

**PROCEEDINGS
SEMI-ANNUAL TOWN MEETING
OCTOBER 18, 2010**

On Monday, October 18, 2010, Town Clerk, Maxwell G. Gould opened the Semi-Annual Town Meeting at 7:05PM. "With 76 RTM members present, we have a quorum."

Pledge of Allegiance to our Flag.

Moment of silence for our men and women serving overseas in the Armed Forces.

John Donohue offered a tribute to the memory of deceased RTM members Robert Norton and Catherine Shuman for their service to the RTM and to the community as a whole.

Town Moderator, Deborah Kohl read the warrant.

**NORTH ATTLEBOROUGH WARRANT
FOR THE REPRESENTATIVE SEMI-ANNUAL TOWN MEETING
MONDAY, OCTOBER 18, 2010
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 18th OF OCTOBER 2010 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 places in said town and also in one place in each of the voting precincts within said 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 August 26, 2010.

Michael S. Thompson, Chairman
Mark Williamson , Vice-Chairman
John C. Rhyno
Christopher L. Sweet
Joan Marchitto

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 ten places and one in each precinct to total nineteen (19) public places in said town twenty-one (21) days before the time of said meeting.

Chief Michael P. Gould, Sr.
Constable

Town of North Attleborough

1. Central Fire Station
2. Town Offices (leave three in Town Clerk's office)
3. Nissan Village
4. Housing for the Elderly - Center
5. Housing for the Elderly - Elm Terrace
6. Boch Toyota South
7. Shaws Supermarket
8. Cumberland Farms - Kelley Boulevard
9. Allen Avenue Fire Station
10. Richards Memorial Library
11. Hockomock YMCA
12. Falls Post Office
13. A&J Restaurant – Kelley Boulevard
14. Housing for the Elderly - Circle Court
15. Sharon Credit Union
16. Bristol County Savings Bank
17. Cushman Union Church - 2 May Street
18. Bank of America - Center
19. Stop & Shop

Matthew Trowbridge (P2) 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.

Matthew Trowbridge (P2) 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, 2008.

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote approve the contract negotiated between the Board of Selectmen and the United Steelworkers of America.

FINANCE COMMITTEE REASON: There were no monetary increases allocated within this contract so the Committee felt that there would be no negative impact on the Town.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 2 PATROLMEN'S 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.

Or to do or act in any manner relative thereto.
Human Resources.

PURPOSE AND JUSTIFICATION

To fund contract effective July 1, 2009.

FINANCE COMMITTEE VOTE: 6-0

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.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 3 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.

Or to do or act in any manner relative thereto.
Human Resources

PURPOSE AND JUSTIFICATION

To fund contract effective July 1, 2009.

FINANCE COMMITTEE VOTE: 6-0

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.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 4 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 increase 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.
Human Resources

PURPOSE AND JUSTIFICATION

To fund contract effective July 1, 2010

FINANCE COMMITTEE VOTE: 6-0

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.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 5 LABORER'S 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 Laborers Local 1144 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, 2010

FINANCE COMMITTEE VOTE: 6-0

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.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 6 UNPAID BILLS – PRIOR FISCAL YEAR

HUMAN RESOURCES

To see if the town will vote to appropriate a sum of money for unpaid bills relating to expenses incurred in prior fiscal years, and to determine whether said sum shall be paid from free cash, transfer from available funds or otherwise. (amount to be determined)

Or to do or act in any manner relative thereto.

Human Resources

PURPOSE AND JUSTIFICATION

To pay for medical related expenses incurred by police officers, with a work related injury, prior to July 1, 2010.

FINANCE COMMITTEE VOTE: 6-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: At the time of voting there were no unpaid bills from a prior fiscal year.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 7 UNPAID BILL- PRIOR FISCAL YEAR

B.O.S.

To see if the town will vote to transfer the sum of \$1,360.00 to Department 150 Legal Services General Expense for the payment of a prior fiscal year bill. Said sum to be transferred from free cash or available funds.

Or to do or act in any manner relative thereto.

Board of Selectmen

See Attached

PURPOSE AND JUSTIFICATION

Legal services were contracted with an independent firm due to the nature of the litigation. The services were provided in the last quarter of Fiscal Year 2010 but the invoice was not generated until July 31, 2010 and subsequently mailed. The funds could not be encumbered without an invoice.

