard requirements applicable to the principal building, except that in all districts the minimum side and rear yards for an accessory building, not to exceed 200 square feet in area nor 12 feet in height, which is detached from the principal building shall be fifty percent (50%) of the side and rear minimum yard setbacks as listed in Section IV. Intensity Regulations, Schedule A. Detached accessory buildings in the “C” and “T” Districts shall be located on the lot so as not to violate the minimum open space requirements set forth in Schedule A. No in-ground swimming pool or any appurtenant structure thereto shall be located neither within any required front yard nor within 15 feet from any side or rear lot line.

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

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

ARTICLE 23 AMEND SECTION V OF THE ZONING BY-LAW

BUILDING INSPECTOR

To see if the Town will vote to amend the Town of North Attleborough’s Zoning By-Laws, Section V. Use Regulations, Schedule B, Accessory Use #4, to read as follows:

Accessory Use:	R10	R15	R20	R40	C7.5	C30	C60	OP-60	IC30	I60
4. Accessory	P	P	P	P	P	P	P	P	P	P

~~residential~~ building, such as a ~~private~~ garage, playhouse, greenhouse, tool shed, private swimming pool, carport, or similar accessory structures
Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION: To allow for greater flexibility in situating accessory structures within rear and side walls.

FINANCE COMMITTEE VOTE: 6-2

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town of North Attleborough’s Zoning By-Laws, Section V. Use Regulations, Schedule B, Accessory Use #4, to read as follows:

Accessory Use:	R-10	R-10S	R-15	R-20	R-40	C-7.5	C-30	C-60	OP-60	IC-30	I-60
4. Accessory	P	P	P	P	P	P	P	P	P	P	P

building, such as a garage, playhouse, greenhouse, tool shed, private swimming pool, carport, or similar accessory structures

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

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

ARTICLE 24 AMEND SECTION VI OF THE ZONING BY-LAW

BUILDING INSPECTOR

To see if the Town will vote to amend the North Attleborough Zoning By-Laws, Section VI., Supplementary Regulations, A. Off-Street Parking and Loading, #12. Parking and Loading Space Standards, to read:

All parking and loading areas containing over five spaces, including automotive and ~~drive-in~~ drive-thru establishments of all types, shall be either contained within structures, or subject to the following:

PURPOSE AND JUSTIFICATION: The term: "Drive-In" is no longer applicable and is to be replaced with the term "Drive thru" to facilitate this type of business in the Commercial 30 and Commercial 60 Districts.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the North Attleborough Zoning By-Laws, Section VI., Supplementary Regulations, A. Off-Street Parking and Loading, #12. Parking and Loading Space Standards, to read:

All parking and loading areas containing over five spaces, including automotive and drive-thru establishments of all types, shall be either contained within structures, or subject to the following:

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

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

ARTICLE 25 AMEND SECTION V OF THE ZONING BY-LAW

BUILDING INSPECTOR

To see if the Town will vote to amend the North Attleborough Zoning By-Laws, Section V: Use Regulations, Schedule B, Principal Use, Retail and Service #4, by deleting "Drive in eating and drinking establishments" and replace with "Drive thru establishments."

PURPOSE AND JUSTIFICATION: The term "Drive In" is no longer applicable and is to be replaced with the term "Drive thru" to facilitate this type of business in the Commercial 30 and Commercial 60 Districts.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the North Attleborough Zoning By-Laws, Section V: Use Regulations, Schedule B, Principal Use, Retail and Service #4, by deleting "Drive in eating and drinking establishments" and replace with "Drive thru establishments."

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

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

ARTICLE 26 AMEND SECTION VIII OF THE ZONING BY-LAW

PETITION

To see if the Town will vote to amend the Zoning By-Laws of the Town of North Attleborough by adding the following subsection under Section VIII, to be entitled "Notification of Zoning Changes" and to read as follows:

Notifications of all public hearings concerning zoning changes affecting properties shall be by publication, postings and mailing to all agencies and individuals defined by MGL Chapter 40A, Section 5, to owners of the subject properties to abutters, to owners of land directly opposite on any public or private street or way, and to abutters to the abutters within three hundred feet of boundaries of the subject properties. For effected multiple, contiguous parcels under the same or multiple ownerships, a single notification mailing describing each of the contiguous effected parcels and the subject changes shall be sufficient. The cost of postage and an appropriate fee for preparation of mailings shall be assessed to the individual, company, organization, or public agency requesting the zoning change.

PURPOSE AND JUSTIFICATION: MGL Chapter 40A, Section 11 requires individual notification to "Parties in Interest" of all public hearing involving zoning variances or special permits. In contrast, MGL Chapter 40a, Section 5, which is applicable, among other things, for changes in zoning of properties, does not require notices to "Parties In Interest", meaning that written notifications of hearing for zoning changes are not required for abutters, near abutters, or even the owners of the subject properties.

The latter non-requirement would seem to date back to times when published and posted notices of public hearings, and published and posted town meeting warrants were expected to be seen and read by all or almost all citizens of a town. There even was a time, in fact, when attendance at Town Meetings was mandatory for all concerned citizens.

Today, however, many of our citizens do not receive or read print newspapers or frequent locations where warrants are posted. As recent events have demonstrated, we no longer can anticipate that published or posted notices and warrants will in fact reach all or most concerned citizens.

