

**Municipal Council  
REGULAR COUNCIL MEETING**

**April 4, 2023  
Tuesday, 7:00 P.M.**

Councilor absent was Kelly Bennett. Councilor Holmes was on Zoom.

President DiLisio asked the Council to join him to salute the flag.

Clerk Jackson called roll for attendance. 9 Councilors present.

The council voted unanimously (Roll call) to approve the records of March 21, 2023.

City Clerk Kate Jackson read the first public hearing notice:

**PUBLIC HEARING:** regarding a new Class II license application from Attleboro Shell Auto Sales, LLC. 182 Pleasant St. For 19 customer parking spaces and 10 display spaces.

Speaking in favor was applicant Imad Samrout of Plainville. He explained he has run a gas station at the 182 Pleasant street location and wants to expand to add car sales at the same location.

No one came to speak against. No one spoke neither for nor against. Chair Waterman agreed to close the public hearing

The next public hearing notice was read by Clerk Jackson.

**PUBLIC HEARING:** regarding the presentation of the Attleboro CDBG program as follows:

Program Year 2023 CDBG Entitlement Budget, for the period of July 1, 2023 to June 30, 2024  
Program Year 2023 Annual Action Plan

Speaking in favor was Community Development Director Dorothy Brissette. She gave a presentation with statistics and monies allocation.

Speaking in favor was Recreation Department Coordinator and Council on Aging temporary Coordinator Tim Killion. He spoke about the programs both departments benefit from as a result of money from the Community Development Block Grant annually.

No one came to speak against and no came to speak neither for nor against. Chair Conti closed the public hearing.

The third and final public hearing of the evening was read by Clerk Jackson.

**CONTINUED PUBLIC HEARING:** to discuss proposed amendments to the following ordinance:

- Chapter 19 Stormwater Management of the Revised Ordinances of the City of Attleboro
1. Amend Chapter 19 Stormwater Management Ordinance of the Revised Ordinances of the City of Attleboro, as amended, by deleting in its entirety "Appendix E – Median Pollutant Removal for Approved Practices to Meet Water Quality Treatment Criteria".  
Amend §19-1.1, Purpose by inserting the language "in accordance with the City's requirements for authorized coverage under the Municipal Separate Storm Sewer System (MS4) General Permit issued by the US Environmental Protection Agency (EPA)" at the end of the first sentence

Speaking in favor was Director of Planning and Development, Gary Ayrassian and Environmental Planner/Conservation Agent Nick Wyllie. Both gentlemen returned to answer a question or two the Council wanted answers to.

No one came to speak against or neither for nor against. Vice Chair Conti closed the PH.

Committee of the Whole was called at 7:56. Coming forward to address the Council were 4 young ladies (Alana Bellavance, Kaitlyn Christiansen, Jacqueline Fisante and Samantha Fisante from troop 4984 to discuss their Girl Scout Silver Award Project to build 2 dugouts at Lees Pond.

The Council arose at 8:07 pm.

Clerk Jackson then read the **Mayor's Communication**

April 4, 2023

Dear Municipal Councilors:

1. It has come to my attention that the following appointment/reappointments were not sworn in within the appropriate time. Therefore, I respectfully re-submit for confirmation by Your Honorable Body the following reappointments.

<u>Name</u>	<u>Appointment</u>	<u>Term</u>	<u>Expires</u>
Lee Ghazil	Board of Park Commissioners	5 Year	February 2028
Albert Richmond	Disability Commission	3 Year	February 2026
Christopher Quinn	Health Officer	1 Year	February 2024
Kevin Smith	Cable Advisory Commission	1 Year	February 2024

2. I respectfully submit for confirmation by Your Honorable Body the following reappointments for the positions and for the terms as indicated:

<u>Name</u>	<u>Appointment</u>	<u>Term</u>	<u>Expires</u>
Peter Mello	City Solicitor	1 Year	February 2024
Catherine Merkle	Zoning Board of Appeals	3 Year	February 2026

3. I respectfully submit a communication from Chief of Police Kyle Heagney regarding vehicles that the Police Department would like to surplus. There was no interest for these vehicles from any of the departments. Therefore, I hereby request Your Honorable Body to declare the following as surplus and available for disposition for trade-in or to sell: (Copies in your packets)

<u>Year</u>	<u>Make/Model</u>	<u>Vin #</u>	<u>Miles</u>	<u>Condition</u>
2014	Ford/PI Utility Explorer	1FM5K8AR3EGC26653	128,517	Poor
2015	Ford/PI Utility Explorer	1FM5K8AR1FGA15906	126,934	Poor

