

## ***NORTH ATTLEBOROUGH FINANCE COMMITTEE***

October 22, 2009

Dear RTM members and all concerned parties:

The Finance Committee hereby presents an overview of its recommendations for Articles contained in the November 9, 2009 Special Town Meeting.

Article 1 is recommended for approval for reason stated in booklet. Articles 2 and 3 were withdrawn at the request of the petitioners and are recommended for indefinite postponement (IP). Articles 4 and 5 are also recommended for IP as the Committee does not feel that budget adjustments should be made for any one department to the exclusion of all others. In addition, the Committee feels that the Town should continue to be very cautious in approving any additional expenditures given the tight budget and the likelihood of additional cuts in local aid by the State.

Articles 6 and 9 are recommended for approval for reasons stated in the booklet. Articles 8, 10, 11, and 12 are recommended for IP at this time. Due to time constraints, the Committee was unable to get feedback from Police and Fire Chiefs on Article 8, and the Planning Board had not yet held their public hearings on Articles 10, 11, and 12.

Finally, the Committee is recommending that \$738,865.43 be placed back into stabilization fund, leaving \$250,000 in free cash for future expected expenses such as snow and ice. If approved by RTM, it would mean that stabilization fund is down over \$500,000 versus same time last year. The Committee feels that this is a prudent approach given all of the uncertainties both locally and at the State level. We hope to see you at Town Meeting.

Respectfully,

Jack Janick, Chairman

SPECIAL TOWN MEETING – NOVEMBER 9, 2009

FINANCE COMMITTEE RECOMMENDATION BOOKLET

TABLE OF CONTENTS

ARTICLE NUMBER	ARTICLE PETITIONER	ARTICLE DESCRIPTION	PAGE NO.
1.	Assessors	ADDITIONAL EXEMPTION AMOUNT FY10	1
2.	B.O.S.	APPROPRIATE FUNDS INTO B.O.S. SALARY RESERVE	2
3.	B.O.S.	TRANSFER FUNDS FROM STABILIZATION FOR FY10 BUDGET	2
4.	Park & Recreation Dept.	SUPPLEMENT PARK & REC. FY10 BUDGET	2
5.	Park & Recreation Dept.	SUPPLEMENT WWII POOL FY10 BUDGET	2-3
6.	B.O.S.	TAX INCREMENT FINANCING PLAN/AGREEMENT WITH THERAGENICS CORPORATION	3
7.	Petition	AMEND ARTICLE XIV OF TOWN BY-LAWS / JUNK DEALERS (See Attachments Pgs 8-9)	3-4
8.	Petition	ACCEPT PROVISIONS OF MGL CHAPTER 31 SECTION 58A MUNICIPAL POLICE & FIRE MAXIMUM AGE RESTRICTIONS (See Attachments Pg. 10)	4
9.	Petition	AMEND ZONING BY-LAW MAP (See Attachments Pgs. 11-12)	4-5
10.	Planning Board	ZONING BY-LAW DEFINITION CHANGE / SIGN, ANIMATED	5
11.	Planning Board	ZONING BY-LAW DEFINITION CHANGE / SIGN, CHANGEABLE	5-6
12.	Planning Board	ZONING BY-LAW SIGN CODE CHANGE	6-7
13.	B.O.S.	STABILIZATION	7





To see if the town will vote to increase Line Item 640 (WWII POOL) of Article 5 of the FY2010 Budget as voted at the Annual Town Meeting of June 2009 by increasing Salaries (Line 640A) by \$36,725 to change the amount from \$32,064 to \$68,789 and to increase Line Item 640B (General Expenses) by \$5,000 to change the amount from \$13,217 to \$18,217. The change for the Total Budget for Park & Recreation is from \$45,281 to \$87,006. Said sums to be appropriated from free cash or available funds.

Or to do or act in any manner relative thereto.

Park Commissioners

**PURPOSE AND JUSTIFICATION**

The Department is requesting to bring it back into line to its 2009 Budget number.

**FINANCE COMMITTEE VOTE: 5-1**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON: The Committee feels that it would not be prudent to supplement any departmental budgets at this time.**

**ARTICLE 6 TAX INCREMENT FINANCING PLAN/AGREEMENT  
WITH THERAGENICS CORPORATION**

**B.O.S.**

To see if the town will vote to approve the Tax Increment Financing (TIF) Plan and Tax Increment Financing Agreement with Theragenics Corporation for the property located at 452 John Dietsch Boulevard, shown on Assessors' Map Parcel ID #34/A, Lot 16 pursuant to the provisions of MGL Chapter 40, Section 59 on file with the Board of Selectmen and Town Clerk.

