

**PROCEEDINGS**  
**SPECIAL TOWN MEETING**  
**JANUARY 7, 2013**

**On Monday, January 7, 2013, Town Clerk, Maxwell G. Gould, opened the Special Town Meeting at 7:05 PM by announcing, "With 105 RTM members present, we have a quorum."**

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

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

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

**NORTH ATTLEBOROUGH WARRANT**  
**FOR THE REPRESENTATIVE SPECIAL TOWN MEETING**  
**MONDAY, JANUARY, 7, 2013**  
**THE COMMONWEALTH OF MASSACHUSETTS**

**Bristol, ss.**

**To either Constable of North Attleborough:**

**GREETINGS:**

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

**MONDAY, THE 7th OF JANUARY, 2013 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 December 1, 2011

NORTH ATTLEBORO BOARD OF SELECTMEN  
Michael S. Thompson, Chairman  
Paul J. Belham, Vice-Chairman  
Joan Marchitto  
John C. Rhyno  
Mark Williamson

**Town Moderator, Deborah Kohl, then read the Return:**

**BRISTOL, ss.**

Pursuant to this within warrant, I have notified the inhabitants of the Town of North Attleborough within described, to meet at the time and place for the purpose within mentioned by posting attested copies of this warrant in nineteen (19) public places in said town twenty-one (21) days before the time of said meeting.

Chief John J. Reilly,  
Constable Town of North Attleborough

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 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 7/1/09

**FINANCE COMMITTEE VOTE: 6-1**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to appropriate \$19,603.68 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.

**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 2 POLICE OFFICERS 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 7/1/09

**FINANCE COMMITTEE VOTE: 6-1**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to appropriate the 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

**FINANCE COMMITTEE REASON:** The funds needed for this contract were included within the \$19603.68 that was appropriate under Article 1 of the warrant.

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

**ARTICLE 3 REVOKE TOWN ACCEPTANCE OF CIVIL SERVICE STATUS**

**B.O.S.**

To see if the Town will vote to revoke its acceptance of the provisions of the former Section 48 of Chapter 31 of the General Laws of the Commonwealth of Massachusetts, voted under Article 20 of the Warrant for the 1937 Annual Town Meeting, and any amendments thereto insofar as such chapter and section relate to the Civil Service status of regular or permanent members of the Police Department of the Town of North Attleborough, so that the regular or permanent members of the Police Department shall no longer be subject to the provisions of Chapter 31 and the rules and regulations relating thereto

except that such revocation shall not affect any civil service rights, which have come into existence between the Town and employee of the Police Department as a result of the original acceptance of such Section.

**PURPOSE AND JUSTIFICATION:** As a result of contract negotiations, removing the Police Department from Civil Service will allow the town to have better control of hiring and promoting police officers.

**FINANCE COMMITTEE VOTE: 6-1**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to revoke its acceptance of the provisions of the former Section 48 of Chapter 31 of the General Laws of the Commonwealth of Massachusetts, voted under Article 20 of the Warrant for the 1937 Annual Town Meeting, and any amendments thereto insofar as such chapter and section relate to the Civil Service status of regular or permanent members of the Police Department of the Town of North Attleborough, so that the regular or permanent members of the Police Department shall no longer be subject to the provisions of Chapter 31 and the rules and regulations relating thereto except that such revocation shall not affect any civil service rights, which have come into existence between the Town and employee of the Police Department as a result of the original acceptance of such Section.

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

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

**ARTICLE 4 REVOKE TOWNS ACCPETANCE OF THE QUINN BILL**

**B.O.S.**

To see if the Town will vote to revoke its acceptance of Section 108L of Chapter 41 of the General Laws of the Commonwealth of Massachusetts, voted under Article 4 of the Warrant for the October, 2000 Semi-Annual Town Meeting, and any amendments thereto so that the Town will no longer be subject to the police career incentive pay program set forth at that Section.

**PURPOSE AND JUSTIFICATION:** As a result of contract negotiations, elimination of the Quinn Bill will allow the town to better control the amount of funds being spent on police career incentives going forward.

**FINANCE COMMITTEE VOTE: 6-1**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to revoke its acceptance of Section 108L of Chapter 41 of the General Laws of the Commonwealth of Massachusetts, voted under Article 4 of the Warrant for the October, 2000 Semi-Annual Town Meeting, and any amendments thereto so that the Town will no longer be subject to the police career incentive pay program set forth at that Section,

**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 ELIMINATION OF CIVIL SERVICE FOR POLICE CHIEFS POSITION**

**B.O.S.**

To see if the Town will vote to revoke its acceptance of the provisions of the former Section 49 of Chapter 31 of the General Laws of the Commonwealth of Massachusetts, voted under Article 21 of the Warrant of the 1937 Annual Town Meeting, and any amendments thereto insofar as such chapter and section relate to the Civil Service status of the Chief of Police of the Town of North Attleborough, so that the Chief of Police shall no longer be subject to the provisions of Chapter 31 and the rules and regulations relating thereto except that such revocation shall not affect any Civil Service rights which have come into existence between the Town and any employee of the Police Department as a result of the original acceptance of such Section.

**PURPOSE AND JUSTIFICATION:** Removing the position of Police Chief from Civil Service will allow the town to have better control of hiring its police chief.

**FINANCE COMMITTEE VOTE: 6-1**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to revoke its acceptance of the provisions of the former Section 49 of Chapter 31 of the General Laws of the Commonwealth of Massachusetts, voted under Article 21 of the Warrant of the 1937 Annual Town Meeting, and any amendments thereto insofar as such chapter and section relate to the Civil Service status of the Chief of Police of the Town of North Attleborough, so that the Chief of Police shall no longer be subject to the provisions of Chapter 31 and the rules and regulations relating thereto except

that such revocation shall not affect any Civil Service rights which have come into existence between the Town and any employee of the Police Department as a result of the original acceptance of such Section.

