

**PROCEEDINGS
SPECIAL TOWN MEETING
March 25, 2013**

On Monday, March 25, 2013, Town Clerk, Maxwell G. Gould, opened the Special Town Meeting at 7:05 PM by announcing, "With 99 RTM members present, we have a quorum."

He then announced that Town Moderator Deborah Kohl would not be in attendance and called for the election of a Moderator pro tempore for the meeting.

Robert Nerz (P7) nominated Town Clerk Maxwell G. Gould. After a second to the nomination, and with no other nominations offered, the RTM members unanimously elected Maxwell G. Gould.

The Town Moderator led the membership in the Pledge of Allegiance to our Flag.

He then called for a moment of silence in respect for our men and women serving at home and overseas in the Armed Forces.

Town Moderator, Maxwell Gould, read the warrant and return:

**NORTH ATTLEBOROUGH WARRANT
FOR THE REPRESENTATIVE SPECIAL TOWN MEETING
MONDAY, MARCH 25, 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 25th OF MARCH 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, Maxwell Gould, 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 FIRE DEPARTMENT 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.

Or to do or act in any manner relative thereto.

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

FINANCE COMMITTEE VOTE: 8-0

MAJORITY VOTE

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

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

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

ARTICLE 2 PRIOR FISCAL YEAR UNPAID BILL

HUMAN RESOURCES

To see if the Town will vote to appropriate the sum of \$231.84 for an FY12 bill received from Blue Cross/Blue Shield for the administration of the drug subsidy program for retirees and to determine whether said sum shall be paid from free cash, transfer from available funds or otherwise.

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION: The original billed amount that was received from Blue Cross was disputed by the Town and due to the amount of research that was involved, the agreed upon amount was just recently determined.

FINANCE COMMITTEE VOTE: 8-0

9/10 VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$231.84 for an FY12 bill received from Blue Cross/Blue Shield for the administration of the drug subsidy program for retirees. Said sum to be paid from Free Cash.

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

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

ARTICLE 3 PRIOR FISCAL YEAR UNPAID BILL

BOARD OF PUBLIC WORKS

To see if the Town will vote to appropriate the sum of \$12,214.73 for an unpaid bill relating to Payment in Lieu of Taxes for the Town of Plainville, MA. Said sum shall be paid from Water Enterprise Retained Earnings. Or to do or act in any manner relative thereto.

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 with the Town of Plainville. This land is the site of 4 of the Town's drinking water supply. The Town questioned the calculations that were used by Plainville to develop the final

amount for the 2011 PILOT bill. The issue has just been resolved through Town Counsel and it has been determined that the sum should be paid.

FINANCE COMMITTEE VOTE: 8-0

9/10 VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$12,214.73 for an unpaid bill relating to Payment in Lieu of Taxes for the Town of Plainville, MA. Said sum shall be paid from Water Enterprise 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 4 SUPPLEMENT VARIOUS TOWN OPERATING BUDGETS

BOARD OF SELECTMEN

To see if the Town will vote to supplement the operating budgets of various departments 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: 6-0

2/3 MAJORITY ROLL CALL

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to transfer \$2,000.00 from the Board of Selectmen (Dept 122) General Expenses account into the Board of Selectmen Salary Account and that the Town vote to appropriate \$364,855.14 to supplement the following Town operating budgets:

\$14,000.00 to the Elections (Dept. 162) - \$12,700.00 into Salaries & \$1,300.00 into General Expenses

\$30,000.00 to the Veterans (Dept. 543) General Expense Account

\$320,855.14 to the Snow & Ice (Dept. 423) - \$57,573.22 into Salaries & \$263,281.92 into General Expenses

\$164,000.00 to be paid from Free Cash and \$119,176.77 to be transferred from the Stabilization Account and \$81,678.37 to be transferred from the Unemployment Account.

FINANCE COMMITTEE REASON: The Elections Department needs the additional funds to pay for the special elections required to fill the open Senatorial seat. The Veterans have experienced an increase in requested aid which the Town is obligated to pay. The Snow & Ice account is overdrawn due to the large storms this season.

By a roll call vote the RTM members approved the Finance Committee's Recommendation.

94 Members Voting; 2/3 Required = 63 Yes 93 / No 1

ARTICLE 5 APPROPRIATE FUNDS TO OFFSET CO-PAY REIMBURSEMENTS

BOARD OF SELECTMEN

To see if the Town will vote to appropriate the sum of _____ to offset medical co-pay reimbursements for employees of the Town throughout all of the divisions. Said sums to be transferred from free cash, available funds, Water Department Retained Earnings, Sewer Department Retained Earnings, Solid Waste Department Retained Earnings and North Attleborough Electric Department.