Or to do or act in any manner relative thereto.

Board of Selectmen

**PURPOSE AND JUSTIFICATION**

This vote is required to provide Tax Incremental Financing for this corporation. This action embodies one of the better examples of government working with business to foster job creation, tax base increase, building rehabilitation and utilization

**FINANCE COMMITTEE VOTE: 6-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the town vote to approve the Tax Increment Financing (TIF) Plan and Tax Increment Financing Agreement with Theragenics Corporation for the property located at 452 John Dietsch Boulevard, shown on Assessors' Map Parcel ID #34/A, Lot 16 pursuant to the provisions of MGL Chapter 40, Section 59 on file with the Board of Selectmen and Town Clerk.**

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

**ARTICLE 7 AMEND ARTICLE XIV OF TOWN BY-LAWS / JUNK DEALERS PETITION**

To see if the town will vote to amend Article XIV of the By-laws of the Town of North Attleborough entitled Junk Dealers – Flea Markets by amending Subsection 2a by adding the following to the end of said Subsection 2a:

“The Board of Selectmen may waive the requirements of this subsection for good cause shown provided the license applicant is not a pawn broker.”

Or to do or act in any manner relative thereto.

Board of Selectmen  
See Attached

**PURPOSE AND JUSTIFICATION**

This article, if passed, will provide the Board of Selectmen with the authority to waive the bookkeeping requirements of Subsection 2a on a case by case basis provided the license applicant is not a pawnbroker.

**FINANCE COMMITTEE VOTE: 6-0**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON: Due to actions taken at the Semi-Annual Town meeting on October 21, 2009, this article has already been adopted.**

**ARTICLE 8      ACCEPT PROVISIONS OF MGL CHAPTER 31 SECTION 58A      PETITION**  
**MUNICIPAL POLICE & FIRE MAXIMUM AGE RESTRICTIONS**

To see if the town will vote to accept the provisions of MGL Chapter 31, section 58A

Municipal police officers and firefighters; maximum age restrictions

“...Any veteran shall be allowed to exceed the maximum age provision of this section by the number of years served on active military duty, but in no case shall said candidate for appointment be credited for more than four years of active military duty.”

Or to do or act in any manner relative thereto.

Petition  
See Attached

**PURPOSE AND JUSTIFICATION**

Veterans miss out on some opportunities due to their service to others and our country. Adopting this M.G.L., like other surrounding towns have done, can attract talented veterans to continue to serve within our town.

**FINANCE COMMITTEE VOTE: 5-1**

**MAJORITY VOTE**

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

**FINANCE COMMITTEE REASON: The majority of the Committee felt that more information and input was necessary before they would be comfortable taking an affirmative action. Additionally, there is a mechanism in place that would allow an individual to petition town meeting to seek this exemption, as has been done in the past.**

**ARTICLE 9      AMEND ZONING BY-LAW MAP      PETITION**

To see if the town will vote to amend the Zoning By-Law Map of the Town of North Attleborough, Massachusetts dated September, 1969 as amended by changing the zoning district of the land described as North Attleborough Assessors Map 23, Lot 225 located at 554 South Washington Street in said North Attleborough, the land described as North Attleborough Assessors Map 23, Lot 63 located at 600 South Washington Street in said North Attleborough, the land described as North Attleborough Assessors Map 23, Lot 91 located at 63 Old Post Road in said North Attleborough and the land described as North Attleborough Assessors Map 23, Lot 64 located at 73 Old Post Road in said North Attleborough from R-20 and C-30 to C-30. A portion of Assessors Map 23 depicting Lots 225, 63, 91 and 64 and their location is attached hereto as Exhibit “B”.

Or to do or act in any manner relative thereto.

Petition

See Attached

**PURPOSE AND JUSTIFICATION**

Lots 225 and 63 have been in commercial use for over 50 years. Lots 91 and 64 were undesirably split by the residential/commercial zone line in 1973. There are two lawsuits pending in the Land Court between the owner of lots 63, 91, and 64 and the Town to determine the location of the zone line on all of these lots. It is the purpose of this Article together with a permanent deed restriction to settle the Land Court cases by including all of the four lots in the C-30 district and to protect the residential neighborhood on Old Post Road with no access and a landscaped screening buffer along Old Post Road on lots 63, 91 and 64.