**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 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 7/1/11

**FINANCE COMMITTEE VOTE:** 7-0

**MAJORITY VOTE**

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

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

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

**ARTICLE 7 APPROPRIATE FUNDS FOR ASBESTOS EXPENSES**

**B.O.S.**

To see if the Town will vote to appropriate a sum of money for the clean-up, abatement or removal of hazardous materials or any other related expenses from the Central Fire Department Headquarters.

**PURPOSE AND JUSTIFICATION:** The funds are needed to cover expenses incurred as a result of an unplanned release of asbestos.

**FINANCE COMMITTEE VOTE:** 7-0

**2/3 MAJORITY ROLL CALL**

**FINANCE COMMITTEE RECOMMENDATION:** That the sum of \$200,000.00 is appropriated to pay costs of the clean-up, abatement and/or removal of hazardous materials from the Central Fire Department Headquarters, 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(32) 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.

109 Members Voting; 2/3 Required = 73; Yes=106 / No=3

**ARTICLE 8 APPROPRIATE FUNDS TO SUPPLEMENT LIABILITY & PROPERTY INSURANCE GENERAL EXPENSES**

**B.O.S.**

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 any other available funds.

**PURPOSE AND JUSTIFICATION:** In Fiscal Year 2012, the Town was placed in the Commonwealth's worker's compensation pool as a result of inability to acquire voluntary coverage for mandated Worker's Compensation Insurance. The Town entered into a contract with a risk manager to conduct a QLMP (Qualified Loss Management Program) which dictates the Town receives a 15% discount from the pool insurance carrier. The commitment mandated by the state is four years and this year FY13 is the second year of the contract. The Town is seeking additional funds to cover the additional work required for the remainder of the fiscal year.

**FINANCE COMMITTEE VOTE:** 7-0

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** At the time of voting the account did not need to be supplemented.

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

**ARTICLE 9 APPROPRIATE FUNDS TO SUPPLEMENT VARIOUS BUDGETS B.O.S.**

To see if the Town will vote to supplement various departmental operating budgets within Article 5 of the FY2013 (June 4, 2012) Annual Town Meeting. Said sum to be transferred from Free Cash, or from any 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: 7-0**

**2/3 MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to appropriate \$57,056.00 to supplement the Reserve Fund Account (Dept. 132). \$20,000.00 to be transferred from the Stabilization Account and \$37,056.00 to be paid from Free Cash.

**FINANCE COMMITTEE REASON:** This money will replenish the Reserve Fund Account which recently appropriated money to cover a \$20,000.00 request to pay the interest on the abatement of personal property taxes owed to Verizon as well as \$37,056.00 expended to cover costs associated with the Asbestos clean up at the Central Fire System.

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

**ARTICLE 10 APPROPRIATE FUNDS TO SUPPLEMENT TAX TITLE ACCOUNT TREASURER**

To see if the Town will vote to appropriate the sum of \$2,000 or any other sum to supplement Article 5 FY13 Budget, Line 145C Tax Title Foreclosure, of the June 4, 2012 Annual Town Meeting. Said sum to be transferred from free cash or available funds.

**PURPOSE AND JUSTIFICATION:** The Town is the owner of a condominium and, as such, is responsible for monthly maintenance fees. The requested amount should cover said fees for fiscal year 2013.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to appropriate \$2,000.00 to supplement the Tax Title Foreclosure Account (Dept. 145C). Said sum to be paid from Free Cash.

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

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

**ARTICLE 11 APPROPRIATE FUNDS TO SUPPLEMENT SCHOOL DEPT BUDGET SCHOOL DEPT.**

To see if the Town will vote to appropriate the sum of \$452,000., or any other sum, to supplement Article 5 Line 300A – School Department General Expenses of the Annual Town Meeting for the Fiscal Year 2013. Said sum to be appropriated either by transfer from Free Cash, transfer from Stabilization, transfer of available funds, taxation, or otherwise.

**PURPOSE AND JUSTIFICATION:** This will allow the School Department to restore positions and line items, eliminated during the budget process over the past few years. This will include, but not be limited to: Paraprofessionals, Special Education needs, Administration support and/or curriculum materials to students.

**FINANCE COMMITTEE VOTE: 6-0-1**

**2/3 MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to appropriate the sum of \$152,500, to supplement the School Department General Expenses Account (Dept. 300A). Said sum to be transferred from the Stabilization Account.

**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.**

*Chris Akin (P2) made a motion to move Article 12 to the end of the warrant.*

*Motion seconded*

*Motion carried*

*Article 12 was considered after Article 18 at the end of the Warrant*

**ARTICLE 12 INCREASE ROOM OCCUPANCY TAX FROM 4% TO 6%**

**B.O.S.**

To see if the Town will vote to set the Room Occupancy Tax at 6% to be effective April 1, 2013 per the authority of the Massachusetts General Law Chapter 64g, Section 3a, Room Occupancy Excise.

Or to do or act in any manner relative thereto.

**PURPOSE AND JUSTIFICATION:** The RTM accepted this law and the implementation of the occupancy tax in June of 2010 which became effective October 2010. The room excise tax has contributed over \$187,000 in local receipts from October 1, 2010 to the first quarter of 2013. The current tax was set at 4% in 2010. The increase will assist the Town in generating much needed new income for the future fiscal years.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to set the Room Occupancy Tax at 6% to be effective April 1, 2013 per the authority of the Massachusetts General Law Chapter 64g, Section 3a, Room Occupancy Excise.

