

**ATTLEBORO MUNICIPAL COUNCIL
REGULAR MEETING
TUESDAY JANUARY 15, 2019
7:00 P.M.
AGENDA**

APPROVAL OF THE RECORDS: October 16, 2018, November 6, 2018, November 13, 2018, November 20, 2018, December 4, 2018, December 18, 2018 and January 8, 2019. Executive Sessions June 6, 2017, June 27, 2017, April 10, 2018 and May 8, 2018.

Continued PUBLIC HEARING relative to the request from National Grid to replace direct buried cable with new 1-#2 AL cable inside PVC conduit throughout Augsburg Drive. This underground cable is fed from riser P8149 on Slater Street.

Continued PUBLIC HEARING relative to amending sections of Chapter 10 of the Revised Ordinances of the City of Attleboro, Ch. 10, Motor Vehicles and Parking, as it pertains to Beagle Club Road.

Continued PUBLIC HEARING relative to the application for a Special Permit pursuant to Section 17-10.15, MARIJUANA BUSINESS of the Revised Zoning Ordinances from the Leonard J. Irving Center, Inc., 81 West Street, Attleboro, MA to operate a Medical Marijuana Treatment Center at 70 Frank Mossberg Drive, said premises being Assessor's Plat #147, Lot #5F, with an area of 1.1434 acres, located in an Industrial Zoning District.

Continued PUBLIC HEARING relative to the application for a Special Permit pursuant to Section 17-10.15, MARIJUANA BUSINESS of the Revised Zoning Ordinances from the Ashli's Extracts, Inc., 81 West Street, Attleboro, MA to operate a Marijuana Product Manufacturer at 76 Frank Mossberg Drive said premises being Assessor's Plat #145, portion of Lot #1, with an area of 6.2842 acres, located in an Industrial Zoning District

Continued PUBLIC HEARING relative to the application for a Special Permit pursuant to Section 17-10.15, MARIJUANA BUSINESS of the Revised Zoning Ordinances from the Ashli's Inc., 81 West Street, Attleboro, MA operate a Marijuana Retailer at 70 Frank Mossberg Drive, said premises being Assessor's Plat #147, portion of Lot #5F, with an area of 1.1434 acres, located in an Industrial Zoning District. (11/6/18) (DEADLINE 2/5/19)

Continued PUBLIC HEARING relative to the application for a Special Permit pursuant to Section 17-10.15, MARIJUANA BUSINESS of the Revised Zoning Ordinances from the from Ashli's Farm, Inc., 81 West Street, Attleboro to operate a Marijuana Cultivator at 76 Frank Mossberg Drive, said premises being Assessor's Plat #145, portion of Lot #1, with an area of 6.2842 acres, located in an Industrial Zoning District..

Continued PUBLIC HEARING relative to the application for a Special Permit pursuant to Section 17-10.15, MARIJUANA BUSINESS of the Revised Zoning Ordinances from The Leonard J. Irving Center, Inc. of 81 West Street, Attleboro to operate a Medical Marijuana Treatment Center at 76 Frank Mossberg Drive said premises being Assessor's Plat #145, portion of Lot #1, with an area of 6.2842 acres, located in an Industrial Zoning District..

PUBLIC WORKS

- Appropriate \$4,621.20 from Account 2514-475000 (DPU-TNC Funds – Assessment) to Account 2514-584027 (DPU-TNC Funds – Sidewalk Reconstruction). (4/1/8/19)
- Transfer \$22,000.00 from Account 6100-578300 (Water Enterprise Fund – Reserve Fund for Transfer) to Account 6100-530335 (Water Enterprise Fund – Activated Carbon Replacement). (5/1/8/19)
- Application from National Grid to replace buried conduit throughout Augsburg Drive from Slater Street. (12/4/18)
- Communication dated January 21, 2018 from resident Kellie Marcil, suggesting a change in the Winter Parking Ban (2/6/18)
- Communication dated January 15, 2018 from Adam Stuminski, relative to changes in the Winter Parking Ban (2/6/18)
- To investigate the following amendments: Section 11-10 Sidewalk Snow and Ice Removal and Section 11-10 Sidewalk Snow Removal in Commercial or Industrial Zones (New Business—Ms. Porreca) (1/16/18)
- That Riverfront Drive be re-named Judy's Way. (07/20/17) NB: Mr. Conti