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION: The Town has adopted a new value insurance plan for the town employees that will lower the annual premiums and be extremely advantageous for the employees. The town has entered into an agreement with the unions, set aside a portion of the savings to offset a portion of the savings to offset part of the increase in co-pays through June 30, 2014. This covers the final period from July 1, 2013 through June 30, 2014.

FINANCE COMMITTEE VOTE: 8-0

MAJORITY ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$158,017.57 for Medical Co-Pay Reimbursements.

\$143,428.51 to be paid from Health Insurance Account (Dept. 914)

\$3,524.08 to be paid from Water Enterprise Retained Earnings

\$3,267.82 to be paid from Sewer Enterprise Retained Earnings

**\$707.22 to be paid from Solid Waste Retained Earnings
\$7,089.94 to be paid from North Attleboro Electric Dept.**

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

**By a roll call vote the RTM members approved the Finance Committee's Recommendation.
95 Members Voting; Majority Required = 48 Yes 94 / No 1**

ARTICLE 6 CONVEYANCE OF LAND ON CLIFTON STREET

BOARD OF PUBLIC WORKS

To see if the Town will vote to authorize the Board of Selectmen to convey by quitclaim deed to Fred C. Bottomley all of the Town's right, title and interest in the parcel of land shown as "Parcel X" on the plan entitled "Plan of Proposed Lot 28-X Clifton Street, North Attleborough, MA" prepared for Fred C. Bottomley by Yarworth Engineering Company, Inc. dated March 25, 2012, "Parcel X" contains 4,282 square feet more or less. In consideration of the exchange the Board of Selectmen is further authorized to accept by quitclaim deed from Fred C. Bottomley all owner's right, title and interest in the parcel of land shown as "Parcel 28A-2" on the same referenced plan. Parcel 28A-2 contains 6,991 square feet more or less and the sum of nine hundred (\$900.00) dollars no cents.

PURPOSE AND JUSTIFICATION: Clifton Street was formerly the location of a rail crossing, long since abandoned. The traveled way (paved portion) of the roadway, constructed while the crossing was active, did not coincide with the accepted right of way. A portion of the traveled way still crosses over private property belonging to Bottomley (Parcel 28A-2). This conveyance of property will completely include the traveled way of the roadway within the Right of Way and will eliminate the parcel of private property. A portion of the Town's parcel ("Parcel X") is to be conveyed to Bottomley in order to retain roadway frontage for the resulting parcel. Town Assessor has determined the difference in value as being \$900.00.

FINANCE COMMITTEE VOTE: 8-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to authorize the Board of Selectmen to convey by quitclaim deed to Fred C. Bottomley all of the Town's right, title and interest in the parcel of land shown as "Parcel X" on the plan entitled "Plan of Proposed Lot 28-X Clifton Street, North Attleborough, MA" prepared for Fred C. Bottomley by Yarworth Engineering Company, Inc. dated March 25, 2012, "Parcel X" contains 4,282 square feet more or less. In consideration of the exchange the Board of Selectmen is further authorized to accept by quitclaim deed from Fred C. Bottomley all owner's right, title and interest in the parcel of land shown as "Parcel 28A-2" on the same referenced plan. Parcel 28A-2 contains 6,991 square feet more or less and the sum of nine hundred (\$900.00) dollars no cents.

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

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

The Moderator read a letter into the record from the Planning Board regarding their recommendations on Warrant Articles 7, 8, and 9:

March 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 Zoning By-Laws Scheduled for the March 25, 2013 Special Town Meeting

Dear Ms. Kohl:

At their meeting held on Tuesday, March 19, 2013. the Planning Board voted as follows on Articles No. 7, 8 and 9 of the March 25, 2013 Special Town Meeting Warrant to see if the Town will vote to approve proposed amendments to the North Attleborough Zoning By-Laws:

- **Article 7:** The Board voted unanimously (4-0) to recommend that this article be approved. Note: Per the Planning Board's recommendation, the title for the proposed "A-Frame Sign" definition shall be corrected to read "Sign, A-Frame" to be consistent with the current Sign By-Laws.
- **Article 8:** The Board voted unanimously (4-0) to recommend that this article be approved. Note: Per the Planning Board's recommendation, the title for the proposed "A-Frame Sign" by-law shall be corrected to read "Sign, A-Frame" to be consistent with the current Sign By-Laws.
- **Article 9:** The Board voted unanimously (4-0) to recommend that this article be approved.

On Behalf of the Planning Board,

Mary E. Burgess
Town Planner

cc: Town Clerk
Finance Committee

**ARTICLE 7 AMEND ZONING BY-LAWS BY ADDING DEFINITION
OF A-FRAME SIGN**

BUILDING INSPECTOR

To see if the Town will vote to amend the Town of North Attleborough Zoning By-Laws Section IX – Definitions, B. Selected Words and Terms, to add definition as follows:

A-Frame Sign. A two-sided sign, hinged or attached at the top of the sign panels, identifying, advertising, or directing attention to a business(es), product(s), operation(s), or service(s) sold or offered in the building in front of which the sign is located.