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

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

**The Town Moderator, Deborah Kohl, read a letter from the Planning Board regarding their recommendations for Articles 13, 14, & 15 into the record of the meeting.**

*January 3, 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 Zoning By-Laws Scheduled for the January 7, 2013, Special Town Meeting*

***At their meeting held on Thursday, December 20, 2012, the Planning Board voted as follows on Articles No. 13, 14, and 15 of the January 7, 2013, Special Town Meeting Warrant to see if the Town will vote to approve proposed amendments to the North Attleborough Zoning By-Laws:***

- ***Article 13:*** *The Board voted (3-1) to recommend that this article be approved as submitted. Note: In the legal notices for the public hearing, Article 13 was incorrectly referred to as Article 26. This was a scrivener's error, and was clarified at the beginning of the public hearing.*
- ***Article 14:*** *The Board voted unanimously (4-0) to recommend that this article be approved as submitted.*
- ***Article 15:*** *The Board voted unanimously (4-0) to recommend that this article be approved as submitted.*

*On Behalf of the Planning Board,  
Richard R. Houle*

**Moderator Deborah Kohl stated that she may have a conflict of interest with Article 13 and asked that a temporary Moderator preside during the consideration of that article.**

***By a majority vote the RTM members approved a motion to elect Town Clerk, Maxwell G. Gould, as temporary Moderator for Article 13 only.***



- 2.9. All utilities, including hydrant and supporting appurtenances, water main, and any sewer, electric, or gas line appurtenances, shall be owned and maintained by the Town, or service providers within a utility easement a minimum thirty (30) feet in width. Greater width may be required based on utility separation requirements or the needs of the utility provider.
3. Requirements.
- 3.1. Minimum Dimensions. No structure shall be closer than 60 feet from any other structure or way and 50 feet from any exterior perimeter lot boundary line. Exclusive use area must be no less than 30,000 square feet per proposed parcel.
- 3.2. Access.
- 3.2.1. Definition. The private access drive/common drive is defined as that portion of the driveway that provides access to a maximum of five (5) individual parcels. The private access drive/common drive becomes a private access at the point at which it provides access to one (1) parcel. No future extension of the private access drive/common drive is permitted unless there is adherence to the provisions of MGL Ch 40A and all other provisions of this by-law.
- 3.2.2. All private access drives/common drives shall be privately owned and all maintenance including snow removal, street lighting, repaving and similar activities, shall be the sole responsibility of the abutters to the private access drive/common drive.
- 3.3. Design Standards. Applicants must consider environmentally sensitive site design and low impact development techniques to manage stormwater. Incorporating a design that uses the land to filter and recharge the water back into the ground and also reduces the amount of paved areas is critical in creating sustainable development. Documentation used to create a trust or association of the owners of the dwelling units to own and maintain the private access drive/common drive is required. A restrictive covenant absolving the Town from present or future maintenance responsibilities for the private way, excluding any municipal water main(s), sewer, electric, or gas line(s) and supporting appurtenances which shall be owned and maintained by the Town or utility service provider within a utility easement, is required.
- 3.3.1. All private access drives/common drives shall be constructed in a manner ensuring reasonable and safe access for all vehicles including, but not limited to, emergency, fire and police vehicles. A safe means of a turnaround for emergency vehicles shall be provided at the end of the common drive.
- 3.3.2. Design. Common driveways shall be designed and built in accordance with the North Attleborough Department of Public Works construction standards to allow for the safe passage of all vehicles.
- 3.3.2.1. The common portion of the private access drive/common drive shall not exceed 900 feet in length.
- 3.3.2.2. The common drive shall be a minimum of twenty (20) feet wide, with a minimum three (3) foot maintained shoulders on each side.
- 3.3.2.3. Maximum driveway grade shall be ten (10) percent; minimum grade shall be one (1) percent. Grades at intersecting roadways shall not exceed three (3) percent for the first thirty (30) feet from the sideline of the intersecting edge of pavement.
- 3.3.2.4. The common drive shall be a paved surface. A minimum gravel base of twelve (12) inches shall be required. Gravel shall have no aggregate larger than six (6) inches. A three (3) inch dense graded crushed stone layer shall be placed over the twelve (12) inch base, with two (2) inch bituminous concrete binder and one and one-half (1 ½) inch bituminous concrete wearing surface.
- 3.3.2.5. The driveway shall be paved from the edge of the existing Town road unless otherwise specified and approved by the SPGA.
- 3.3.2.6. Culverts or water crossings must comply with Section 5.12.2, Drainage, in the North Attleborough Subdivision Rules and Regulations and any pertinent requirements of the Department of Public Works and Conservation Commission.
- 3.3.2.7. Central mailboxes or cluster boxes approved by the Postmaster General must be provided for each common access drive and must include sufficient space for vehicular turnout for mail delivery and collection.
- 3.3.2.8. Driveways to each residence shall have a lamp post installed at their intersection with the common access drive.
- 3.3.2.9. Common Driveway design shall provide accommodation for safe pickup/drop-off of school students and busses as determined by the school department.
- 3.3.3. All common drives serving three (3) or more parcels shall install a permanent granite marker, of minimal dimensions of five (5) feet in height from grade level, two (2) feet in width and seven (7) inches in depth, and shall be embedded at least 2.5 feet below grade level at the beginning of the common drive where it meets the public way. The granite marker shall be engraved with a diagram of the driveways showing locations, driveway names and house numbers. The bottom edge of the diagram shall be at a minimum 30 inches above the finished grade. Should the common drive split, a permanent granite marker complying to the above