**FINANCE COMMITTEE VOTE: 5-0-1**

**2/3 MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the town vote to amend the Zoning By-Law Map of the Town of North Attleborough, Massachusetts dated September, 1969 as amended by changing the zoning district of the land described as North Attleborough Assessors Map 23, Lot 225 located at 554 South Washington Street in said North Attleborough, the land described as North Attleborough Assessors Map 23, Lot 63 located at 600 South Washington Street in said North Attleborough, the land described as North Attleborough Assessors Map 23, Lot 91 located at 63 Old Post Road in said North Attleborough and the land described as North Attleborough Assessors Map 23, Lot 64 located at 73 Old Post Road in said North Attleborough from R-20 and C-30 to C-30. A portion of Assessors Map 23 depicting Lots 225, 63, 91 and 64 and their location is attached hereto as Exhibit "B".**

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

**ARTICLE 10 ZONING BY-LAW DEFINITION CHANGE / SIGN, ANIMATED PLANNING BOARD**

To see if the town will vote to amend the Zoning By-Laws, Section IX, B. Selected Words and Terms, by deleting in its entirety the existing definition and replacing it with the following definition to read as follows:

Sign, Animated: A sign which includes flashing, action, motion and non-motion whether electronic action, mechanical action, or computer generated color or message change by way of pre-arranged electronic, mechanical, or computer means. Signs that use alternative means of power including but not limited to solar and wind are considered electric.

Or to do or act in any manner relative thereto.

Planning Board

**PURPOSE AND JUSTIFICATION**

In the Zoning By-Law, Section VI Supplementary Regulations, G. Signs, 2. General Sign Regulations, d, refers to animated signs and that they are prohibited. However, the existing definition is convoluted and can be easily manipulated. By clarifying this, the Zoning Enforcement Agent will be able to clearly apply the Sign Bylaws and will be consistent with the intent of the Bylaw.

**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 Planning Board hadn't yet had their public meeting on these articles. The Committee felt that it was important to see what the public's input was prior to making a recommendation.**

**ARTICLE 11 ZONING BY-LAW DEFINITION CHANGE  
SIGN, CHANGEABLE**

**PLANNING BOARD**

To see if the town will vote to vote to amend the Zoning By-Laws, Section IX, B. Selected Words and Terms, by deleting in its entirety the existing definition:

**Sign, Changeable.** A sign whose informational content can be changed or altered by manual or electric, electro-mechanical or electronic means. Changeable signs include the following types:

1. **Manually Activated:** signs whose alphabetic, picto-graphic, or symbolic informational content can be changed or altered by manual means.
2. **Electrically Activated:** Signs whose alphabetic, picto-graphic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:
  - a. **Fixed Message Electronic Signs:** Signs whose basic informational content has been pre-programmed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.
  - b. **Computer Controlled Variable Message Electronic Signs:** Signs whose informational content can be changed or altered by means of computer-driven electronic impulses.

Or to do or act in any manner relative thereto.

Planning Board

#### **PURPOSE AND JUSTIFICATION**

This definition is only referred to in the existing animated sign definition. By leaving this definition in without any referral within the bylaw, will in essence allow for this type of signage.

**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 Planning Board hadn't yet had their public meeting on these articles. The Committee felt that it was important to see what the public's input was prior to making a recommendation.**

#### **ARTICLE 12 ZONING BY-LAW SIGN CODE CHANGE**

#### **PLANNING BOARD**

To see if the town will vote to amend the Zoning By-Laws, Section VI.G. Signs, 2. General Sign Regulations part d, by removing the strike through portion and adding the underlined text to read as follows:

- d. A sign (including temporary interior window displays or banners) or its illuminator shall not by reason of its location, shape, size or color interfere with traffic or be confused with or obstruct the view of the effectiveness of any official traffic sign, traffic signal, or traffic marking. Therefore, animated signs are not permitted, ~~and~~ Red, yellow or green colored exterior or interior lights lightings shall not be allowed.

Exception: Banks and Gas Stations may have numerical signs stating the price, time and temperature by way of special permit through the Zoning Board of Appeals as long as it complies with the above mentioned regulation and all other applicable regulations.

Or to do or act in any manner relative thereto.

Planning Board

**PURPOSE AND JUSTIFICATION**

To be consistent with the spirit of the Sign Bylaw, this change will regulate the type of “animated signs” that are allowed in the corresponding districts. Furthermore, these changes will protect the aesthetic qualities of the Town.

