

**PROCEEDINGS
SPECIAL TOWN MEETING
JANUARY 6, 2014**

On Monday, January 6, 2014, Town Clerk, Maxwell Gould, opened the Special Town Meeting at 7:10 PM announcing, "With 98 members present, we have a quorum."

Town Moderator, Deborah Kohl, led the membership in the Pledge of Allegiance to our Flag.

She then called for a moment of silence for our men and women serving overseas in the Armed Forces.

North Attleboro Fire Chief, Ted Joubert, was introduced and reported on Odd Fellows Building's fire.

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

**NORTH ATTLEBOROUGH WARRANT
FOR THE REPRESENTATIVE SPECIAL TOWN MEETING
MONDAY, JANUARY 6, 2014
THE COMMONWEALTH OF MASSACHUSETTS**

Bristol, ss.

To either Constables of the Town of North Attleborough:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the legal voters of the Town of North Attleborough to meet at the North Attleborough Middle School Cafetorium, in said North Attleborough on:

Monday, the 6th of January, 2014 A.D.

At 7:00 P.M., then and there to act upon the following articles to wit:

And you are hereby directed to serve this warrant by posting up attested copies thereof in at least ten public places in said Town and also in one place in each of the voting precincts within the Town at least twenty-one days before the time of said. 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 October 21, 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 Attleboro

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.

ARTICLE 1 POLICE DISPATCHERS 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 Dispatchers Association Local 436 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 7/1/13

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to support the changes made in the Personnel By-laws, as a result of Collective Bargaining and otherwise for salary increases for Police Dispatchers Association Local 436.

FINANCE COMMITTEE REASON: The Town has reached a deal with the Dispatchers Union, however the Police Department does not, at this time, need to supplement their budget to fund the negotiated salary increases for this fiscal year.

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

ARTICLE 2 FIREFIGHTERS CONTRACT

HUMAN RESOURCES

To see if the Town will vote to appropriate a sum of money to supplement the budgets of 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, 2012

FINANCE COMMITTEE VOTE: 5-1

MAJORITY ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$286,687.00 to supplement the budgets of the Fire/Ambulance Dept. 220A, of Article 5 of the June 3, 2013 Annual Town Meeting, 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. \$42,031.00 to be paid from Free Cash, \$100,000.00 to be transferred from the Ambulance Fund & \$144,656.00 to be transferred from the Salary Reserve Account.

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

Bart Steele (P7) made a motion to amend Article 2:

Move to amend the Finance Committee's recommendation by changing the amount to be appropriated from \$286,687.00 to \$296,330.00 and changing the amount coming from Free Cash from \$42,031.00 to \$51,674.00.

Motion seconded.

Motion carried.

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

ARTICLE 3 PRIOR YEARS DEDUCTIBLE FOR POLICE & FIRE BOARD OF SELECTMEN

To see if the Town will vote to appropriate \$19,000.00 from Free Cash to pay for prior years' deductible portion of medical bills for police officers and fire fighters.

PURPOSE AND JUSTIFICATION: To pay for the deductible portion of medical bills for police officers and fire fighters prior to July 1, 2013

FINANCE COMMITTEE VOTE: 6-0

9/10 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$19,000.00 from Free Cash to pay for prior years' deductible portion of medical bills for police officers and firefighters.

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

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

ARTICLE 4 SUPPLEMENT BRISTOL COUNTY HIGH SCHOOL BOARD OF SELECTMEN

To see if the Town will vote to transfer \$1,137.00 from Free Cash to increase the Bristol County Regional High School Line 300B of Article 5 of the June 3, 2013 Annual Town Meeting. The new total will be \$29,189.00.

PURPOSE AND JUSTIFICATION: At the Annual Town Meeting, RTM votes to appropriate a budget based upon enrollment projections for the upcoming school year. The number of students choosing to attend Bristol County Regional High School increased over the anticipated projections. Therefore, additional funds are required to meet the updated assessment.