- regulations, indicating which homes are located on either side of the split, must also be placed at the intersections.
- 3.3.4. The Common drive shall be inspected by the review engineer to ensure the use of the required materials and proper construction. Any cost for engineering inspections shall be borne by the applicant.
  - 3.3.5. The common drive must be completed up to a point between the proposed house and the Town road, including drainage, paving and grading, and all identification markers must be installed prior to the issuance of a building permit.
- 3.4. Open Space.
    - 3.4.1. Any land within the Residential Homestead not designated as a parcel, private access drive/common drive or driveway shall be designated as Active/Passive Open Space. Open Space land shall have a shape, dimension, character and location suitable for conservation, outdoor recreational facilities of a non-commercial use, agricultural, preservation of scenic or historic structures, parkland, and/or structures accessory to any of the above uses, including swimming pools, tennis courts, stables, greenhouses.
    - 3.4.2. Provisions shall be made for recorded Open Space, retained in perpetuity, to be owned by:
      - 3.4.2.1. Owners of all the homes, in common, in the Residential Homestead;
      - 3.4.2.2. A trust or association of the owners of all the homes in the Residential Homestead;
      - 3.4.2.3. The North Attleborough Conservation Commission (if adjoining existing town owned conservation land) or,
      - 3.4.2.4. Otherwise, as may be authorized by the Special Permit Granting Authority.
4. Limitation. No approved Residential Homestead issued by Special Permit under this Section may be further developed.
  5. Application Process. A Residential Homestead Special Permit Application must be filed pursuant to Special Permit Application Process, Section VIII.I.8, except that the Planning Board shall be the SPGA for Residential Homestead Special Permits.
    - 5.1. A pre-application preliminary/concept plan review and hearing with the Planning Board is required for Residential Homestead Special Permit applications. Representatives from other municipal departments including Conservation, Public Works, Health, Electric, Fire and Police are requested to attend.
    - 5.2. Before acting on a Special Permit application, the Special Permit Granting Authority shall conduct a public hearing in accordance with the provisions of this By-Law.
  6. Contents of a Special Permit Application for a Residential Homestead.
    - 6.1. The Applicant shall be required to submit a conventional preliminary subdivision-type plan depicting lot layout, total length of street layout to nearest existing throughway, including cul-de-sacs, and approximate delineation of any natural resources, if applicable.
    - 6.2. Documentation which shall be used to create and provide for ownership of Open Space.
    - 6.3. A copy of a restrictive covenant(s) which shall prohibit further development and absolve the Town from present or future maintenance responsibilities for the private way, excluding any municipal water main(s), sewer, electric, or gas line(s) and supporting appurtenances which shall be owned and maintained by the Town or utility service provider within a utility easement, is required.
  7. Special Permit Decision.
    - 7.1. The burden of proof shall be upon the applicant in determining the allowable number of parcels. The SPGA reserves the right to challenge the status of any parcel.
    - 7.2. The SPGA may impose reasonable conditions, and/or safeguards that further the purpose of Section VI.Q.
    - 7.3. The SPGA may grant a Special Permit under Section VI.Q only if it finds that:
      - 7.3.1. The proposed Residential Homestead will be in harmony with this Section;
      - 7.3.2. That it will be of a benefit to the community;
      - 7.3.3. That it will utilize the site in a more environmentally suitable manner than a conventional subdivision plan for the site; and,
      - 7.3.4. That the number of parcels shown is not more than the number of lots allowed under a conventional subdivision plan.
    - 7.4. The Special Permit Decision shall include statements that:
      - 7.4.1. The land lies within an approved Residential Homestead;
      - 7.4.2. The development of the land is permitted only in accordance with the land uses indicated within;
      - 7.4.3. The Town will not accept or maintain the private access drive/common drive, drainage, or any other improvements within the Homestead, excluding any municipal water main(s), sewer, electric, or gas line(s) and supporting appurtenances which shall be owned and maintained by the Town or service provider within a municipal utility easement; and,
      - 7.4.4. All deed restrictions with respect to ownership, use and maintenance, or permanent Open Space shall be referenced.

- 7.5. Recording of the Certificate of Approval, Conditions and Master Site Plan at the Bristol County Registry of Deeds that authorizes the construction of a way for a Residential Homestead shall be considered substantial use of the Special Permit granted under Section VI.Q. The SPGA has the discretion to regulate the time to complete the common access drive (s) through the required covenant or by bonding.
- 7.6. Bonding requirements shall be pursuant to Section 4.9 Performance, in the North Attleborough Subdivision Rules and Regulations, or as determined by the SPGA.
- 7.7. The restrictive covenant regarding the private access drive/common drive shall be recorded at the Bristol County Registry of Deeds.
- 7.8. Copies of all recorded instruments must be filed with the Planning Board prior to the issuance of any building permit. No certificate of occupancy shall be issued by the Building Department until the SPGA has certified that the site has been constructed in accordance with the approved plan and that the required documentation is in place for the private way to be maintained as a private way.
- 7.9. Issuance of a Special Permit under this section does not preclude any additional required permitting from any Town Department/Board/Committee.
8. Amendments. A Residential Homestead Special Permit may be amended pursuant to Section VIII.I.8. The SPGA may also permit the relocation of parcel lines for the convenience of the several owners within the Residential Homestead, provided that the minimum parcel area is maintained and further that any changes in overall density or common driveway layout will require further review and a public hearing.
9. Waivers. Strict compliance with the requirements may be waived by the SPGA when so determined, in writing, to be in the best interest of the Town and the intent of this by-law.
10. Master Site Plan. Each application submitted under this by-law shall be accompanied by a plan. The site plan submitted to the SPGA shall be prepared by both a professional registered civil engineer and by a professional land surveyor. It shall show, among other things as may be required by the Board in the proper administration of this section:
  - name of applicant and lot owner
  - assessor's plat and lot number
  - book and page number as recorded in Bristol County Registry of Deeds
  - dimensions of the lot and building distances from each lot line
  - scale of plan and zoning district
  - locus plan of the area showing the specific site at a scale of 1"=2,000'
  - location of existing structures
  - dimensions of driveway openings, driveways and other open uses
  - delineation of a vegetative clearance line
  - all facilities for water, sewage, refuse, and other waste disposal, and for drainage plans including but not limited to: catch basins, pipes, waterways, drywells, rip rap, retention and detention storage areas
  - all existing and proposed topographic contours at one (1) foot intervals
  - all wetlands, flood plains, waterways and rock outcroppings
  - location and dimension of any easements
  - all concrete, granite bounds, iron pins or drill hole in a large rock base stone which are required at the exterior lot corners
  - pertinent driveway data including but not limited to the following: length, bearing, radii, tangent distances, and central angles to determine the exact location, direction, and length of every common driveway line, lot line, and parcel lines; and to establish these lines on the ground
  - location of granite marker (s)
  - percentage calculations of open space required in the applicable zone
  - names and location of all existing abutters indicating limits of contiguous boundaries and those owners of land separated from the site by a town street and/or state road.

