

**PROCEEDINGS
SPECIAL TOWN MEETING**

June 3, 2013

On Monday, June 3, 2013, Town Clerk, Maxwell G. Gould, opened the Special Town Meeting at 7:08 pm by announcing, "With 98 RTM members present, we have a quorum."

Town Moderator, Deb 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, JUNE 3, 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 3rd OF JUNE 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 North Attleborough on this February 21, 2013

NORTH ATTLEBORO BOARD OF SELECTMEN

Michael S. Thompson, Chairman
Paul J. Belham Sr., 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

Town Clerk Maxwell G. Gould administered the Oath of Office to newly appointed, elected or re-elected RTM members.

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 CONTRACT

HUMAN RESOURCES

To see if the Town will vote to appropriate a sum of money to supplement the budgets of Fire Department and Ambulance for the purpose of financing any changes made in the Personnel By-laws, as a result of Collective Bargaining and otherwise for salary increases for Firefighters Local 1992 and to determine how said appropriation shall be raised, whether by taxation, transfer from available funds or otherwise.

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

FINANCE COMMITTEE VOTE: 5-0

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 SUPPLEMENT FY13 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 FY 2013 June 4, 2012 Annual Town Meeting, as amended. 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: 5-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$77,606.57 to the Snow & Ice Account (Dept. 423). \$23,235.27 to be paid from free cash and \$54,371.30 to be transferred from the Health Insurance Account (Dept. 914).

FINANCE COMMITTEE REASON: The Committee feels it's important to allocate money to settle the existing deficit in the snow & ice account.

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

ARTICLE 3 APPROPRIATE FUNDS FOR WINDOWS AT LESTAGE

BOARD OF SELECTMEN

To see if the Town will vote to appropriate \$2,000.00 for the repair or replacement of damaged windows at the LeStage Property. Said sum to be transferred from Free Cash.

PURPOSE AND JUSTIFICATION: The funds are needed to cover expenses incurred as a result of damage to the existing windows.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: This article was handled through a reserve fund transfer.

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

ARTICLE 4 APPROPRIATE \$80,000.00 FOR TRAFFIC MITIGATION BOARD OF PUBLIC WORKS

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

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

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: This article was withdrawn at the request of the petitioner.

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

ARTICLE 5 APPROPRIATE FUNDS FOR BOARD OF HEALTH VEHICLE BOARD OF HEALTH

To see if the Town will vote to appropriate the sum of \$29,596.00 for the purchase of a replacement 4-wheel drive vehicle for Health Department use by the Public Health Nurse and Health Agent. Said sum to be borrowed per M.G.L. Chapter 44, 7(9) or any other enabling authority.

PURPOSE AND JUSTIFICATION: This request asks that the Town be authorized to purchase a compact SUV (Ford Escape) to replace the full-size SUV (Ford Expedition) previously used by the Health Department, now off the road since March 4, 2013 and beyond economical repair. The Health Department has one Town vehicle for use by the Public Health Nurse and Health Agent in both routine and emergency preparedness activities. The Ford Expedition was a former Police Department vehicle that, prior to its last removal from service in March, stalled twice on the road with the Public Health Nurse driving, had 171,000+ miles on its odometer and (by a Ford estimate) 4 times that mileage in running hours on its engine (see attached history). The Ford Expedition currently requires both mechanical and electrical work in excess of \$2,000.00 and will be declared surplus. The replacement vehicle (Ford Escape) is a standard, mid-range, compact SUV with the following non-standard equipment/packages: towing, roof rack, floor mats and cargo area protector, plus a 3rd key.

FINANCE COMMITTEE VOTE: 6-1

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That \$29,596 is appropriated to pay costs of purchasing a replacement 4-wheel drive vehicle for Health Department use by the Public Health Nurse and Health Agent, 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(9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

FINANCE COMMITTEE REASON: After discussing the matter further the Committee agreed that the Department did need a new vehicle.