PERSONNEL & HUMAN SERVICES

- Cynthia Amara of Murphy, Hesse, Toomey and Lehane, LLP to fill an expired term as City Solicitor, under a temporary 90-day appointment in accordance with Section 3.3 (b) of the Attleboro Home Rule Charter. Term to expire February 2020. (2/1/8/19)
- Communication from the Council on Disabilities regarding the adoption of an MGL to become a Commission. (9/4/18)
- Communication from City Auditor Deborah Gould regarding Disclosure by Non-Elected Municipal Employee form (4/3/18)

- That in accord with the City of Attleboro Massachusetts City Charter Article 3 Section 3-1 which reads “The Mayor shall receive for his services such salary as the municipal council shall by ordinance determine within the first eighteen months of the term of office and is to be effective at the start of the next term of office.” that effective January 1, 2020, the salary of the City of Attleboro Mayor be set at \$100,000.00 per year and, in addition, that the position of Mayor shall be removed from the City of Attleboro Classification Plan as defined in the Revised Ordinances of the City of Attleboro Chapter 13, Personnel, Section 5.1 Mayor (amended 1/5/11) which is to be deleted. In accord with City Charter Article 2 Section 7B, this measure will call for a public hearing and that a majority of the Municipal Council shall be required to adopt said Ordinance revision. (New Business – Mr. Conti) (3/20/18)

CAPITAL IMPROVEMENTS & CITY DEVELOPMENT

- Transfer \$4,830.00 from Account 11241000-584052 (City Wide – Air Conditioning Unit) to Account 11241000-578300 (City Wide - Reserve Fund for Transfer (1/1/8/19)

ZONING & LAND USE

- Planning Board to recommend the Council adopt the proposed amendments Zoning Ordinance 17-2.1.3 (A) and (B) as it pertains to Marijuana Business in Industrial Zoning Districts. (1/8/19)
- Communication that accompanied a revised site plan for 76 and 70 Frank Mossberg Drive for (5) proposed marijuana businesses with public hearing on December 4, 2018. (12/4/18)
- Communication from Superintendent of Wastewater, Thomas Hayes regarding the applications (5) for marijuana businesses at 70-76 Frank Mossberg Drive. (12/4/18)
- Communication from Acting Superintendent of Water, Kourtney Wunschel regarding the applications (5) for marijuana businesses at 70-76 Frank Mossberg Drive. (12/4/18)
- Special Permit application from BCWC LLC, 34 Extension Street to operate a marijuana business. (PH 12-4-18) (11/6/18)
- Special Permit application from Leonard J. Irving Center, Inc. to operate a marijuana business at 70 Frank Mossberg Drive. (PH 12-4-18) (11/6/18)
- Special Permit application from Ashli’s Extracts, Inc. to operate marijuana product manufacturing at 76 Frank Mossberg Drive. (PH 12-4-18) (11/6/18)
- Special Permit application from Ashli’s, Inc. to operate a marijuana retail facility at 76 Frank Mossberg Drive. (11/6/18)
- Special Permit application from Ashli’s Farm, Inc. to operate a marijuana cultivator center at 76 Frank Mossberg Drive. (PH 12-4-18) (11/6/18)
- Special Permit application from Leonard J. Irving Center, Inc. to operate a Medical Marijuana Treatment Center at 76 Frank Mossberg Drive. (PH 12-4-18) (11/6/18)
- Amend section 17, ZONING ORDINANCES of the Revised Ordinances of the City of Attleboro to change the Special Permit Granting authority for Marijuana Establishments from Special Permit Municipal Council (SMC) to Special Permit ZBA
- A communication dated October 11, 2018 from Wastewater Superintendent Hayes giving an opinion for the BCWC, LLC application for amendment at 34 Extension Street.
- Amend §17–16.10 NON-CONFORMING SIGNS Delete B in its entirety and insert new language (see New Business-Ms. Porreca & Mr. DiLisio) (12/12/17)
- BCWC, LLC of 34 Extension Street Attleboro, requesting a Special Permit to revise the location of the granted RMD within the same building. (9/18/18) (PUBLIC HEARING ON 10/16/18)