**PURPOSE AND JUSTIFICATION:** An alternative for landowners of tracts of land over six (6) acres who have growing families that wish to live and raise their children in North Attleborough but cannot afford the cost of conventional residential subdivision by giving them the opportunity to build up to five (5) homes in a rural setting (R-20 and R-40 Zoning Districts) while preserving Open Space and implementing Low Impact Development (LID) techniques. Encouraging this type of private development is an innovative step toward the future while mitigating expenses to the Town for maintenance and repair of public roadways.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

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

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

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

*Moderator Deborah Kohl resumed the chair as Moderator.*

**ARTICLE 14 FLOODPLAIN DISTRICT BY-LAW UPDATE "SECTION A" PLANNING BOARD**

To see if the Town will vote to amend the North Attleborough Zoning By-Laws by removing the portions of Section II. – Districts, C – Floodplain District, IV. – Use Regulations, Section A, to read as follows:

~~-Sections of the Massachusetts State Building Code which addresses flood plain and coastal high hazard areas (currently 780 CMR 120 G "Flood Resistant Construction and Construction in Coastal Dunes"); applicable to construction in the Floodplain;~~

**PURPOSE AND JUSTIFICATION:** Per the National Flood Insurance Program, the Department of Conservation and Recreation (dcr) has recommended the above changes to the Town of North Attleborough's Floodplain District Zoning By-Law in order to avoid continuously updating the by-law when other related codes or regulations change. (see attached letter.)

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

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

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

**With less than a majority in favor, the RTM Members defeated the Finance Committee's Recommendation.**

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

That the Town vote to amend the North Attleborough Zoning By-Laws by removing the portions of Section II. – Districts, C – Floodplain District, IV. – Use Regulations, Section A, to read as follows:

~~-Sections of the Massachusetts State Building Code applicable to construction in the Floodplain;~~

Motion Seconded.

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

**ARTICLE 15 FLOODPLAIN DISTRICT BY-LAW UPDATE "SECTION B" PLANNING BOARD**

To see if the Town will vote to amend the North Attleborough Zoning By-Laws, by adding #5 to Section II. Districts, C – Floodplain District, IV. – Use Regulations, Section B, to read as follows:

- 5) All subdivision proposals must be designed to assure that:
  - a. such proposals minimize flood damage;
  - b. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
  - c. adequate drainage is provided to reduce exposure to flood hazards.

**PURPOSE AND JUSTIFICATION:** The addition of this section will allow further protection from flooding incidents within the Flood Plain District.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

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

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

**With less than a majority in favor, the RTM Members defeated the Finance Committee's Recommendation.**

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

That the Town vote to amend the North Attleborough Zoning By-Laws, by adding #5 to Section II. Districts, C – Floodplain District, IV. – Use Regulations, Section B, to read as follows:

- 5) All subdivision proposals must be designed to assure that:
  - a. such proposals minimize flood damage;
  - b. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
  - c. adequate drainage is provided to reduce exposure to flood hazards.

Motion Seconded.

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

**ARTICLE 16 ESTABLISH AND FUND THE “NORTH ATTLEBORO COMMUNITY PARTNERSHIP FUND” B.O.S.**

To see if the Town will vote to accept under Town By-law (Article III, Section 5.e.) the establishment of a special trust fund to be known as the North Attleboro Community Partnership Trust Fund for the purpose of enhancing economic activity and development in the central business district through public activities, improvements in infrastructure, public signage, decorative vegetation and improving the quality of life for the residents of Town. The sum of \$37,427.61 to be transferred from free cash to be the starting balance with subsequent sums to be accepted by the Treasurer for the Town. The trust fund to be under the control of the Board of Selectmen.

**PURPOSE AND JUSTIFICATION:** On November 30, 2009, the DANA Trust Fund account was closed and the balance of \$37,427.61 was transferred to the general fund. The money became part of the certified free cash at the end of the fiscal year. This article is seeking to recover the transferred funds to establish a new trust fund that will be accessed to promote economic growth and stimulate business in the central district as well as provide a source of funding for future projects.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to accept under Town By-law (Article III, Section 5.e.) the establishment of a fund to be known as the “North Attleboro Community Partnership Fund” and to appropriate \$37,427.61 into the fund. Said sum to be transferred 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 17 VOTE TO REPLACE ARTICLE X OF THE TOWN BY-LAWS B.O.S.**

To see if the Town will vote to replace Article X of the Town By-laws in its entirety and replace with the new Article X.