FINANCE COMMITTEE VOTE: 6-0

9/10 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$1360.00 to Department 150 Legal Services General Expenses for the payment of a prior fiscal year bill. Said sum to be

paid from free cash.

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

The RTM members unanimously approved the Finance Committee's recommendation as read.

**ARTICLE 8 APPROPRIATE \$2,500.00 FOR PORTABLE DISPLAY UNIT B.O.S.
FOR POSTING PUBLIC MEETING NOTICES / AGENDAS**

To see if the town will vote to transfer the sum of \$2,500.00 from free cash or available funds to the Town Hall General Expense for the purpose of the purchase and/or construction of a portable display unit for public meeting notices and agendas.

Or to do or act in any manner relative thereto.
Board of Selectmen

PURPOSE AND JUSTIFICATION

The new Open Meeting Law requires the Town Clerk to post all public meeting notices with agendas in a location that allows the public 24 hour access seven days a week to this information. The display unit will be located in the Town Hall lobby near the front window panels with adequate lighting for viewing day or night.

FINANCE COMMITTEE VOTE: 7-0 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$2000.00 to supplement the FY2011 Town Hall General Expense account for the purpose of the purchase and/or construction of a portable display unit for public meeting notices and agendas. Said sum to be paid from free cash.

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

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 9 APPROPRIATE \$1,665.92 FOR CLERICAL WAGES TREASURER/COLLECTOR

To see if the town will vote to appropriate the sum of \$1,665.92 to supplement the FY 2011 budget of the Treasurer's Department for clerical wages, and to determine how said appropriation shall be raised by transfer of available funds, free cash, or otherwise.

Or to do or act in any manner relative thereto.
Treasurer/Tax Collector

PURPOSE AND JUSTIFICATION

The payments were issued representing FY2010 payroll week ending 6/29/2010 and payroll week ending 7/3/2010 to an employee utilizing the vacation accrual granted on 7/1/2010 (FY 2011) per authorization from Human Resources because the employee did not have sufficient vacation or sick time left on the books for FY 2010 to offset time out of work due to emergency surgery. This caused a surplus in the FY 2010 clerical wage appropriation and will result in a deficit in FY 2011 because the two (2) payments which represent the last two (2) weeks in FY 2010 were expensed to FY 2011.

FINANCE COMMITTEE VOTE: 5-2 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$1665.92 to supplement the FY 2011 budget of the Treasurer's Department Salary account for clerical wages. Said sum to be paid from free cash.

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

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 10 APPROPRIATE \$18,500.00 FOR FIRE/AMBULANCE SALARIES FIRE COMM.

To see if the town will vote to increase Fire/Ambulance Department Salaries Article 5, Line 220A of the Annual Town Meeting June 7, 2010 (FY 2011) by adding \$18,500 to change the amount from \$4,090,653.56 to \$4,109,153.56. Said sum to be transferred from available free cash or any other available funds.

Or to do or act in any manner relative thereto.

Fire Commissioners

PURPOSE AND JUSTIFICATION

Contractual amount for Unused Sick Leave. Funds are for sick leave incentive. Requested but not funded.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

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

FINANCE COMMITTEE REASON: The Finance committee feels that this request would be better handled by a line item transfer within the existing budget.

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 11 APPROPRIATE \$20,000.00 TO REPLACE FIRE ALARM SYSTEM AT LIBRARY

LIBRARY TRUSTEES

To see if the town will vote to replace the fire alarm system in the Richards Memorial Library. The estimated cost of this system is \$20,000.

Or to do or act in any manner relative thereto.

Board of Library Trustees

PURPOSE AND JUSTIFICATION

The current fire alarm system dates from the library renovation of 1990. In recent years, the fire alarm panel has issued false alarms and panel alarms. The current panel is a Gamewell Zans 400, a model that has been out of production from more than a decade. The panel in the library has been kept quiet recently through parts from other abandoned panels. When these are used up, the panel will be useless. The first attempt to replace the panel was made under the assumption that just the panel could be replaced. Engineering done for that purpose confirmed that, due to changes in technology, the entire system will need to be replaced. The current sensors and emergency strobes, etc., will not function with a modern panel.

FINANCE COMMITTEE VOTE: 7-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the sum of \$20,000 is hereby appropriated to replace the fire alarm system in the Richards Memorial Library, and for the payment of all other costs incidental or 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, Sections 7 or 8 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.