TRANSPORTATION & TRAFFIC

- Amend Section 10-4.6 Left Turn Prohibited: Greenfield St. to South Ave: Greenfield St. Traffic travelling --- bound prohibited from making a left turn on South Ave. N-bound unless directed by a public safety official. (Ms. Porreca 11/6/18)
- Amend Section 10-4.15: Operation of Heavy Commercial Vehicles adding May St. from Washington St. to Newport Ave. (Ms. Porreca 11/6/18)
- Amend Section 10-4.6 Left Turn Prohibited: May Street to Newport Avenue: May Street traffic traveling --- bound prohibited from making a Left turn onto Newport Avenue Northbound unless directed by a public safety official. (Ms. Porreca 11/6/18)
- A communication dated October 16, 2018 from the Transportation and Traffic Committee regarding the AHS Roadway Enabling Project.
- Request to study the need for a “Stop” sign at Bank Street Extension and Bridget Way. (PH 10-16-18) (9/18/18)
- Request for amendments to ordinances 10 – 5 and 10- 14 as it pertains to Beagle Club Road (Public Hearing scheduled for September 18, 2018) (7/17/18)
- Traffic concerns in and around Willett Elementary School, including (but not limited to) the speed limit, pick-up and drop-off of students in this area. (New Business – Ms. Porreca and Mr. Kobus)
- That a solar warning lighted sign be installed at the intersection of Lower County Street and Read Street to warn traffic northbound on Lower County that there is a four-way intersection over the hill. (New Business—Mr. Conti) (12/5/17)
- That the parking options for Beagle Club Road and that restrictions up to and including NO PARKING. (NB: Mr. Cooper)

BUDGET & APPROPRIATIONS

- Transfer \$300.00 from Account 12201000-524230 (Fire – Maintenance of Vehicles) to Account 12201000-578020 (Fire – Bills Previous Year). (6/1/8/19)
- Communication from COA requesting \$4,875.00 for emergency lighting replacement (12-18-18)
- Communication from School Finance Director for \$2,112.68 to pay FY18 bills (12-18-18)
- Communication from School Finance Director appropriation from E-Stabilization fund for technology purchase(12-18-18)
- Communication from Public Employee Retirement Administration Commission regarding FY2020 appropriation (11/20/18)
- Collaborate with state officials to have a meeting to understand the Community Pact Program thru FY2019 for best financial policies for capital improvement (NB Conti 11/13/18)
- That the City of Attleboro accept a local exemption to allow research and development corporations to be taxed as manufacturing corporations in accord with M.G.L. c. 59, § 5, cl. 16(3), as amended by St. 2010, c. 240, § 108, effective for tax years beginning on or after January 1, 2018. (03/21/17: NB Mr. Conti)
- To research/investigate establishing a separate Stabilization Fund for the purposes of establishing a fund to replace the Attleboro High School track surface and/or the artificial athletic field (NB—Mr. Kirby and Mr. Conti)
- To establish a procedure for notifying the business community of proposed new ordinances or revisions to existing ordinances that may affect their businesses. (New Business—Mr. Cook and Mr. Bergevine)

LICENSE

- An application from Kenneth Blais of 15 Paddock Lane, Attleboro for a Hawkers and Peddlers License to sell pizza from a mobile truck. . (1/8/19)
- An application from Corey Blais of 41 Hayes Avenue, Attleboro for a Hawkers and Peddlers License to sell pizza from a mobile truck. (1/8/19)
- Application from Cumberland Farms 633 Washington Street for license to store combustibles (12-18-18)(PH 2-5-19)
- A communication dated July 12, 2018 from Zoning Enforcement Officer William McDonough regarding a violation for unregistered vehicles at 11 Horton Avenue.