**Animal Control Regulations**

This Article is adopted by the Town for the control and restriction of dogs and pets within the Town.

**Section 1**

Definition: Are referenced in M.G.L. Ch. 140, §136A included in part but not limited to the foregoing.

“Animal Control Officer”, an appointed officer authorized to enforce sections 136A to 174E, inclusive.

“Attack”, aggressive physical contact initiated by an animal.

“Commercial boarding or training kennel”, an establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that “commercial boarding or training kennel” shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

“Dangerous dog”, a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal. See M.G.L. Ch. 140, §157(a).

“Domestic charitable corporation kennel”, a facility operated, owned or maintained by a domestic charitable corporation registered with the department or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care.

“Euthanize”, to take the life of an animal by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia.

“Hearing authority”, the selectmen of a town.

“Keeper”, a person, business, corporation, entity or society, other than the owner, having possession of a dog.

“Kennel”, a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

“License period”, the period of time for which a municipal licensing authority prescribes the validity of a dog license, including the date of issuance of the license through the date on which the license expires, inclusive.

“Licensing authority”, the Town Clerk.

“Personal kennel”, a pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

“Shelter”, a public animal control facility or other facility which is operated by an organization or individual for the purpose of protecting animals from cruelty, neglect or abuse.

“Veterinary Kennel”, a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that “veterinary kennel” shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

## **Section 2. DOG LICENSING**

- a. The owner or keeper of a dog within the town of North Attleborough, six (6) months old or over, shall cause it to be licensed during each license period and pay the fee therefore. The licensing of a dog shall be conducted through the office of the town Clerk.
- b. The annual license period shall commence on April 1 of each year and terminate thereafter on March 31. During the license period, the owner or keeper of the licensed dog shall cause it to wear around its neck or body a collar or other suitable material to which is securely attached a tag in the form established by the Animal Control Officer and upon which shall appear the license number, license year, and name of the Town. A substitute tag for a lost tag can be obtained from the town Clerk for a fee of one dollar (\$1.00).

The license fee shall be:

Male dog	\$20.00
Female dog	\$20.00
Spayed female or neutered male	\$5.00

- c. Any license purchased on or after May 1 of each year shall include a late charge of twenty-five dollars (\$25.00), unless proof, such as a bill of sale or affidavit or similar document, can be shown that the dog was purchased or brought into Town within the previous sixty (60) days. There shall be no license fee charged for a service dog specifically trained provided a certificate is provided by a medical or governmental authority.

The Animal Control Officer may at any time inspect any facility commercial boarding & training kennels, charitable kennels, kennels and if, in his/her judgment, it is not being maintained in a sanitary and humane manner, shall file a request to revoke or suspend said license with the Board of Selectman who shall take action after a public hearing in accordance with M.G.L. Ch. 140, §137C.

- d. The Town Clerk shall not grant a license for any dog unless the owner or keeper thereof provides a veterinarian's certificate of vaccination in accordance with M.G.L. Ch. 140, 145B or a certificate of exemption pursuant to M.G.L. Ch. 140, 145B; and a certificate from a veterinarian shall be required for a spayed female or neutered male. The license shall be in a form established by the Town Clerk and shall be subject to conditions and requirements approved by the Board of Selectmen. This section shall not apply to a person to whom a valid kennel license has been issued.
- e. Kennel licenses: See Ch. 140, §137A, and Inspections M.G.L. Ch. 140, §137C. This section shall include commercial boarding or training kennels issued by the Town Clerk and the annual fee of twenty-five dollars (\$25.00) for five (5) dogs or less or fifty dollars (\$50.00) for more than five (5) dogs for the license period herein above. Such kennel license shall be in a form established by the town Clerk and shall be subject to conditions and requirements approved by the Board of Selectmen.
- g. This section shall not apply to any pet shop the owner of which is licensed under Section 39A of chapter 129 of the General Laws.
- h. Any license or kennel license of any kind herein defined held by any person found guilty of or having admitted sufficient facts or penalized for cruelty to animals or for possessing or training a fighting animal shall be void as of the date thereof and shall be immediately surrendered to the Town Clerk together with any tag thereunder. No new license or new kennel license shall be issued to such person for five (5) years after the date of the surrender of the license or kennel license.
- i. The fee for all licenses shall be set by vote of a majority of the Board of Selectman.

### **Section 3**

- A. Animal Control Officer shall be appointed annually in May and shall receive such compensation as may be directed by the Human Resource Administrator subject to M.G.L. Ch. 140, §149 and following.
- B. The Board of Selectmen shall annually within ten (10) days after June 1 in each licensing year issue a warrant to the Animal Control Officer directing him/her to catch and confine all dogs within the Town that have not been licensed and tagged as herein above required, to file and prosecute complaints for failure to comply with this section against the owners or keepers thereof, and to destroy by approved methods each dog which has been detained for a period of at least seven (7) days, provided that the Animal Control Officer may make available for adoption any dog not found to be diseased for such sum as is approved by the Board of Selectmen. Any dog so adopted shall be licensed before delivery to the purchaser. The Animal Control Officer shall keep and maintain records required by the Board of Selectmen for each confined dog. M.G.L. Ch. 140, §21.
- C. Each owner or keeper of a dog, cat, or ferret that is six months of age or older shall cause such dog, cat, or ferret to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine according to manufacturers directions and shall cause such dog, cat, or ferret to be revaccinated at intervals as recommended by the manufacturer. In accordance with M.G.L. Ch. 140, §145B-F, further whoever violates this section shall be punished by a fine of not more than \$100.