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to transfer \$1,137.00 from Free Cash to supplement the Bristol County Regional High School budget, Line 300B of Article 5 of the June 3, 2013 Annual Town Meeting.

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

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

ARTICLE 5 SUPPLEMENT SELF INSURANCE ACCOUNT BOARD OF SELECTMEN

To see if the Town will vote to transfer \$24,030.80 from Free Cash into Self Insurance Account, Line 946A of Article 5 of the June 3, 2013 Annual Town Meeting. The new total will be \$124,030.80.

PURPOSE AND JUSTIFICATION: To cover the replacement of a fire car that was totaled in an accident.

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to transfer \$24,030.80 from Free Cash to supplement the Self Insurance Account, Line 946A of Article 5 of the June 3, 2013 Annual Town Meeting.

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

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

ARTICLE 6 TRANSFER FUNDS INTO OPEB TRUST FUND

BOARD OF SELECTMEN

To see if the Town will vote to transfer \$104,108.00 from Free Cash into the OPEB (Other Post Employment Benefits) Trust Fund.

FINANCE COMMITTEE VOTE: 6-0

MAJORITY ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to transfer \$104,108.00 from Free Cash into the OPEB (Other Post Employment Benefits) Trust Fund.

FINANCE COMMITTEE REASON: The Town's auditors & bond raters recommend that the Town try to deposit funds into the "Other Post Employment Benefits Accounts."

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

ARTICLE 7 SUPPLEMENT BOH SALARY & WAGE ACCOUNT

BOARD OF HEALTH

To see if the Town will vote to amend the FY2014 Board of Health budget by appropriating an additional \$2,290.48 to line item #511A of Article 5 of the June 3, 2013 Annual Town Meeting, bringing its total to \$230,720.48, and to determine whether said sum shall be raised by taxation, transfer of available funds or otherwise.

PURPOSE AND JUSTIFICATION: In response to economic conditions in 2010, the Board of Health's Part-Time Assistant Health Inspector hours were reduced from 19 to 11.5 hours per week, where they remain. There was however, no corresponding reduction in state required inspections for restaurants, schools, food establishments and other food services, or for summer camps, public pools, Title V or any other state-mandated programs.

With the Part-Time Assistant hours yet to be restored, the Board of Health's current available inspection hours are insufficient to complete the increasing number of plan reviews, public health inspections, septic test and general complaint investigations required. Further, as the economy has continued to respond since 2010, so too have the demands on available health inspector time, but without any corresponding relief.

Now therefore, the Board of Health respectfully asks that its FY2014 budget be increased by \$2,290.48 in order to raise the Part-Time Assistant Health Inspector's available inspection coverage to 19 hours per week for the 25 remaining weeks of this fiscal year.

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to transfer \$2290.48 from Free Cash to supplement the Board of Health's Salary Account (Line. 511A) of Article 5 of the June 3, 2013 Annual Town Meeting.

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 FUNDS TO PURCHASE A REPLACEMENT FIRE TRUCK FIRE DEPT.

To see if the Town will vote to appropriate the sum of \$450,000.00 for the purchase and equipping a fire pumper to supplement the current fire suppression apparatus. Said sum to be borrowed per M.G.L. Chapter 44,7 (9) or any other enabling authority.

PURPOSE AND JUSTIFICATION: This request asks that the Town be authorized to purchase a fire pumper to support the suppression apparatus already in place. Due to expenses deemed too costly, our reserve pumper was taken out of service and eliminated from our inventory as its usefulness was no longer valid. Currently, when one of our pumpers is out of service for repairs or service, we have no other pumper to place in service. Also in the case of when our pumpers are in use at an incident and call-back personnel are brought in, they have no pumper to use. Most of our fires and significant emergency scenes require all of our apparatus to be tied up. The ability for us to protect the Town for another incident hinges on available apparatus. Currently we can and do staff the reserve ambulance and we can also staff the reserve ladder but without a reserve pumper, we have no fire suppression capabilities. It is our intention to move our Engine 1 to reserve status as it is a 1998 and our oldest unit in our fleet. It would also be our intention to outfit this pumper with the vent saws power tools, hose, radios and hand tools necessary to function as a Class I pumper.