The Moderator ruled that this article was not in proper form and therefore would not be acted upon.

ARTICLE 12 APPROPRIATE \$33,000.00 TO REPLACE AIR CONDITIONING SYSTEM AT LIBRARY

LIBRARY TRUSTEES

To see if the town will vote to appropriate the sum of \$33,000.00 to replace the air conditioning system at the Richards Memorial Library. Said sum to be transferred from available funds or free cash by borrowing or otherwise.

Or to do or act in any manner relative thereto.

Board of Library Trustees

PURPOSE AND JUSTIFICATION

The current air conditioning units in the library date from the renovation of 1989. The units both for the children's room and reading room failed over the course of this summer due to leaks. The children's room could be patched

for the rest of the season. The reading room's unit had eight leaks; one of these cannot be patched and the part to replace it is unavailable because of the system's age. The systems have reached the end of their practical serviceable life.

FINANCE COMMITTEE VOTE: 7-0

2/3 MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That \$33,000.00 is appropriated for replacing the air conditioning system at the Richards Memorial Library, including all costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$33,000.00 under Chapter 44 of the General Laws or any other enabling authority; that the Board of Selectmen is authorized to contract for and expend any federal or state aid available for the project; and that the Board of Selectmen is authorized to take any other action necessary or convenient to carry out this project.

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

The RTM members defeated the Finance Committee's recommendation as read.

ARTICLE 13 APPROPRIATE \$64,684.00 FROM FUNDS PREVIOUSLY DEPOSITED INTO FREE CASH TO THE DPW TO BE USED FOR THE INSTALLATION OF SIDEWALKS ON ALLEN AVENUE PLANNING BOARD

To see if the town will vote to appropriate the amount of \$64,684.00 from funds previously deposited into free cash to the Department of Public Works to be used for the installation of sidewalks on Allen Avenue in the location of Route 295 north to Hoppin Hill Avenue.

Or to do or act in any manner relative thereto.

Planning Board

See Attached

PURPOSE AND JUSTIFICATION

These funds are meant to be used for future upgrades as part of the development of North Attleborough Marketplace I (Walmart)

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate the sum of \$64,684.00 to the Department of Public Works to be used for the installation of sidewalks on Allen Avenue in the location of Route 295 North to Hoppin Hill Avenue. Said sum to be paid from free cash.

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

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 14 TO AMEND TOWN BY-LAWS ARTICLE IV, SECTION 4.C TOWN CLERK

To see if the town will vote to change the Town By-laws, Article IV, Section 4c by adding the following after the end of 4c:

A copy of minutes submitted to the Clerk does not need to include copies of "documents and other exhibits, such as photographs, recordings or maps, used by the body" as defined in the revised Open Meeting Law (G.L. C 30A) effective July 1, 2010.

Or to do or act in any manner relative thereto.

Town Clerk

See Attached

PURPOSE AND JUSTIFICATION

The new Open Meeting Law does require that meeting minutes include a list of documents and other exhibits used at a meeting and that those items be retained by the public body which held the meeting. To require that a copy of documents, particularly large maps and plans, be made and submitted would pose a significantly greater cost and

storage problem than town boards already face. Documents brought and referred to at an open meeting by members of the public would also present challenges for access to, and replication of, those documents.

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 Committee hadn't received input from the By-law study Committee.

The RTM members approved the Finance Committee's recommendation as read.

**ARTICLE 15 RELEASE OF MUNICIPAL DRAINAGE EASEMENT
LOCATED ON SPARROW CIRCLE**

PETITIONER

To see if the town will vote to authorize the Board of Selectmen to release to Brian J. Hardy and Kimberly Hardy of North Attleborough, Massachusetts all of its right, title and interest in and to the municipal drainage easement located on Sparrow Circle, North Attleborough, Massachusetts as described in an instrument recorded at the Bristol County Northern District Registry of Deeds in Book 8437, Page 286 and in Exhibit A attached hereto and as shown on that plan of land recorded at said Registry in Plan Book 385, Page 78, a copy of which is attached hereto as Exhibit B and on file with the Town Clerk.

Or to do or act in any manner relative thereto.

Petition

See Attached

PURPOSE AND JUSTIFICATION

The municipal drainage easement is no longer needed. The owners have permitted through the Conservation Commission and installed an underground drainage system which eliminates the need for the surface drainage easement.

