

**PROCEEDINGS  
SPECIAL TOWN MEETING  
MARCH 26, 2012**

On Monday, March 26, 2012, Town Clerk, Maxwell G. Gould, opened the Special Town Meeting at 7:00 PM by announcing, "With 73 RTM members present, we have a quorum."

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

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

A moment of silence was observed in memory of Richard Thimot, an RTM member and long-time public servant, who has passed away since the last Town Meeting.

Diana Asanza, the Town Treasurer/Tax Collector who was attending her last Town Meeting in her official capacity, was recognized for her many years of dedicated service.

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

**NORTH ATTLEBOROUGH WARRANT  
FOR THE REPRESENTATIVE SPECIAL TOWN MEETING**

**Monday, March 26, 2012**

**The Commonwealth of Massachusetts**

**Bristol, ss.**

**To either Constables of North Attleborough:**

**GREETINGS:**

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

**MONDAY, THE 26TH OF MARCH, 2012 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 meeting. Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk on or before the time of said meeting.

Given our hands and seal of the Town of North Attleborough on this February 23, 2012.

NORTH ATTLEBOROUGH BOARD OF SELECTMEN

John C. Rhyno, Chairman

Christopher L. Sweet, Vice-Chairman

Paul J. Belham, Sr.

Joan Marchitto

Michael S. Thompson

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

BRISTOL, ss.

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

Chief John J. Reilly,  
Constable Town of North Attleborough

**Robert Nerz (P7) made a motion as follows:**

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

Motion seconded.

**Motion carried.**

**Robert Nerz (P7) made a motion as follows:**

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

Motion seconded.

**Motion carried.**

**ARTICLE 1 USW CONTRACT**

**HUMAN RESOURCES**

To see if the Town will vote to appropriate a sum of money to supplement the budgets of various departments for the purpose of financing any changes made in the Personnel By-laws, as a result of Collective Bargaining and otherwise for salary increases for United Steelworkers of America, 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.

Human Resources

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

**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 2 TRANSFER FUNDS FROM SALARIES TO GENERAL EXPENSES**

**POLICE DEPT.**

To see if the Town will vote to amend Article 5 of FY12 Annual Town Meeting by transferring Fifty-Five Thousand (\$55,000.00) Dollars, from Line 210A – Police Department Salaries to Line 210B – Police Department General Expenses.

Ten Thousand (\$10,000.00) Dollars to be used for building maintenance and Forty-Thousand (\$40,000.00) Dollars to be used to supplement our gasoline account and Five Thousand (\$5,000.00) Dollars to be used for recruit academy fees.

Or to do or act in any manner relative thereto.

Police Department

**PURPOSE AND JUSTIFICATION:** As we’ve entered our sixth year in this facility, we are beginning to experience the breakdown of some of the original construction. On a daily basis we are receiving reports on some portions of the building that are in need of repair. This includes but is not limited to plaster, paint, carpets, plumbing, electrical, lighting, furniture, roofing, masonry and most importantly the HVAC system. This system has been problematic for a number of years and we have recently begun to manage it correctly. We expect this cost to increase as more work will need to be completed in the coming months. Currently we are down to \$2,985.28 in our building maintenance account.

As of now, we have expended sixty-three (63%) percent of our gasoline budget and this does not include the month of January. Although it varies, we typically spend Ninety-Five Thousand (\$95,000) Dollars per fiscal year in gasoline. We currently have Thirty-Five Thousand (\$35,000) Dollars left in our account. Experts are predicting the

prices in gas, in this area of the country, to rise above \$4.00 per gallon before Memorial Day. Besides our normal course of daily patrols and responses, we have also hired two new recruits who are mandated to take a cruiser each day of the week to the police academy, which is located in Reading, Massachusetts.

The Massachusetts Criminal Justice Training Counsel now collects a fee of \$2,500.00 per recruit for student officers that are attending the police academy. The North Attleborough Police Department just appointed two new officers and they are scheduled to begin the academy in March, 2012.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to transfer Fifty-Five Thousand (\$55,000.00) Dollars, from Line 210A – Police Department Salaries to Line 210B – Police Department General Expenses.**

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

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

**ARTICLE 3 SUPPLEMENT LEGAL COUNSEL’S BUDGET**

**BOARD OF SELECTMEN**

To see if the Town will vote to amend Article 5 Omnibus Budget for Fiscal Year 2012 by increasing the amount in Department 151B Legal Counsel General Expenses from \$100,000.00 to \$110,000.00. Said sum to be transferred from Free Cash or available funds.

Or to do or act in any manner relative thereto.

Board of Selectmen

**PURPOSE AND JUSTIFICATION:** Due to increased efforts by the legal counsel for the Town in addressing issues related to litigation, the initial appropriation will need to be increased for the remainder of the fiscal year for anticipated hours of service.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$10,000.00 to supplement Department 151B Legal Counsel’s General Expense Budget. 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 4 SUPPLEMENT FIRE / AMBULANCE SALARY BUDGET**

**FIRE DEPARTMENT**

To see if the Town will vote to supplement Fire/Ambulance Dept. Salaries Article 5, Line 220A of the Annual Town Meeting June 6, 2011 (FY 2012) by adding \$10,296.92 to change the amount from \$4,120,588 to \$4,130,884.92. Said sum to be transferred from available free cash, general taxation or any other available funds.

Or to do or act in any manner relative thereto.