CITY PROPERTY & CLAIMS

- Donation of \$100.00 and \$200.00 in Stop & Shop gift cards from two Anonymous Donors. Additionally, the donation of Stop & Shop gift cards totaling \$500.00 from the Disabled American Veterans Chapter #91 of Attleboro. (7/1/8/19)
- Donation of an office chair, \$126.00, from Monica Conlin. (9/1/8/19)
- Building Inspections Department 2007-Ford Taurus-1FAFP53U47A181776-137,000-Poor
- (11/1/8/19)

ORDINANCES, ELECTIONS AND LEGISLATIVE MATTERS

- Amendment to 11-9.4 No person shall discharge or cause to be discharged surface or other water upon any street etc. (Public Hearing on February 2, 19, 2019) (3/1/8/19)
- To adopt MGL Chapter 40 Section 8j as it pertains to changing the Attleboro Disabilities Committee to the Attleboro Disabilities Commission and all that entails. (New Business--Ms. Dolan and Mr. Waterman) (1/8/19)
- Amend section 17, ZONING ORDINANCES of the Revised Ordinances Attleboro to change the SP Granting authority for Marijuana Establishments from SP Municipal Council (SMC) to SP Zoning Board of Appeals (S). (Mr. Kobus 11/6/18)
- To differentiate between the positions of an executive and legislative city solicitor section 2-3 of the Ordinances of the City of Attleboro. (Ms. Holmes and Mr. Kobus 10/16/18)
- Addition of Ordinance for Speed Humps/Cushions, 10-4.18 (9/10/16/18)
- To amend section 11-14 under Chapter 11, Offenses of the Ordinances of Attleboro pertaining to Hunting and Firearms and replace. (Ms. Dolan and Mr. Kobus 10/16/18)
- Plastic waste reduction ordinance. (PH 11/20/18) (10/2/18)
- Request for a new ordinance as it pertains to Smoking restrictions in cars with children in car seats (Public Hearing scheduled for September 18, 2018) (7/17/18)
- To revise the Revised Ordinances of the City of Attleboro: Section 1-9.1 Time and Place of Municipal Council Meetings (Amended 10/1/2013) striking the measure following “The regularly scheduled meetings of the Municipal Council shall be held on the first and third Tuesdays of each month.” Said revisions to take effect January 1, 2019 NB—Mr. Conti) (1/16/18)

PUBLIC SAFETY & EMERGENCY MANAGEMENT

- 2019 Senator Charles E. Shannon Jr. Community Safety Initiative (Shannon CSI) of \$10,554.10. (8/1/8/19)
- To change the ordinance as it relates to appointing authority - Section 13-7 Civil Service Appointments (3/20/18)
- The following proposal relative to the practice of hunting on public lands and private property in Attleboro without permission of the landowner from Roxanne Houghton of 13 Eisenhower Street.

SPECIAL COMMITTEE ON THE COUNCIL'S RULES OF PROCEDURES

- To revise the Attleboro Municipal Council Rules of Procedure as follows: Article III Section 1 – Regular Meetings, 3-1.1 striking the measure following “Regular Meetings of the Municipal Council shall be held on the first and third Tuesdays of each month.” Said revisions to take effect January 1, 2019 (New Business—Mr. Conti) (1/16/18)
- To revise the Attleboro Municipal Council Rules of Procedure as follows: Article IV Section 3 – Duties of Council Officers, adding to item h. “Set and prepare Council Meeting Dockets.” the additional measure to read “including any legal deadlines for a Committee.” As it directly relates, to also amend Article3 Order of Business and Docket Section 2 – Dockets, 5-2.1 Regular Meeting Dockets, item a. to insert “including any legal deadlines for a Committee,” after “The President shall be responsible for the preparation of a Docket...” Said revisions to take effect January 1, 2019. (NB—Mr. Conti) (1/16/18)

SPECIAL COMMITTEE FOR TAX ABATEMENT REVIEW

- Home Rule petition for city with House of Representatives Amendment Article 89 and MGL Ch. 43B to adopt Ordinance for a Senior Tax Program authorizing City to amend Ch. 169 of Acts of 2012 (House, 3815). (Mr. Conti 7/17/18)
- Create an Elderly and Disabled Taxation Aid Fund. (Mr. Kobus 9/18/18)
- That the City of Attleboro create a local property tax freeze program that will bar property tax increases for certain seniors and other eligible populations who are on a fixed income and most affected by an increase taxes (Mr. Kobus 9/18/18)

Old Business: - None

New Business: - None

(Disclaimer: This agenda has been prepared in good faith based on topics that the Municipal Council anticipates may be discussed at its meeting). Agenda prepared by the Administrative Assistant from the Office of the Municipal Council.