FINANCE COMMITTEE VOTE: 6-0 2/3 ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That \$450,000 is appropriated for purchasing and equipping a fire pumper, including the payment of all costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$450,000 under G.L. c.44, §7(9) or any other enabling authority; that the Board of Selectmen is authorized to contract for and expend any federal or state aid available for the project; and that the Board of Selectmen is authorized to take any other action necessary or convenient to carry out this vote.

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

By a unanimous vote, declared obvious by the Moderator, the RTM members approved the Finance Committee’s recommendation.

ARTICLE 9 RESCIND BORROWING OF UNISSUED AMOUNT TREASURER/COLLECTOR

To see if the Town will vote to rescind the borrowing authorization for the following article and unissued amount for which borrowing authority is no longer required, or take any other action, relative thereto.

6/7/10 Annual Town Meeting Article 6 part 3 #38 – Infiltration and Inflow Removal Program Authorized for \$1,000,000 amount unissued and to be rescinded = \$454,734.82

PURPOSE AND JUSTIFICATION: Because the RTM voted in Article 10 of the 6/4/2012 STM to re-appropriate \$454,734.82 in unexpended funds to be used for the 6/7/10 ATM Article 6 part 3 #38 – Infiltration and Inflow Removal Program of \$1,000,000, the resulting excess borrowing capacity should necessarily be rescinded.

FINANCE COMMITTEE VOTE: 6-0 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to rescind the borrowing authorization for the following article and unissued amount for which borrowing authority is no longer required, or take any other action, relative thereto.

6/7/10 Annual Town Meeting Article 6 part 3 #38 – Infiltration and Inflow Removal Program Authorized for \$1,000,000 amount unissued and to be rescinded = \$454,734.82

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

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

**ARTICLE 10 AUTHORIZE LIBRARY TRUSTEES TO PROCEED WITH LIBRARY TRUSTEES
FEASIBILITY STUDY FOR A NEW OR UPDATED LIBRARY**

To see if the Town will vote to authorize the trustees of the Richards Memorial Library to proceed with a feasibility study to examine the options for expanding and renovating its current library building, or building a new facility.

PURPOSE AND JUSTIFICATION: The Massachusetts Board of Library Commissioners has announced a planning and design grant round. Permission for the library to apply must be voted by the town.

FINANCE COMMITTEE VOTE: 6-0 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to authorize the trustees of the Richards Memorial Library to proceed with a feasibility study to examine the options for expanding and renovating its current library building, or building a new facility.

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 AUTHORIZE LIBRARY TRUSTEES TO APPLY FOR LIBRARY TRUSTEES
STATE GRANTS**

To see if the Town will vote to authorize the trustees of the Richards Memorial Library to apply for, accept, and expend any state grants which may be available for a library building planning and design project.

PURPOSE AND JUSTIFICATION: The Massachusetts Board of Library Commissioners has announced a planning and design grant round. Permission for the library to apply must be voted by the town.

FINANCE COMMITTEE VOTE: 6-0 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to authorize the trustees of the Richards Memorial Library to apply for, accept, and expend any state grants which may be available for a library building planning and design project.

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

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

The Moderator, Deborah Kohl, read a letter into the record from the Planning Board regarding their recommendations on Warrant Article 12:

Deborah Kohl, Town Moderator

Town of North Attleborough

43 South Washington Street

North Attleborough, MA 02760

Re: Article No. 12 for Proposed Amendment to the Zoning By-Laws Map, Scheduled for the January 6, 2014,
Special Town Meeting.