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

ARTICLE 6 RESCIND BORROWING AUTHORIZATIONS FROM PREVIOUS TOWN MEETINGS

TOWN ACCOUNTANT

To see if the Town will vote to rescind borrowing authorization from previous town meetings:

To Rescind the Authorized - Unissued borrowing by the following votes of the Town:

	<u>Authorized - Unissued</u>
Art. 6, June 2012 ATM, Large Vehicle Mobile Lift System - CIP #5	\$ 4,257.00
Art. 6, June 2012 ATM, Bus 42 Passenger - Diesel - AC w/Wheelchair Capacity - CIP #24	6,751.00
Art. 15, October 2011 STM, Command Car Replacement - CIP #34	2,454.00
Art. 6, June 2010 ATM, Town Wide Fire Alarm Box Replacement - CIP #24	40,000.00
Art. 6, June 2010 ATM, SPED Wheelchair Bus Replacement - CIP #31	14,050.00
Art. 6, June 2010 ATM, Amvet School Dish Machine - CIP #33	8,205.00
Art. 6, June 2009 ATM, Martin School Roof Replacement - CIP #35	173,877.00
Art. 6, June 2009 ATM, Amvet School HVAC Unit Replacement - CIP #36	5,500.00
Art. 6, June 2009 ATM, SPED Wheelchair Bus Replacement - CIP #37	1,500.00
Art. 1, June 2012 STM, Supplement to Library AC System	11,640.00
Art. 2, June 2012 STM, Supplement to Library Boiler	9,021.00
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	<u>\$ 277,255.00</u>

PURPOSE AND JUSTIFICATION: This list of projects has been fully accomplished and no more funds are required.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to rescind borrowing authorization from previous town meetings as follows:

	<u>Authorized - Unissued</u>
Art. 6, June 2012 ATM, Large Vehicle Mobile Lift System - CIP #5	\$ 4,257.00
Art. 6, June 2012 ATM, Bus 42 Passenger - Diesel - AC w/Wheelchair Capacity - CIP #24	6,751.00
Art. 6, June 2010 ATM, Replace Trucks 5 & 6, Sanders 6 & 8 - CIP #24	40,000.00
Art. 6, June 2010 ATM, SPED Wheelchair Bus Replacement - CIP #31	14,050.00
Art. 6, June 2009 ATM, Martin School Roof Replacement - CIP #35	494,000.00
Art. 6, June 2009 ATM, Amvet School HVAC Unit Replacement - CIP #36	5,500.00
Art. 6, June 2009 ATM, SPED Wheelchair Bus Replacement - CIP #37	1,500.00
Art. 1, June 27, 2011 STM, Supplement to Library AC System	11,640.00
Art. 2, June 27, 2011 STM, Supplement to Library Boiler	9,021.00
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	<u>\$ 586,719.00</u>

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

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

ARTICLE 7 VOTE TO AMEND ANIMAL CONTROL REGULATIONS BOARD OF SELECTMEN

To see if the Town will vote to amend Section 2(i) and Section 3(B) of Article X Animal Control Regulations of the Town By-laws with the following:

Section 2 (i) reads “THE FEE FOR ALL LICENSES SHALL BE SET BY A VOTE OF A MAJORITY OF THE BOARD OF SELECTMEN.” Add the words “and a majority vote of members present at a town meeting” to the sentence.

Section 3 (B) Correct the citation from M.G.L. Chapter 140, Section 1212 to “M.G.L. Ch. 140, Section 151A”.

PURPOSE AND JUSTIFICATION: Upon review of the by-law by the Attorney General, the recommended changes were offered.

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend Section 2(i) and Section 3(B) of Article X Animal Control Regulations of the Town By-laws with the following:

Section 2 (i) reads “THE FEE FOR ALL LICENSES SHALL BE SET BY A VOTE OF A MAJORITY OF THE BOARD OF SELECTMEN.” Add the words “and a majority vote of members present at a town meeting” to the sentence.

Section 3 (B) Correct the citation from M.G.L. Chapter 140, Section 121 to “M.G.L. Ch. 140, Section 151A”.

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

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

At 7:29 PM a motion was made and seconded to adjourn the meeting for the purpose of opening the Annual Town Meeting.

Motion Seconded.

Motion Carried.

At 7:35 PM the Special Town Meeting was resumed.

The Town Moderator, Deborah Kohl, read a letter from the Planning Board regarding their recommendations for Article 8 into the record of the meeting.

May 17, 2013

*Deborah Kohl
Town Moderator
Town of North Attleborough
43 South Washington Street
North Attleborough, MA 02760*

Re: Articles Pertaining to Proposed Amendments to the North Attleborough Zoning By-Laws and Zoning By Laws Map, Scheduled for the June 3, 2013 Annual Town Meeting and June 3, 2013 Special Town Meeting.