4. I respectfully submit a communication from Director of Recreation Dennis Walsh regarding the need for funds to purchase supplies for the remainder of FY23. Therefore, I hereby request Your Honorable Body transfer \$4,000.00 from Account 16301000-521020 (Recreation - Lights & Power) to Account 16301000-546012 (Recreation - Rec Grounds). (Copies in your packets)

5. I respectfully submit a communication from Director of Veterans' Services Ben Quelle regarding the donation of twelve (12) 3X5 American flags valued at a total of \$300.00 from Eric J. Purcell, Exalted Ruler, Attleboro Elks #1014. In accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body accept these generous donations to the City of Attleboro. (Copies in your packets)

6. I respectfully submit a communication from Superintendent of Wastewater Thomas Hayes regarding the need for funds to complete the installation and programming of the remaining fifteen RACO Verbatim units associated with the SCADA system. Therefore, I hereby request Your Honorable Body transfer \$45,000.00 from Account 6000-578300 (Wastewater Enterprise Fund - Reserve Fund for Transfer) to Account 6000-599000 (Wastewater Enterprise Fund - Other Financing Uses) and further transfer \$45,000.00 from Account 6000-599000 (Wastewater Enterprise Fund - Other Financing Uses) to Fund 3224-499000 (Wastewater SCADA - Other Financing Sources). (Copies in your packets)

7. I respectfully submit a communication from Director of Recreation Dennis Walsh regarding the need for funds to purchase supplies and maintain recreational areas through the end of the fiscal year. Therefore, I hereby request Your Honorable Body transfer \$13,075.00 from Account 16301000-511000 (Recreation - Salary & Wages) to the following:

\$4,075.00 to Account 16301000-524002 (Recreation - Maintenance of Rec Areas)  
\$9,000.00 to Account 16301000-546012 (Recreation - Rec Grounds)

8. For Your Information: I regret to inform Your Honorable Body we have received the resignation of Michael Tyler from the Municipal/School Building Commission effective immediately. Please join me in thanking Mr. Tyler for his service to the City.

9. I respectfully submit a communication from City Auditor Deborah Gould regarding ARPA funding for Wading River Pilot Test Phase II. As you are aware, the Water Department is preparing for a large upgrade to the Wading River Treatment Plant that requires pilot testing. Superintendent Allen has requested funding in the amount of \$325,000 to engage a firm to complete services related to the Pilot Test Evaluation of Wading River, please see the memo from the Superintendent. Financing options have been discussed including bond authorization, use of Bristol County ARPA, Water Retained Earnings and City ARPA funds. As a result of these discussions, and in the interest of moving this

important project forward as quickly as possible, it is recommended that the City's ARPA funds be the funding source for this project. It is my understanding that this particular project is very time sensitive as it requires warm weather testing. Therefore, I hereby request Your Honorable Body authorize the City to expend \$325,000.00 of ARPA funds on costs associated with the Wading River Pilot Test Phase II.

10. I respectfully submit a communication from Superintendent of Park & Forestry Derek Corsi requesting proposed amendments to Section 9-2, Section 9-41.2, Section 20-11.2 and Section 20-11.3 of the Revised Ordinance of the City of Attleboro. Recently a review was conducted of Section 9-2 Adoption Fees, 9-41 Impoundment of Dogs and Section 20-11 Animal Welfare Fund. It is determined that updates are needed to change some of the established fees related to the adoption, licensing and impoundment of dogs and expand the capacity of the Animal Welfare Fund #2615. These changes will bring Animal Control in line with our surrounding communities and give the Animal Control Department the ability to provide an in-house rabies clinic to the public. Therefore, I hereby request Your Honorable Body vote on the following ordinance changes:

Section 9-2 License and Permit Fees - **increase** the following fees:

Neutered Male	\$ 10.00
Spayed Female	\$ 10.00
Replacement of Lost Tag	\$ 10.00
Adoption of Dog	\$ 300.00

Section 9-2 License and Permit Fees - **delete** the following fee:

Feline Adoption	\$90.00
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Section 9-2 License and Permit Fees - **add** the following fee:

City Run Rabies Clinic Vaccination (Dogs & Felines)	\$20.00
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REQUEST FOR REVISION OF SECTION 9-41.2 THE REVISED ORDINANCES OF THE CITY OF ATTLEBORO:

Delete Section 9-41.2 in its entirety and replace with the following:

9-41.2 The owner of an impounded dog shall be entitled to resume possession of any impounded dog once it is licensed. A fee will be assessed to the owner for the intake of the dog by an Animal Control Officer at the rate of Twenty-Five (\$25.00) and the boarding of the dog at the shelter at the rate of Twenty-Five (\$25.00) dollars per day. The owner shall also be required to pay the costs incurred by the City for the services of a veterinarian to render emergency care or treatment to a dog impounded in the City's Animal Shelter.

