

**ATTLEBORO MUNICIPAL COUNCIL  
REGULAR MEETING  
TUESDAY FEBRUARY 19, 2019  
7:00 P.M.  
AGENDA**

**APPROVAL OF THE RECORDS: January 8, 2019, January 15, 2019 and February 5, 2019. Executive Sessions June 6, 2017, June 27, 2017 and April 10, 2018.**

**PUBLIC HEARING** to address the adoption of MGL Chapter 40, Section 8j as it pertains to changing the Attleboro Disabilities Council to the Attleboro Disabilities Commission and all that entails.

**PUBLIC HEARING** relative to amending Revised Ordinance of the City of Attleboro Section 11-9 Discharge of Water, in order to clarify the language as it pertains to the discharging of water on City streets.

**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)

**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**

- 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**

- Reappointments of 24 people to various commissions and councils.
- Appointment of S. Estime, to the Council on Human Rights. Term to 2-2022.
- Appointment of R. Legend to the Council on Substance Abuse Prevention. Term 2-2020.
- Appointment of S. Varrieur, to the ZBA Term to expire 2-2022.
- Appointment of S. McNamara, to fill an unexpired term on the PB. Term to 2-2024. (5/2/5/19)
- Appointment of S. Miller-Bedau, to the Council on Substance Abuse Prevention. (6/2/5/19)
- Appointment of T. Lee, to fill an unexpired term on Con Com. Term to expire 2-2020. (7/2/5/19)
- 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**

- Attleboro Schools appropriation \$24,760.00 to (Septic Replacement). (9/2/5/19)
- Funds for A. R. A. audit for \$13,250.00. (15/2/5/19)

### **ZONING & LAND USE**

- A communication dated January 17, 2019 from Attorney Jacobi requesting the continuance of the five public hearings regarding 70 and 76 Frank Mossberg Drive. (2/5/19)
- Application for a Special Permit from Major Bloom, LLC, to operate an RMD located at 20 John Williams St.. (PH 3-19-19)
- A communication from Attorney Jacobi dated February 4, 2019 requesting continuance for the 5 marijuana business applications for 70 – 76 Frank Mossberg Drive. (2/5/19)
- 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 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)

### **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**

- A communication for money due from City to the School Dept. for Medicaid Reimbursement. (2/2/5/19)
- Communication to transfer \$4,250.00 to Police for women restroom repairs. (13/2/5/19)
- 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 for Scrap Metal Recycler/Junk Dealer from Schnitzer Northeast. (2/5/19)
- A communication dated January 29, 2019 with a complaint from August 18, 2018 against Old School Auto Sales 187 Cumberland Ave. Attleboro. (2/5/19)
- Class II amended license application from Best Buy Automotive & Tire, 40 display 8 customer spots (1/15/19)
- 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**

- Communication for the donation of \$50.00 in Stop & Shop gift cards. (1/2/5/19)
- APS regarding a request for a 42-month lease of twelve copiers School. (14/2/5/19)
- Water Department surplus items – hydrants, water meters and lawnmower. (17/2/5/19)
- Park and Forestry Department surplus of equipment. (18/2/5/19)

### **ORDINANCES, ELECTIONS AND LEGISLATIVE MATTERS**

- Special Legislation Language: Mayor Term Limits – General Court petition. (19/2/5/19)
- 1-30-2019 letter from Dale Rheume Attleboro regarding Hunting Ordinance. (2/5/19)
- 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 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. Holmes 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) (Public Hearing February 5, 2019)
- 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)

### **PUBLIC SAFETY & EMERGENCY MANAGEMENT**

- Accept SAFE Grant FY2019 for \$8,254.00 (1/15/19)
- 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 Article 3 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:** - Special Legislation Language to Amend Charter:

**Motion to petition the General Court to enact the following legislation to amend the Attleboro City Charter by replacing any gender specific wording with gender neutral wording; specifically, deleting the word “councilman” and inserting in its place the word “councilor”, deleting the word “committeeman” and inserting in its place the word “committee member”; replacing the word “him” with the words “him/her” and the word “his” with the words “his/hers” wherever they appear; provided, that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition.**

**AN ACT TO AMEND THE ATTLEBORO CITY CHARTER BY MAKING ALL GENDER REFERENCES THEREIN GENDER NEUTRAL**

**Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:**

**SECTION 1. The Attleboro City Charter is hereby amended by replacing any gender specific wording with gender neutral wording; specifically, deleting the word “councilman” and inserting in its place the word “councilor”, deleting the word “committeeman” and inserting in its place the word “committee member”; replacing the word “him” with the words “him/her” and the word “his” with the words “his/hers” wherever they appear.**

**SECTION 2. This act shall take effect upon its passage. (New Business: Councilor Dolan)**

(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.