**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 Planning Board hadn’t yet had their public meeting on these articles. The Committee felt that it was important to see what the public’s input was prior to making a recommendation.**

**ARTICLE 13 TRANSFER FUNDS INTO STABILIZATION ACCOUNT**

**B.O.S.**

To see if the town will vote to transfer a sum of money from free cash to the Municipal Stabilization Fund.

Or to do or act in any manner relative thereto.

Board of Selectmen

**PURPOSE AND JUSTIFICATION**

To replace funds used to balance the FY09 and FY10 budgets.

**FINANCE COMMITTEE VOTE: 5-1**

**2/3 ROLL CALL VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to transfer \$738,865.43 from free cash into the Municipal Stabilization Fund.**

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

**ARTICLE XIV. JUNK DEALERS - FLEA MARKETS****Section 1.**

No person shall engage in the purchase, sale or barter of junk, old metals or second-hand articles without having obtained therefor a license issued by the Board of Selectmen.

**Section 2.**

- a. Every keeper of a shop for the purchase, sale or barter of junk, old metal or second-hand articles shall keep a book in which will be written at the time of each purchase of any article, a description thereof, the name, age, and residence of the person from whom purchased, and the day and hour when such purchase was made. Such book shall be at all times open to the inspection of the Chief of Police or any person by him authorized to make such inspection.
- b. Every keeper of such shop shall put in a suitable and conspicuous place of his shop a sign having his name and occupation legibly inscribed thereon in large letters. Such shop and all articles of merchandise therein may be at all times examined by the Chief of Police or by any police officer by him authorized to make such inspection.
- c. No keeper of such shop and no junk collector shall, directly or indirectly, either purchase or receive by way of barter or exchange, any of the articles aforesaid, of a minor or apprentice, knowing or having reason to believe him to be such.
- d. No article purchased or received by such shopkeeper shall be sold until at least one week from the date of its purchase or receipt has elapsed.
- e. Such shop shall be closed between the hours of 6 PM and 7 AM, and no keeper thereof and no junk collector shall purchase any of the articles aforesaid during such hours.

**Section 3.**

All persons conducting antique sales or bazaars commonly referred to as "Flea Markets" shall be licensed by the Board of Selectmen. Residents will be permitted to hold one yard sale of household articles, not to exceed three consecutive days, during each calendar year without a license, any subsequent yard sale during that calendar year shall require a special permit or license and be approved by the Board of Selectmen. A fee of two dollars (\$2.00) is hereby charged for such license obtained. Civic, religious and fraternal organizations shall be exempt from the fee.

**Section 4.**

- a. Any person or persons who shall receive a fee, for the conducting of a sale upon property owned by them, from persons to sell their goods at said sale, shall be deemed a

**ARTICLE XIV. JUNK DEALERS - FLEA MARKETS**

commercial enterprise and shall require a license and be approved by the Board of Selectmen. A fee of seventy-five dollars (\$75.00) is hereby charged for said annual license. All civic, religious and fraternal organizations shall be exempt from that fee.

b. All signs used to advertise a sale shall be removed within twenty-four (24) hours after completion of the sale.

c. All sales shall be conducted during the hours specified by the licensing authority.

d. This Section shall be enforced by the North Attleborough Police Department. It shall be the duty of said department to investigate any violation of this section coming to their attention.

# The General Laws of Massachusetts

Search the Laws

8A

Go To:
<a href="#">Next Section</a>
<a href="#">Previous Section</a>
<a href="#">Chapter Table of Contents</a>
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<a href="#">Mass.gov</a>

## PART I. ADMINISTRATION OF THE GOVERNMENT

### TITLE IV. CIVIL SERVICE, RETIREMENTS AND PENSIONS

#### CHAPTER 31. CIVIL SERVICE

##### Chapter 31: Section 58A. Municipal police officers and firefighters; maximum age restrictions

Section 58A. Notwithstanding the provisions of any general or special law to the contrary, in any city, town or district that accepts this section, no person shall be eligible to have his name certified for original appointment to the position of firefighter or police officer if such person has reached his thirty-second birthday on the date of the entrance examination. Any veteran shall be allowed to exceed the maximum age provision of this section by the number of years served on active military duty, but in no case shall said candidate for appointment be credited more than four years of active military duty.