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 Department of Public Works was not in support of this article.

The RTM members defeated the Finance Committee's recommendation as read.

Dave Manoogian (P8) presented a motion for Affirmative Action as follows:

*That the town vote to authorize the Board of Selectmen to release to Brian J. Hardy and Kimberly Hardy of North Attleborough, Massachusetts all of its right, title and interest in and to **that portion of the municipal drainage easement located on Sparrow Circle, North Attleborough, Massachusetts as described in an instrument recorded at the Bristol County Northern District Registry of Deeds in Book 8437, Page 286 and in Exhibit A attached hereto and as shown on that plan of land recorded at said Registry in Plan Book 385, Page 78, a copy of which is attached hereto as Exhibit B and on file with the Town Clerk, **which said portion of said drainage easement is located on North Attleborough Assessors' Map 33, Lot 349.*****

Motion seconded.

Motion carried.

**ARTICLE 16 REQUEST FOR EASEMENT OVER TOWN PROPERTY
IN ORDER TO ACCESS OAKRIDGE AVENUE**

PETITIONER

To see if the town will vote to authorize the Board of Selectmen to grant to Eric Anderson and Thomas C. Anderson and their successors in interest a non-exclusive and perpetual easement over that portion of the property identified as North Attleborough Assessors' Map 37, Lot 31 which is adjacent to the property identified as North Attleborough Assessors' Map 37, Lots 61 and 62 (herein after called the "Easement Area") for the purposes of passing and re-

passing, by foot and by vehicles, over said Easement Area from and to the property identified as Assessors' Map 37, Lots 61 and 62 in order to access Oakridge Avenue and to use said Easement Area for all purposes which public streets and ways may be used in the Town of North Attleborough. See plans attached as Exhibit A for depiction of Easement Area.

Or to do or act in any manner relative thereto.

Petition

See Attached

PURPOSE AND JUSTIFICATION

The easement is necessary in order to allow the owners of 160 Oakridge Avenue, North Attleborough, Massachusetts access to their home from Oakridge Avenue. The Town acquired Assessors' Map 37, Lot 31 by way of a tax taking.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY VOTE

FINANCE COMMITTEE RECOMMENDATION: That the town vote to authorize the Board of Selectmen to grant to Eric Anderson and Thomas C. Anderson and their successors in interest a non-exclusive and perpetual easement (as shown on the attached plans) over that portion of the property identified as North Attleborough Assessors' Map 37, Lot 31 which is adjacent to the property identified as North Attleborough Assessors' Map 37, Lots 61 and 62 (herein after called the "Easement Area") for the purposes of passing and re-passing, by foot and by vehicles, over said Easement Area from and to the property identified as Assessors' Map 37, Lots 61 and 62 in order to access Oakridge Avenue and to use said Easement Area for all purposes which public streets and ways may be used in the Town of North Attleborough.

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

The RTM members approved the Finance Committee's recommendation as read.

ARTICLE 17 BETTERMENT STABILIZATION

B.O.S.

To see if the town will vote to appropriate from taxation, free cash or transfer of available funds, the sum of \$ _____ to the Betterment Stabilization Fund.

Or to do or act in any manner relative thereto.

Board of Selectmen.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$162,471.65 into the Betterment Stabilization Account. Said sum to be paid from free cash.

FINANCE COMMITTEE REASON: This is the amount collected during FY10 to fund betterments.

By Roll Call vote, the RTM members approved the Finance Committee's recommendation as read. 80 members voting, 77-yes & 3-no.

ARTICLE 18 MUNICIPAL STABILIZATION

B.O.S.

To see if the town will vote to appropriate from taxation, free cash or transfer of available funds, the sum of \$ _____ to the Municipal Stabilization Fund.

FINANCE COMMITTEE VOTE: 7-0

MAJORITY ROLL CALL VOTE

FINANCE COMMITTEE RECOMMENDATION: That the Town vote to appropriate \$516,729.43 into the Municipal Stabilization Account. Said sum to be paid from free cash.

FINANCE COMMITTEE REASON: The Committee feels that it is appropriate to replace funds previously used to balance the budget.

The RTM members unanimously waived a Roll Call vote and approved the Finance Committee's recommendation as read.

**Motion to adjourn the Semi-Annual Town Meeting Sine Die was made.
Motion seconded.
Motion carried at 7:50 PM.**