Dear Ms. Kohl:

At their meeting held on Thursday, May 16, 2013, the Planning Board voted as follows on Articles No. 13 and 14 of the June 3, 2013 Annual Town Meeting Warrant to see if the Town will vote to approve proposed amendments to the North Attleborough Zoning By-Laws:

Article No. 13: The Board voted unanimously (3-0) to recommend that this article be approved. Note: Three scrivener's error has been detected within said Article No. 13. Accordingly, the Planning Board respectfully requests that said Article No. 13 be approved with the following corrections:

- Under Section H. Site Plan Reviews, 2. Applicability, after Subsection E. (remove the number 3. Before the words "There are hereby established three (3) levels of site plan review".)

Article No. 14: The Board voted unanimously (3-0) to recommend that this article be approved. Note: Two scrivener's errors have been detected within said Article No. 14. Accordingly, the Planning Board respectfully requests that said Article No. 14 be approved with the following corrections:

- 3.4.1. Any land within the (remove the words "~~Residential Homestead~~" and replace with the words "Environmentally Friendly Open Space Design Development")
- 6. Contents of a Special Permit Application for (remove the words "~~a Residential Homestead.~~" and replace with the words "an Environmentally Friendly Open Space Design Development.")
- Under Section H. Site Plan Reviews, 4. Design Standards, B. Traffic Impact Assessment, Subsection (2) (a), replace the word ~~more~~ with the word "more" before the words "vehicle trips per day".
- Under Section H. Site Plan Reviews, 4. Design Standards, B. Traffic Impact Assessment, Subsection (3)(b), delete the word ~~Major~~ after the words "items required for" and before the words "Site Plans and Major Site Plan Special Permits".

At their meeting held on Thursday, May 16, 2013. the Planning Board voted as follows on Article No. 8 of the June 3, 2013 Special Town Meeting Warrant to see if the Town will vote to approve proposed amendments to the North Attleborough Zoning By-Laws Map:

- **Article 8:** The Board voted unanimously (3-0) to recommend that this article be approved as submitted.

Thank you for your consideration.

Respectfully Submitted,

Mary E. Burgess
Town Planner

Cc: Finance Committee

ARTICLE 8 AMEND ZONING MAP FOR 589 OLD POST ROAD PLANNING BOARD

To see if the Town will vote to amend the Zoning By-Law Map for the Town of North Attleborough, Massachusetts dated August 18, 2011 as amended, by changing the zoning district for the land described as Assessor's Plat 25 Lot 216 located at 589 Old Post Road in said North Attleborough, from C60 to R40. A portion of Assessor's Map and Map Geo depicting Plat 25 and Lot 216 and its location are attached as Exhibits A&B.

PURPOSE AND JUSTIFICATION: Due to an administrative oversight, this lot was omitted from the existing zoning map (approved August 18, 2011). Therefore it was erroneously rezoned to Commercial 60,000 sq. ft. district (C60) when it should have remained Residential 40,000 sq. ft. district (R40). A single family dwelling currently exists on the property.

FINANCE COMMITTEE VOTE: 7-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Zoning By-Law Map for the Town of North Attleborough, Massachusetts dated August 18, 2011 as amended, by changing the zoning district for the land described as Assessor's Plat 25 Lot 216 located at 589 Old Post Road in said North Attleborough, from C60 to R40. A portion of Assessor's Map and Map Geo depicting Plat 25 and Lot 216 and its location are attached as Exhibits A&B.

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 APPROPRIATE FUNDS FOR SECURITY SERVICES

BOARD OF SELECTMEN

To see if the Town will vote to appropriate a sum of money for funding of consulting services relative to security systems for town buildings. Said appropriation shall be raised by borrowing, taxation, transfer of available funds, or otherwise.

PURPOSE AND JUSTIFICATION: To have a professional security firm analyze and evaluate current security systems in all Town facilities and to make a recommendation for reasonable improvements along with cost estimates.

FINANCE COMMITTEE VOTE: 4-1

MAJORITY ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That \$170,000.00 is appropriated to pay costs of consulting services relative to the evaluation of security systems of Town-owned buildings, 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(21) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

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

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

ARTICLE 10 STABILIZATION FUND

BOARD OF SELECTMEN

To see if the Town will vote to appropriate from free cash or other available funds the sum of \$_____ to the Stabilization Fund.

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

FINANCE COMMITTEE VOTE: 5-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: At the time of voting there was no money going into or out of the stabilization account.

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 7:38 PM.