### **Section 4 Miscreant Dog or Pet**

In accordance with M.G.L. Ch. 140, §157 in part:

The Hearing Authority shall investigate or cause the investigation of any complaint to determine whether a dog is a nuisance or a dangerous dog in accordance with Section 157 of M.G.L. Ch. 140.

### **Section 5 Restraints**

- a. No person owning or keeping a dog within the town shall permit it to go at large on public ways, parks, playgrounds, school yards, or public properties, or buildings unless it is restrained or controlled by a leash of suitable material, and being not more than six (6) feet in length and a further restricted pursuant to M.G.L. Ch. 140, §174E.
- b. Any working dogs, such as police dogs, farm dogs, guide dogs, hunting dogs, or watch dogs, shall be allowed to perform their necessary duties with the proper restraint and control as may be required by its master or person or persons in whose charge the dog is assigned.
- c. Any owner or keeper of a dog who shall fail to comply with any order of the Animal Control Officer or fail to comply with this by-law shall be punished by a fine of fifty dollars (\$50.00) for a first offense in the calendar year, sixty dollars (\$60.00) for second offense in the calendar year, eighty dollars (\$80.00) for a third offense in the calendar year and one hundred dollars (\$100.00) for a fourth or subsequent offense in the calendar year. This Article is in compliance with the General Laws, Chapter 140, Sections 137, 137A, 137B, 138.
- d. The Animal Control Officer shall apprehend and confine all dogs observed by him/her within the limits of the Town in violation of this by-law. He shall forthwith release any dog so confined, if duly licensed to its owner or keeper upon payment to the Animal Control Officer of twenty dollars (\$20.00) together with the sum of seven dollars (\$7.00) for each day or fractional portion thereof of such confinement. Such payment shall be considered reimbursement for the time and expense necessary to prevent further violation of this by-law and shall not bar proceedings under subsection d of this by-law. The Animal Control Officer shall not make any complaint to the District Court after having collected such payment unless directed by the Board of Selectmen.

### **Section 6 Removal of Waste**

- a. It shall be the duty of each person who owns, possesses, controls or harbors a dog(s) to remove and dispose of any feces left by his/her dog(s) on any public area within the town of North Attleborough or any private property neither owned nor occupied by said Person. This regulation shall not apply to a dog accompanying a handicapped person who, by reason of his or her handicap, is physically unable to comply with the requirements of this section or to any person who utilizes a service dog.

**PURPOSE AND JUSTIFICATION:** To update the Town By-laws to coincide with the new State Law.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to replace Article X of the Town By-laws in its entirety and replace with the new Article X as amended.**

### **Animal Control Regulations**

**This Article is adopted by the Town for the control and restriction of dogs and pets within the Town.**

#### **Section 1**

**Definition: Are referenced in M.G.L. Ch. 140, §136A included in part but not limited to the foregoing.**

**“Animal Control Officer”, an appointed officer authorized to enforce sections 136A to 174E, inclusive.**

**“Attack”, aggressive physical contact initiated by an animal.**

**“Commercial boarding or training kennel”, an establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that “commercial**

boarding or training kennel” shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

“Dangerous dog”, a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal. See M.G.L. Ch. 140, §157(a).

“Domestic charitable corporation kennel”, a facility operated, owned or maintained by a domestic charitable corporation registered with the department or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care.

“Euthanize”, to take the life of an animal by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia.

“Hearing authority”, the selectmen of a town.

“Keeper”, a person, business, corporation, entity or society, other than the owner, having possession of a dog.

“Kennel”, a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

“License period”, the period of time for which a municipal licensing authority prescribes the validity of a dog license, including the date of issuance of the license through the date on which the license expires, inclusive.

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“Personal kennel”, a pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

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- b. The annual license period shall commence on April 1 of each year and terminate thereafter on March 31. During the license period, the owner or keeper of the licensed dog shall cause it to wear around its neck or body a collar or other suitable material to which is securely attached a tag in the form established by the Animal Control Officer and upon which shall appear the license number, license year, and name of the Town. A substitute tag for a lost tag can be obtained from the town Clerk for a fee of one dollar (\$1.00).

The license fee shall be:

Male dog	\$20.00
Female dog	\$20.00
Spayed female or neutered male	\$5.00

- c. Any license purchased on or after May 1 of each year shall include a late charge of twenty-five dollars (\$25.00), unless proof, such as a bill of sale or affidavit or similar document, can be shown that the dog was purchased or brought into Town within the previous sixty (60) days. There shall be no license fee charged for a service dog specifically trained provided a certificate is provided by a medical or governmental authority. There shall be no license fee charged for dog owners over the age of seventy (70). No license fee or part thereof is refundable.
- d. The Town Clerk shall not grant a license for any dog unless the owner or keeper thereof provides a veterinarian's certificate of vaccination in accordance with M.G.L. Ch. 140, 145B or a certificate of exemption pursuant to M.G.L. Ch. 140, 145B; and a certificate from a veterinarian shall be required for a spayed female or neutered male. The license shall be in a form established by the Town Clerk and shall be subject to conditions and requirements approved by the Board of Selectmen. This section shall not apply to a person to whom a valid kennel license has been issued.
- e. Kennel licenses: See Ch. 140, §137A, and Inspections M.G.L. Ch. 140, §137C. This section shall include commercial boarding or training kennels issued by the Town Clerk and the annual fee of twenty-five dollars (\$25.00) for five (5) dogs or less or fifty dollars (\$50.00) for more than (5) dogs for the license period herein above. Such kennel license shall be in a form established by the town Clerk and shall be subject to conditions and requirements approved by the Board of Selectmen.
- f. The Animal Control Officer may at any time inspect any facility commercial boarding & training kennels, charitable kennels, kennels and if, in his/her judgment, it is not being maintained in a sanitary and humane manner, shall file a request to revoke or suspend said license with the Board of Selectman who shall take action after a public hearing in accordance with M.G.L. Ch. 140, §137C.
- g. This section shall not apply to any pet shop the owner of which is licensed under Section 39A of chapter 129 of the General Laws.
- h. Any license or kennel license of any kind herein defined held by any person found guilty of or having admitted sufficient facts or penalized for cruelty to animals or for possessing or training a fighting animal shall be void as of the date thereof and shall be immediately surrendered to the Town Clerk together with any tag thereunder. No new license or new kennel license shall be issued to such person for five (5) years after the date of the surrender of the license or kennel license.
- i. The fee for all licenses shall be set by vote of a majority of the Board of Selectman.