REQUEST FOR REVISION OF SECTION 20-11.2, 20-11.3 THE REVISED ORDINANCES OF THE CITY OF ATTLEBORO:

Delete Section 20-11.2 in its entirety and replace with the following:

20-11.2 Revenues: The City Auditor shall establish the Animal Welfare Fund # 2615 as a separate fund and credit to the fund one-third of the income generated by the adoption fee derived under City Ordinances 9-2 (as amended) for both dogs and felines, one hundred percent of the income generated from fees collected during city run rabies vaccination clinics derived under City Ordinances 9-2 (as amended) for both dogs and felines and to receive \$1.00 of every fee collected pursuant to Section 9-43 of the Revised Ordinances of the City of Attleboro.

Delete Section 20-11.3 in its entirety and replace with the following:

20-11.3 Purposes and Expenditures During each fiscal year, the Animal Control Officer with the approval of the Superintendent of Parks and Forestry and the Mayor may incur liabilities against and spend monies from the Animal Welfare Fund # 2615 for the purpose of direct services for the care of animals, such as medical treatment, spay and neutering of animals, food for animals, and to pay for any expenses incurred with the supplies, structure and organization of a city run rabies clinic. Prohibited expenditures are building maintenance, facility care expenses and salary and wages.

11. I respectfully submit a communication from City Auditor Deborah Gould regarding ARPA Funding for Sand Filter Improvements. As you are aware, the bid for construction to complete the Sand Filter Improvements originally funded by the Honorable Municipal Council in April of 2022 is significantly greater than the original appropriation. Superintendent Hayes has requested an additional \$800,000 to complete this project. Financing options have been discussed including bond authorization, use of Bristol County ARPA, Wastewater Retained Earnings and City ARPA funds. As a result of these discussions and in the interest of moving this important project forward as quickly as possible it is recommended that the City's ARPA funds be the funding source for this project. Therefore, I hereby request Your Honorable Body authorize the City to expend \$800,000.00 of ARPA funds on costs associated with the Sand Filter Project.

12. I respectfully submit a communication from City Auditor Deborah Gould regarding expenditures of up to \$350,000 from SPED Stabilization Fund. As you know, in accordance with MGL Chapter 40 Section 13E requires the Honorable Municipal Council by a majority vote before expenditures from the SPED Special Purpose Stabilization Fund can be disbursed. On March 10, 2023, a memo was sent on this matter, (copy attached) at that time the recommendation was for \$300,000 to be approved. Between the 10th of March and the school committee vote of March 27th additional changes to student enrollment caused the increased amount to be voted by the school committee. Therefore, I hereby request Your Honorable Body approve to expend no more than \$350,000 from the SPED Stabilization Fund 8507 for unexpected special education transportation costs incurred during the current fiscal year.

13. I respectfully submit a communication from City Auditor Deborah Gould regarding ARPA Revenue Replacement Funds to Capron Zoo Revolving Fund 2607. After multiple recent meetings with the Superintendent of Parks and Forestry and Zoo Director, the Capron Zoo Revolving Fund 2607 suffered significant revenue losses due to the pandemic. In March of 2020, the Zoo, like many entertainment venues, were ordered closed to the public at the onset of the pandemic. The fixed costs of the zoo staffing and fringe benefits, utilities, food and care for the animals continued while revenue streams halted. The equity position of the zoo at the beginning of fiscal year 2020 was \$1,286,499 and ended the year with a fund balance of \$817,583 a reduction of \$468,916. The revenue shortfall in fiscal year 2020 was \$469,567; the difference to equity of \$651 is related to a year-end encumbrance.

For the zoo, the negative fiscal impact of the pandemic continued into fiscal 2021 and fiscal 2022 with expenditures, including encumbrances outpacing revenues by \$144,584.52 and \$194,512 respectively.

The fund balance at the end of fiscal year 2022 was \$483,623 and revenues during fiscal 2023 still do not keep pace with expenditures.