Fire Commissioners

See Attached

**PURPOSE AND JUSTIFICATION:** Federal reimbursement for Tropical Storm Irene may be delayed beyond FY12 year end.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$10,296.92 to supplement Department 220A, Fire/Ambulance Dept. Salary Budget. 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 5 SUPPLEMENT HIGHWAY, FORESTRY, FLEET BUDGET DEPT. PUBLIC WORKS**

To see if the Town will vote to amend Article 5 of the June 6, 2011 Annual Town Meeting, Highway, Forestry & Fleet, Department 422, Budget Line Items as follows:

	<b>HIGHWAY, FORESTRY AND FLEET</b>	<b>FY12 APPROVED BUDGET</b>	<b>FY12 AMENDED BUDGET</b>
422A	Salaries	\$690,677.50	\$690,677.50
422B	General Expenses	\$229,908.35	\$251,778.35
	<b>HIGHWAY, FORESTRY, FLEET TOTAL</b>	<b>\$920,585.85</b>	<b>\$942,455.85</b>

And that the sum of \$21,870.00 be transferred from Free Cash or any other available funds.

Or to do or act in any manner relative thereto.

Board of Public Works

**PURPOSE AND JUSTIFICATION:** On August 28, 2011, Tropical Storm Irene caused a tremendous amount of tree damage to both roadways and private property. On October 29, 2011, a heavy snow storm caused additional extensive tree damage. Many of the Town’s Departments spent substantial efforts to restore the community quickly and efficiently. The Highway Division expended over \$50,000 in expenses on tree company services, equipment rental, overtime and other miscellaneous costs. This Article seeks to restore \$21,870.00 of the Highway Division’s operating budget for expenses that were incurred during the damage cleanups from each of these storms. These funds are needed to complete storm related tasks that do not have sufficient funding, and to restore budget line items for needed purchases before the end of the fiscal year. The Public Works has submitted reimbursement requests from FEMA for the August storm event in the amount of \$59,920.52 and are eligible for reimbursements of 75% of these storm related costs.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$21,870.00 to supplement Department 422B, Highway, Forestry, Fleet’s General Expense Budget. 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 6 APPROPRIATE FUNDS FOR CO-PAY REIMBURSEMENTS BOARD OF SELECTMEN**

To see if the Town will vote to appropriate the sum of \$262,000.00 to offset medical co-pay reimbursements for employees of the Town throughout all of the divisions. Said sums to be transferred from Departments 914/Health Insurance, (general government and schools), 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.

Board of Selectmen

**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 to the employees. The Town has entered into an agreement with the unions, set aside a portion of the savings to offset part of the increase in co-pays through June 30, 2014.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the town vote to transfer \$170,000.00 from Department 914, Health Insurance (general government & schools) and to appropriate \$1,100.89 from Solid**

**Waste Retained Earnings to offset medical co-pay reimbursements for employees of the Town throughout all of the divisions.**

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

**Chris Sweet (P8) made a motion to amend the recommendation as follows:**

*After the words "Solid Waste Retained Earnings" insert "\$5,287.28 from Water Retained Earnings and \$5,599.79 from Sewer Retained Earnings".*

Motion Seconded.

**By a majority vote the RTM members approved the motion to amend.**

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

**ARTICLE 7 SUPPLEMENT PARK & REC. OVERTIME ACCOUNT PARK COMMISSIONERS**

To see if the Town will vote to reimburse \$1,684.92 to the Park & Recreation Department Over Time Account 016508-51300 for Tropical Storm Irene.

Or to do or act in any manner relative thereto.

Park Commissioners

**PURPOSE AND JUSTIFICATION:** This emergency required the Department to call in staff to clean up the Department's roads and buildings. Over 100 trees came down during this storm and need to be removed for safety and access to many locations. 55 hours above the staff's regular work week were needed to get the Park locations open and safe to pass.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$1,684.92 to supplement the Park & Recreations Overtime Account. 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 8 ACCEPT MGL CHAPTER 148, SECTION 26H BUILDING INSPECTOR**

To see if the Town will vote to accept M.G.L. Ch. 148 Section 26H.

Chapter 148 Fire Prevention

Section 26H Lodging or boarding houses; automatic sprinkler systems

In any city or town which accepts the provisions of this section, every lodging house or boarding house shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code. No such sprinkler system shall be required unless sufficient water and water pressure exists. In such buildings or in certain areas of such buildings, where the discharge of water would be an actual danger in the event of a fire, the head of the fire department shall permit the installation of such other fire suppressant systems as are prescribed by the state building code in lieu of automatic sprinklers. The head of the fire department shall enforce the provisions of this section.

For the purposes of this section "lodging house" or "boarding house" shall mean a house where lodgings are let to six or more persons not within the second degree of kindred to the person conducting it, but shall not include fraternity houses or dormitories, rest homes or group residences licensed or regulated by agencies of the commonwealth.

Any lodging or boarding house subject to the provisions of this section shall be equipped with automatic sprinklers within five years after acceptance of this act by a city or town.

Whoever is aggrieved by the head of the fire department's interpretation, order, requirement or direction under the provisions of this section, may within forty-five days after the service of notice thereof, appeal from such

interpretation, order or requirement to the board of appeals of the fire safety commission as provided in section two hundred and one of chapter six.

Or to do or act in any manner relative thereto.

Building Inspector

**PURPOSE AND JUSTIFICATION:** The Article would require every lodging house or boarding house to be protected throughout with an automatic sprinkler system. The Town has experienced some instances in which a single family residential home has been converted into a sober house, which houses several individuals on upper floors, which are governed by the Fair Housing Act. The acceptance of the statute from a safety perspective will help insure the safety of the occupants...

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON:** The Building Inspector wasn't able to attend the Finance Committee hearing to explain the article so the Committee felt that it didn't have enough information to make an informed decision.

**By a majority vote 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 7:18 PM.**