Dear Ms. Kohl:

At their meeting held on Monday, January 6, 2014, the Planning Board voted as follows on Articles No. 12 of the January 6, 2014 Special Town Meeting Warrant to see if the Town will vote to approve a proposed amendment to the North Attleborough Zoning By-Laws Map:

Article 12: The Board voted unanimously (5-0) to recommend:

- That this article be approved as submitted.
- That this article be approved as amended.
- That this article be indefinitely postponed.

On Behalf of the Planning Board,

Mary E. Burgess

Town Planner

ARTICLE 12 AMEND ZONING MAP DESIGNATION OF 9 HOPPIN HILL AVE. PETITIONER

To see if the Town will vote to amend the Zoning By-Laws Map of the Town of North Attleboro Massachusetts dated August 18, 2011 and as amended by changing the zoning district of the land described as Assessor's Map 22, Lot 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 and as shown on the Zoning By-Laws Map of 1969. The boundary between districts R-15 and IC-30 on the subject Lot 15 shall be defined historically consistent with the boundary of abutting Lot 13 located at 465 South Washington Street which is zoned IC-30, by a continuing line drawn southerly from the southwest corner of Lot 13 and parallel to South Washington Street. A portion of Assessors Map 22 showing Lot 15 and its location together with a portion of the Zoning By-Law Map of 1969 showing the prior IC-30 zone are attached as Exhibits A and B respectively.

PURPOSE AND JUSTIFICATION: The zoning district of this property was changed from split R-15 and IC-30 to all IC-30 on the Zoning By-Law Map adopted at the SATM of October 17, 2011, merely by moving the boundary line between the two zoning districts. There was no notification ever published for a public hearing on this rezoned action "sufficient for identification" of the subject property and the intended change. (See Exhibit C) Consequently, the local residents were completely unaware that the rezoning was to be considered and had no opportunity to state their views and opinions as provided for under MGL Chapter 40A, Section 5.

The article subsequently put before town meeting requested only adoption of a new zoning map and made no reference to, or textual description of, or documentation identifying this or any other of the zoning changes that had been incorporated into that map. (See Exhibit D) Consequently, the warrant did not present "...a sufficient description of what (was) proposed so as to constitute an adequate warning to all of the inhabitants of the town" (ref. *Town Meeting Time, p4*).

The residents therefore request that the zoning designation for this property be restored to the split R-15 and IC-30 condition that previous existed, from which any future changes can be pursued with proper public notification and opportunity "for interested parties to be heard" as provided for under MGL Chapter 40A, Section 5.

FINANCE COMMITTEE VOTE: 5-1

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Zoning By-Laws Map of the Town of North Attleboro Massachusetts dated August 18, 2011 and as amended by changing the zoning district of the land described as Assessor's Map 22, Lot 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 and as shown on the Zoning By-Laws Map of 1969. The boundary between districts R-15 and IC-30 on the subject Lot 15 shall be defined historically consistent with the boundary of abutting Lot 13 located at 465 South Washington Street which is zoned IC-30, by a continuing line drawn southerly from the southwest corner of Lot 13 and parallel to South Washington Street. A portion of Assessors Map 22 showing Lot 15 and its location together with a portion of the Zoning By-Law Map of 1969 showing the prior IC-30 zone are attached as Exhibits A and B respectively.

FINANCE COMMITTEE REASON: The majority of the Committee felt that due to the large display of concern shown by the neighboring residents and the apparent indifference from the property owner, the Committee felt that changing the zoning back to a split zone was the appropriate thing to do for the area.

John Donahue (P7) made a Point of Order:

Move the question.

Motion seconded.

Motion carried.

By a 2/3 majority vote the RTM members approved the Finance Committee's recommendation.

91 Members Voting: 2/3 Required = 61; Yes=70 / No=21

A motion to Adjourn Sine Die was approved by a majority vote of the RTM members at 8:16 PM.