As you may recall the City designated half of its American Rescue Plan Act (ARPA) local funding as revenue replacement. This designation is allowed by the US Treasury. The City may utilize these funds with some limitations for any lawful purpose. The Capron Park Zoo Revolving Fund is in need of operating funds. Therefore, I hereby request Your Honorable Body transfer \$470,000 from Fund 2423-599000 ARPA Funds - Other Financing Uses to Fund 2607-499000 Capron Park Zoo -Other Financing Sources to support the operation of the Capron Park Zoo.

14. As we all know; Capron Park Zoo holds a special place in the hearts of many current and former residents and has long been a major attraction for visitors to the city. It is uniquely and undoubtedly a significant part of our community identity, our past, and our future. For these reasons and more, it is extremely important that we give the utmost care and consideration to planning our zoo's future. Accordingly, I will immediately be forming a Capron Park Zoo Task Force to determine the best path forward for the future of Capron Park Zoo. The Task Force will be chaired by former mayor Kevin Dumas and will convene its first meeting on the afternoon of Friday, April 14, 2023. I welcome the participation of the Municipal Council in this effort and respectfully invite President DiLisio to designate a member to serve on the Task Force. We expect the Comprehensive Master Plan and Strategic Plan for Capron Park Zoo to be completed soon and this document will inform our planning efforts.

15. I respectfully request Your Honorable Body to transfer \$30,000.00 from Account 11241000-578300 (City Wide - Reserve Fund for Transfer) to Account 11211000-530890 (City Solicitor). Additional funds are needed for the remainder of FY23 due to an increase in matters that involved litigation.

16. On March 8, 2022 the City was notified by the Commonwealth of Massachusetts that in accordance with M.G.L. Chapter 98, Section 34, the Division of Standards must stop performing the weights and measures functions statutorily assigned to the City of Attleboro as of June 30, 2022. Although an individual was appointed to perform these services for the City, an invoice was sent from the Common of Massachusetts for inspections done in FY22. Therefore, I hereby request Your Honorable Body transfer \$13,500.00 from Account 11241000-578300 (City Wide - Reserve Fund for Transfer) to Account 11241000-578030 (City Wide - Previous Year Bills).

17. I respectfully submit a communication from Superintendent of Wastewater Thomas Hayes regarding the need for funds for the cost of design, bidding and construction services to repair a 30" sewer main. The 30" sewer mains that transmit flow to the wastewater treatment facility were installed circa 1910. Recently it came to the attention of the Wastewater Department that a 100' section of the 30" sewer main that crosses the 10-mile river in the woods behind Attleboro Sand & Gravel is starting to leak and stress cracks are beginning to develop. Temporary repairs have been made and monitoring for new leaks will continue until a permanent repair can be performed. Therefore, I hereby request Your Honorable Body appropriate \$100,050.00 from Account 6000-359000 (Wastewater Enterprise Fund) to Fund 3233 30" Sewer Main Repair. This request includes a 15% contingency. (Copies in your packets)

Sincerely,  
Cathleen DeSimone, Mayor

Clerk Jackson then read the Clerk's Communication:  
Tuesday April 4, 2023

We have received a Petition from Massachusetts Electric Company d/b/a National Grid requesting permission to install a new 35'C2 stub pole (P2022-84) 50'+/- across the street SE of Pole 2022. This is to allow removal of pole in customers property at HSE #206. Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections.

President DiLisio then asked for **Committee Reports**.

Chair Waterman, of the **License Committee** requested a meeting at the next appropriate time.

Chair Dolan of the **Public Works Committee** brought the following votes forward:

Voted 9 yeas – 0 nays (Bennett absent) to authorize the expenditure of \$1,204,645.61, and any other future grant amendments, into Fund 3108 (Chapter 90 Projects) for the purpose of funding Chapter 90 eligible projects as approved by the Massachusetts Department of Transportation (MassDOT).

Voted 9 yeas – 0 nays (Bennett absent) to rescind Vote #6 on March 7, 2023 to appropriate \$24,000 from Water Enterprise Fund. The vote should have said transfer as opposed to appropriate.

Chair Bennett of the **Traffic** Committee called for a meeting at the next available time.

Vice Chair Conti of **Ordinances, Elections and Legislative** Matters brought the following forward:

Voted 7 yeas – 0 nays (Conti, Waterman absent) to hold a special election on June 6, 2023 to fill the unexpired At-Large Councilor position vacated by Cathleen DeSimone, in accordance with the Revised Ordinances of the City of Attleboro as amended.