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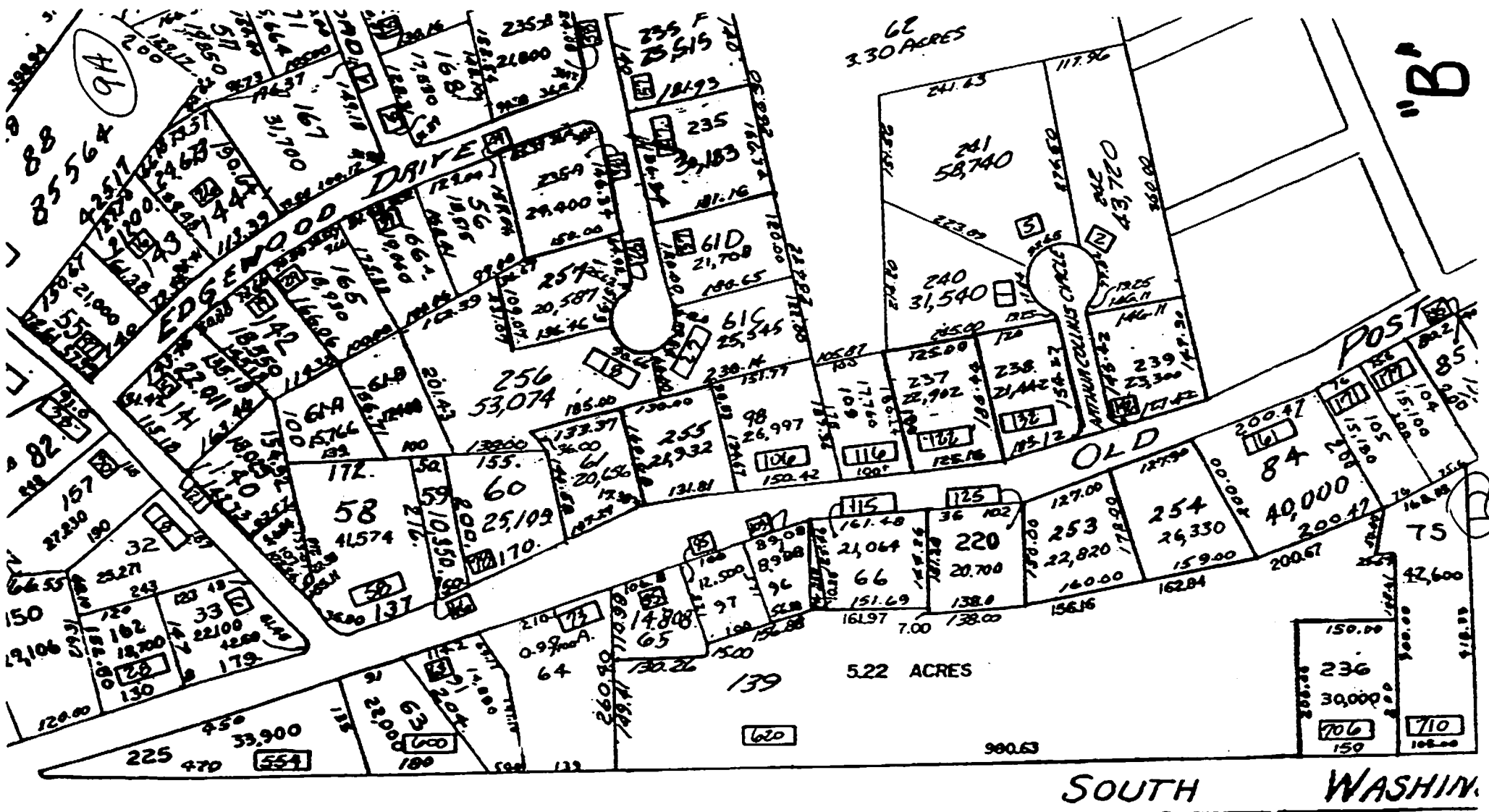
Exhibit "A"

**Article Continued**

Attleborough Assessors Map 23, Lot 63 located at 600 South Washington Street in said North Attleborough, the land described as North Attleborough Assessors Map 23, Lot 91 located at 63 Old Post Road in said North Attleborough and the land described as North Attleborough Assessors Map 23, Lot 64 located at 73 Old Post Road in said North Attleborough from R-20 and C-30 to C-30. A portion of Assessors Map 23 depicting Lots 225, 63, 91 and 64 and their location is attached hereto as Exhibit "B".

**Purpose Continued**

Town to determine the location of the zone line on all of these lots. It is the purpose of this Article together with a permanent deed restriction to settle the Land Court cases by including all of the four lots in the C-30 district and to protect the residential neighborhood on Old Post Road with no access and a landscaped screening buffer along Old Post Road on lots 63, 91 and 64.



SEE PLAT NO. 22