### Section 3

- A. Animal Control Officer shall be appointed annually in May and shall receive such compensation as may be directed by the Board of Selectmen subject to M.G.L. Ch. 140, §149 and following.
- B. The Board of Selectmen shall annually within ten (10) days after June 1 in each licensing year issue a warrant to the Animal Control Officer directing him/her to catch and confine all dogs within the Town that have not been licensed and tagged as herein above required, to file and prosecute complaints for failure to comply with this section against the owners or keepers thereof, and to destroy by approved methods each dog which has been detained for a period of at least seven (7) days, provided that the Animal Control Officer may make available for adoption any dog not found to be diseased for such sum as is approved by the Board of Selectmen. Any dog so adopted shall be licensed before delivery to the purchaser. The Animal Control

Officer shall keep and maintain records required by the Board of Selectmen for each confined dog. M.G.L. Ch. 140, §21.

- C. Each owner or keeper of a dog, cat, or ferret that is six months of age or older shall cause such dog, cat, or ferret to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine according to manufacturer's directions and shall cause such dog, cat, or ferret to be revaccinated at intervals as recommended by the manufacturer. In accordance with M.G.L. Ch. 140, §145B-F, further whoever violates this section shall be punished by a fine of not more than \$100.

#### Section 4 Miscreant Dog or Pet

In accordance with M.G.L. Ch. 140, §157 in part:

The Hearing Authority shall investigate or cause the investigation of any complaint to determine whether a dog is a nuisance or a dangerous dog in accordance with Section 157 of M.G.L. Ch. 140.

#### Section 5 Restraints

- a. No person owning or keeping a dog within the town shall permit it to go at large on public ways, parks, playgrounds, school yards, or public properties, or buildings unless it is restrained or controlled by a leash of suitable material, and being not more than six (6) feet in length and a further restricted pursuant to M.G.L. Ch. 140, §174E.
- b. Any working dogs, such as police dogs, farm dogs, guide dogs, or hunting dogs, shall be allowed to perform their necessary duties with the proper restraint and control as may be required by its master or person or persons in whose charge the dog is assigned.
- c. Any owner or keeper of a dog who shall fail to comply with any order of the Animal Control Officer or fail to comply with this by-law shall be punished by a fine of fifty dollars (\$50.00) for a first offense in the calendar year, sixty dollars (\$60.00) for second offense in the calendar year, eighty dollars (\$80.00) for a third offense in the calendar year and one hundred dollars (\$100.00) for a fourth or subsequent offense in the calendar year. This Article is in compliance with the General Laws, Chapter 140, 174E
- d. The Animal Control Officer shall apprehend and confine all dogs observed by him/her within the limits of the Town in violation of this by-law. He shall forthwith release any dog so confined, if duly licensed to its owner or keeper upon payment to the Animal Control Officer of twenty dollars (\$20.00) together with the sum of seven dollars (\$7.00) for each day or fractional portion thereof of such confinement. Such payment shall be considered reimbursement for the time and expense necessary to prevent further violation of this by-law and shall not bar proceedings under subsection c of this by-law. The Animal Control Officer shall not make any complaint to the District Court after having collected such payment unless directed by the Board of Selectmen.

#### Section 6 Removal of Waste

- a. It shall be the duty of each person who owns, possesses, controls or harbors a dog(s) to remove and dispose of any feces left by his/her dog(s) on any public area within the town of North Attleborough or any private property neither owned nor occupied by said Person. This regulation shall not apply to a dog accompanying a handicapped person who, by reason of his or her handicap, is physically unable to comply with the requirements of this section or to any person who utilizes a service dog.

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

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

**ARTICLE 18 APPROPRIATE FUNDS FOR A SPECIAL ELECTION**

**PETITION**

To see if the Town will vote to appropriate \$16,445.50 to supplement Department #162 – Elections of Article #5 of the June 4, 2012 Annual Town Meeting by adding the following amounts to the following lines: \$10,182.50 to Line #162A – Salaries \$6,263 to Line #162B - General Expenses for the purpose of holding a special election in June, 2013 to vote on a Proposition 2 ½ Property Tax Override. Said sum to be transferred from Free Cash or other available funds.

**FINANCE COMMITTEE VOTE: 5-2**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to appropriate \$16,445.50 to supplement the Elections Department Salary Account (Dept. 162B) for the purpose of holding a special election in June, 2013 to vote on a Proposition 2 ½ Property Tax Override. Said sum to be paid from Free Cash.

**FINANCE COMMITTEE REASON:** The majority of the Committee felt that it was appropriate to allocate the money for a special election so that the funds would be in place should the Board of Selectmen decide to place it on the ballot. It did not debate or discuss the merits of a proposed override.

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

*Article 12 was considered at this time.  
(Refer to the article for action taken)*

*A motion to Adjourn Sine Die was approved by a majority vote of the RTM members at 9:34 PM.*