Since nearby zoning changes can have major impacts upon the value and enjoyment of one's home or other real estate, it should be obvious that property owners should receive the same level of notification for a proposed zoning change to an abutting or nearby property as the law provides to them for a variance or special permit proposed for the same property.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Zoning Bylaws Section VIII - ADMINISTRATION AND ENFORCEMENT- J. by adding the following new language to read as follows:

Neither this bylaw nor any amendment thereto nor the zoning map shall be modified, changed, or replaced except in accordance with the provisions of Section 5 of Chapter 40A of the Massachusetts General Laws. In all cases involving changes to the Zoning Map where notice of public hearing is required, notice shall be sent to the parties of interest by first class mail by the petitioner. It shall be the petitioner's responsibility to provide proof of mailing to the Planning Board. "Parties of interest" shall mean the petitioner, the owner of the property if he is not the petitioner, abutters, owners of land directly opposite on any public or private street or way and abutters to abutters within 300 feet of the property line of the land subject to public hearing, as they appear on the most recent applicable tax list; or take any action thereto.

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

Bart Steele (P7) made a motion to amend Article 26: *Remove: " or take any action there to."*

Motion Seconded.

Motion Carried.

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

ARTICLE 27 AMEND ZONING MAP

PETITION

To see if the Town will vote to change the Zoning By-Laws Map of the Town of North Attleborough, Massachusetts, dated August 18, 2011 and as amended, by changing the zoning district of the land described as Assessor’s Map 22, Plat 15, located at 9 Hoppin Hill Ave. from IC-30 to the previous divided zoning between districts R-15 and IC-30 as existed prior to the enactment of Article 21 at the Semi-Annual Town Meeting of October 17, 2011. A portion of the current zoning map showing the plat and its location is attached as Exhibit A.

PURPOSE AND JUSTIFICATION: Article 21 of the Semi-Annual Town Meeting of October 17, 2011 authorized amendment of the Zoning By-Laws of the Town of North Attleborough by acceptance of a Geographic Information System (GIS) Map entitled “Zoning By-Law Map of the Town of North Attleborough, Massachusetts dated August 18, 2011”. Incorporated in that map were a later reported 274 zoning changes which converted lots which were previously divided between two zoning districts into being contained entirely in a single zoning district. Unfortunately neither the published notice for the public hearing before the Planning Board nor the Article 21 submitted to the RTM for adoption of the new GIS zoning map gave adequate public notice of the re-zoning actions that had been incorporated into that map.

The subject lot at 9 Hoppin Hill Ave. was one of the properties that were so re-zoned. According to the Planning Board, the criteria for the selection of a single zone would be “...the highest percentage of land located within one district and/or the existing use of the property”. This was not followed in the case of the subject property. Since at least 1949 the property, although long divided between R-15 and IC-30 districts, has been used exclusively for a single family residence. According to Planning Board minutes of December 6, 2010 the original proposal of the board was to re-zone the property entirely as R-15, which would have been in accord with the historical usage. However, again as reported in those minutes, the board received a request to re-zone the property instead as IC-30, and the board agreed to do so without further comment. This in itself would seem to fit the description of “spot re-zoning”. The objective of this article is to reverse or rescind that irregular action.

MGL Chapter 40A, Section 5 does not require notification of abutters or near abutters of any such zoning change, but the failure to provide either proper descriptive notification of the proposed change in the notice of the public hearing by the Planning Board or to provide a “fair warning” description of the change in the published warrant article, as required, deprived the concerned residents of the knowledge of and opportunity to respond to the proposed action. This absence of notification has been acknowledged in a letter from Town Counsel Roger Ferris to Town Administrator Mark Fisher dated July 18, 2013.

Consequently, the undersigned residents of the town have petitioned Town Meeting to rescind the highly irregular re-zoning of the property at 9 Hoppin Hill Ave. by changing the zoning back to the divided condition that existed prior to the enactment of Article 21 of the SATM of October 2011. If the Planning Board or any individual wishes to petition for a further change to a single zoning district that action then should be pursued with full public disclosure and discussion at public hearings and town meeting.

FINANCE COMMITTEE VOTE: 6-2

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: The majority of the Committee felt that without knowing the wishes of the property owner it wouldn’t be appropriate to make the change.

Charlie Beale (P9) made a motion to move the question.

Motion Seconded.

Motion failed – 92 RTM members voting: 2/3 required=62; 54 Yes / 38 No – Discussion of Article 27 continued.

Motion made to continue meeting beyond 10:00 PM.

Motion Seconded.

Motion Carried.

A point of order was raised as to whether the RTM would be in violation of the provisions of Article 26 which was approved prior to consideration of this article. Town Moderator, Deborah Kohl, after consultation with Town Counsel, ruled Article 27 was Out Of Order – No Vote.

ARTICLE 28 BETTERMENT STABILIZATION

BOARD OF SELECTMEN

To see if the Town will vote to appropriate the sum of \$_____ to the Betterment Stabilization Fund. Said sum to be funded by free cash.

PURPOSE AND JUSTIFICATION: There is an annual appropriation made to the Betterment Stabilization Fund as a result of the free cash certification. The above amount is derived from those local receipts collected during FY13 for special assessments.

FINANCE COMMITTEE VOTE: 8-0

2/3 ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$114,434.99 from free cash into the Betterment Stabilization account.

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

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

ARTICLE 29 MUNICIPAL STABILIZATION

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.

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

FINANCE COMMITTEE VOTE: 8-0

2/3 ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$1,222,705.99 from free cash into the Municipal Stabilization account.

FINANCE COMMITTEE REASON: The Committee feels it’s important to replenish this account.

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

85 Members Voting; 2/3 required = 57; 82 Yes / 3 No

A motion to Adjourn Sine Die was approved by a majority vote of the RTM members at 10:50 PM