Vice Chair Kobus of the **Finance Committee**, brought forward the following votes:

Voted 9 yeas - 0 nays (Bennett absent) to authorize the Attleboro School Department to pay these previous year school bills totaling \$4,857.24 from FY22

NAME OF VENDOR	AMOUNT	DEPT	Reason
RICK'S MUSICAL INSTRUMENTS	\$458.00	COELHO	No PO was encumbered
RICK'S MUSICAL INSTRUMENTS	\$60.00	COELHO	No PO was encumbered
RICK'S MUSICAL INSTRUMENTS	\$67.89	COELHO	No PO was encumbered
HENRY SCHEIN	\$255.00	CTE	FY22 PO was closed
prematurely			
HENRY SCHEIN	\$833.75	CTE	FY22 PO was closed
prematurely			
UMASS MEDICAL	\$3,182.60	SPED	FY22 PO wasn't
encumbered for enough	<b>TOTAL</b>	<b>\$4,857.24</b>	

Chair Kobus of the **IT & Infrastructure Committee** asked for a meeting at the next appropriate time.

Chair Dolan of the **Zoning and Land Use Committee** requested a meeting at the next appropriate time.

Chair Reynolds of the **City Property and Claims** Committee brought forth the following:

Voted 9 yeas – 0 nays (Bennett absent) to accept the donation of six (6) Acer Rubrum (Red Maple) trees valued at approximately \$215 each, for a total of \$1,290.00 from developer Mr. Fred Bottomley.

Chair Angelo of the **Personnel, Veterans and Human Services** brought the following forward:

Voted 9 yeas – 0 nays (Bennett absent) to transfer \$31,000 from Account 6100-578300 (Water Enterprise Fund – Reserve Fund for Transfer) to the following to cover the remainder of FY23:

\$20,000.00 to Account 6100-517120 (Water Enterprise Fund – Health Insurance HMO)

\$11,000.00 to Account 6100-517125 (Water Enterprise Fund – HMO 500) Personnel

Voted 9 yeas – 0 nays (Bennett absent) to approve the appointment of Melinda J. Kwart, 384 South Main Street, as a member of the Planning Board to fill an unexpired term. Term to expire February 2026.

Voted 9 yeas – 0 nays (Bennett absent) to approve the MOA for the 2022-2023 winter season between the City and Local #1144 Laborers Union and approve the appropriation of \$54,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 14231000-519921 (Snow/Ice Removal – Snow Participation).



Voted 9 yeas – 0 nays (Bennett absent) to amend Article XVI – Uniform and Clothing Allowances as described in the Personnel Rules and Regulations for Exempt Employees to add the Deputy Building Inspector and Solid Waste Manager. Funding is not required in FY23.

Voted 9 yeas – 0 nays (Bennett absent) to amend Sec 3-1.1, Building, by inserting the following position:

“In addition, in the Mayor’s discretion, the Mayor may add to the Inspector of Buildings’ duties the management of facilities maintenance and repair issues for City-owned buildings, in which case the position of Inspector of Buildings shall be titled the “Inspector of Buildings and City Facilities Manager” and classified in the manner and on the terms set forth in the Classification Plan.”

Chair Blais, of the **Public Safety Committee**, brought forward the following votes:

Voted 9 yeas – 0 nays (Bennett absent) to appropriate \$24,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 12101000-515040 (Police – Professional Training) to pay Field Training Officers stipends per the union contract.

Voted 9 yeas – 0 nays (Bennett absent) to appropriate \$80,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 12101000-513000 (Police – Overtime)for overtime funds due to 26 patrol officer vacancies.

Voted 9 yeas – 0 nays (Bennett absent) to authorize expending of such funds and any future grant amendments regarding the receipt of an Emergency Management Performance Grant (EMPG) to the Attleboro Fire Department from the Massachusetts Emergency Management Agency (MEMA) in the amount of \$20,150.00.

Special Committee on Senior Tax requested a meeting at the next appropriate time.

Special Committee on Classification and Compensation requested a meeting at the next appropriate time.

**Old business** was read by Councilor Kobus:

Voted 9 yeas – 0 nays (Bennett absent) to rescind the following vote from March 21, 2023:  
FROM THE DOCKET OF APRIL 4, 2023:

(5.)Voted unanimously to hold a public hearing on April 18, 2023 regarding the request that the Municipal Council accept the enclosed list of 66 streets as public ways – a combined length of 42,290.61 + feet, 8.01+miles.

More time is needed to prepare for a public hearing on this item.

No new business.

The council voted unanimously to adjourn at 8:50 PM.

A TRUE COPY

ATTEST: \_\_\_\_\_  
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: \_\_\_\_\_  
(DATE)

\_\_\_\_\_  
City Clerk/Clerk of the Council