Or to do or act in any manner relative thereto.

PURPOSE AND JUSTIFICATION: To define style, shape and purpose of a non-permanent sign.

FINANCE COMMITTEE VOTE: 6-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town of North Attleborough Zoning By-Laws Section IX – Definitions, B. Selected Words and Terms, to add definition as follows:

Sign, A-Frame. A two-sided sign, hinged or attached at the top of the sign panels, identifying, advertising, or directing attention to a business(es), product(s), operation(s), or service(s) sold or offered in the building in front of which the sign is located.

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 AMEND ZONING BY-LAW SIGN REGULATION

BUILDING INSPECTOR

To see if the Town will vote to amend the Town of North Attleborough Zoning By-Laws, Section VI-Supplementary Regulations, G. Signs, to add as follows:

Subsection 9. A-Frame Signs

One non-illuminated A-Frame sign, subject to the following conditions:

1. Sign shall only announce that particular business being served.
2. Sign shall not exceed a maximum height of 44" and a maximum width of 28" with a minimum height of 28".

3. Sign shall be located directly in front of the business being served and within the property lines.
4. Sign shall only be displayed during normal business hours and shall be removed and stored indoors during off hours.
5. Businesses shall be permitted to freely select and change messages related to that entity.
6. Signs shall not be displayed during times of inclement weather such as high winds or snow storms.
7. Businesses having no front yard area may place an A-Frame sign on public property provided that the sign complies with the following:
 - a.) There shall be no less than five (5) feet of unobstructed sidewalk between the curb and the frontage property line.
 - b.) The applicant shall sign a waiver of liability form provided by the Town of North Attleborough.
 - c.) The applicant shall provide proof of liability insurance. Specific insurance requirements to be determined.
8. A-Frame sign permits shall be valid for a period of one (1) year. All permits shall expire on 12/31 of that given year.

PURPOSE AND JUSTIFICATION: Expand visual communication and enhance the advertising methods for local businesses.

FINANCE COMMITTEE VOTE: 6-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town of North Attleborough Zoning By-Laws, Section VI-Supplementary Regulations, G. Signs, to add as follows:

Subsection 9. Signs, A-Frame

One non-illuminated A-Frame sign, subject to the following conditions:

1. Sign shall only announce that particular business being served.
2. Sign shall not exceed a maximum height of 44" and a maximum width of 28" with a minimum height of 28".
3. Sign shall be located directly in front of the business being served and within the property lines.
4. Sign shall only be displayed during normal business hours and shall be removed and stored indoors during off hours.
5. Businesses shall be permitted to freely select and change messages related to that entity.
6. Signs shall not be displayed during times of inclement weather such as high winds or snow storms.
7. Businesses having no front yard area may place an A-Frame sign on public property provided that the sign complies with the following:
 - a.) There shall be no less than five (5) feet of unobstructed sidewalk between the curb and the frontage property line.
 - b.) The applicant shall sign a waiver of liability form provided by the Town of North Attleborough.
 - c.) The applicant shall provide proof of liability insurance. Specific insurance requirements to be determined.
8. A-Frame sign permits shall be valid for a period of one (1) year. All permits shall expire on 12/31 of that given year.

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

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

ARTICLE 9 TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

PLANNING BOARD

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section VI.Q., **TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS**, that would provide as follows, and further to amend the Table of Contents to add Section Q, "Temporary Moratorium on Medical Marijuana Treatment Centers:"

Section VI.Q.1. PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a Medical

Marijuana Treatment Center is not a permitted use in the Town pursuant to **Section V: Use Regulations, Schedule B** and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

Section VI.Q.2. **DEFINITION**

“Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

Section VI.Q.3. **TEMPORARY MORATORIUM**

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations Regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

PURPOSE AND JUSTIFICATION: The purpose of this bylaw is to place a moratorium which will allow the Town to prepare regulations and zoning bylaws to accommodate this legislation action.

FINANCE COMMITTEE VOTE: 6-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town’s Zoning Bylaw by adding a new Section VI.Q., TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS, that would provide as follows, and further to amend the Table of Contents to add Section Q, “Temporary Moratorium on Medical Marijuana Treatment Centers:”

Section VI.Q.1. **PURPOSE**

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law’s effective date. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town pursuant to Section V: Use Regulations, Schedule B and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

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sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

Section VI.Q.3. TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations Regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

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

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

A motion to Adjourn Sine Die was approved by a majority vote of the RTM members at 8:02 PM.