

**ATTLEBORO MUNICIPAL COUNCIL
REGULAR MEETING
TUESDAY, April 2, 2019
7:00 P.M.
AGENDA**

APPROVAL OF THE RECORDS: February 19, 2019, March 5, 2019 and March 19, 2018. Executive Sessions June 6, 2017, June 27, 2017, April 10, 2018 and March 12, 2019.

Continued PUBLIC HEARING relative to the following loan order for water main work on Read Street:

ORDERED: that Two Million, Seven Hundred Thousand Dollars (\$2,700,000.00) is appropriated for the permitting, bidding, construction oversight and construction costs associated with the replacement of approximately 8,800 linear feet of water mains, including the road restoration, on Read Street, Attleboro, Massachusetts (collectively the "Project"), including the payment of all costs incidental or related thereto; that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow Two Million, Seven Hundred Thousand Dollars (\$2,700,000.00) under Chapter 29C of the General Laws and/or Section 8(5) of Chapter 44 of the General Laws, or any other enabling authority; that the Mayor is authorized to take any other action necessary or convenient to carry out this Project. Any premium received by the City upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with Chapter 44, Section 8(5) of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Continued PUBLIC HEARING relative to the following loan order to upgrade the Wastewater Treatment Plant located at 27 Pond Street (North) Attleboro:

ORDERED: that One Million, Five Hundred Thousand Dollars (\$1,500,000.00) is appropriated for the permitting, bidding, construction oversight and construction costs associated with plant upgrades to the City's Wastewater Treatment Facility, located at 27 Pond Street (North), Attleboro, Massachusetts (collectively the "Project"), including the payment of all costs incidental or related thereto; that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow One Million, Five Hundred Thousand Dollars (\$1,500,000.00) under Chapter 29C of the General Laws and/or Section 7(1) of Chapter 44 of the General Laws, or any other enabling authority; that the Mayor is authorized to take any other action necessary or convenient to carry out this Project. Any premium received by the City upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with Chapter 44, Section 7(1) of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Continued PUBLIC HEARING relative to application for a Special Permit pursuant to Section 17-10.15, REGISTERED MARIJUANA DISPENSARY USES of the Revised Zoning Ordinances from Major Bloom, LLC, 50 Loring Street, Hyde Park, MA, to operate a Marijuana Business for property located at 20 John Williams Street, Attleboro, MA. said premises being Assessor's Plat #33, Lot's #221A, 221C, 221D and 222, located in an Industrial Zoning District and having an area of 3.62 + acres.

PUBLIC HEARING relative to amending 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 Zoning Board of Appeals (S).

PUBLIC HEARING relative to the school property located at 135 County Street and the associated parking lot at 0 Cora Street that are no longer needed for school purposes and may be transferred to the City. In accordance with Section 2-11.2 of the City Ordinances, the City will declare that the Old High School, 135 County Street, and the parking lot at 0 Cora Street will be available for disposition. The Old High School and 0 Cora Street are currently assessed at \$6,303,900.00 and \$125,600.00 respectively.

PUBLIC HEARING relative to the Administration's proposed 2019-2023 5 CDBG 5 Year Consolidated Plan & Program Year 2019 Community Development Block Grant Entitlement Budget for the CDBG entitlement year July 1, 2019 through June 30, 2020, the proposed Program Year 2019 Annual Action Plan, and to request that the Mayor, on behalf of the City of Attleboro, be authorized to submit to the Department of Housing and Urban Development the proposed CDBG 5 Year Consolidated Plan, CDBG budget and proposed activities to be undertaken during the upcoming CDBG entitlement year.

PUBLIC WORKS

- Transfer \$30,000.00 for materials to repair the mechanical bar screen at the Wastewater Treatment Plant
- 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

- Request for 13 reappointments to positions and for terms as indicated. (3/19/19)
- Appointment of Eleanor Parenteau, to fill an expired term on the Council on Substance Abuse Prevention. (3/19/19)
- Appointment of Greg Withers, to fill a term on the Council on Substance Abuse Prevention. (3/19/19)
- Appointment of Brian Hatch to fill an unexpired term on the Conservation Commission. (3/19/19)
- Appointment of Andrew Acosta to fill an expired term on the Municipal Building Commission. (3/19/19)
- To assign a permanent department and department head for the formerly known Highland Country Club. (3/5/19)
- 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

- Request the Mayor submit to HUD the CDBG 5 Year Plan, budget and activities for the upcoming year. (3/19/19)
- Once CDBG Program Year 2019 is released by HUD, approve increasing and decreasing funds proportionally. (3/19/19)
- Loan Authorization for \$1,500,000.00 for Wastewater Treatment Plant upgrade. (4/2/19/19) (PH 3-19-19)
- Loan Authorization for \$2,700,000.00 for Read Street water main work. (5/2/19/19) (PH 3-19-19)

ZONING & LAND USE

- Application for a Special Permit from Major Bloom, LLC, to operate an RMD located at 20 John Williams St.. (PH 3-19-19)
- 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
- 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

- Correspondence from Steven Andreoni regarding parking on Angeline Street. (3/19/19)
- Correspondence from the Traffic Study Commission with a Beagle Club Road regarding their recommendation. (3/19/19)
- 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)
- 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)
- 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

- Funds to pay an alternative electrical inspector due to the retirement of the electrical inspector. (3/19/19)
- \$200 for an underfunded longevity payment from Budget Administrator. (3/19/19)
- Request for funds for engineering consultant to assist Planning office with EPA compliance, \$33,240. (3/19/19)
- A budget be established under a specific department and superintendent for the former Highland Country Club. (3/5/19)
- 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

- Hawkers and Peddlers License from Adam Palagi for Palagi Brothers Ice Cream, LLC (3/19/19)
- Hawkers and Peddlers License from Robert Palagi for Palagi Brothers Ice Cream, LLC (3/19/19)
- Ring a bell application from Robert Palagi of Palagi Brothers Ice Cream, LLC (3/19/19)
- 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)
- 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 from Bristol County Savings Bank to match software compatibility for Collector's office. (3/19/19)
- Donation of \$625 in grocery gift cards to Health Department. (3/19/19)
- Loam donation to Coelho School, Physical Ed equip to Willett and TV to Willett music classroom. (3/19/19)
- Surplus declaration of a 2005 Ford Crown Vic with 157,000 miles from Fire Department. (3/19/19)
- Public Hearing on April 2, 2019 for sale of Old high school and parking lot on County Street. (3/19/19)
- Donation of Stop & Shop gift cards to Veterans' office from the Elks. (3/19/19)
- Allow Passive Recreation on property formerly known as Highland Country Club. (3/5/19)

ORDINANCES, ELECTIONS AND LEGISLATIVE MATTERS

- 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

- Funds for Tourniquets and duty belt cases for officers, \$6,828.96. (3/19/19)
- EMPG grant from MEMA for \$13, 760 to Fire department to be used for replacement truck with plow. (3/19/19)
- Request \$31,275 for fire department towards replacement truck. (3/19/19)
- \$22,500 for Fire Department for compliant industrial gear washing and drying cabinet for Union St. (3/19/19)
- Fire Department request for \$15,000 for completed approved courses reimbursement. (3/19/19)
- 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

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: -

New Business: - **NEW BUSINESS SUBMITTED BY COUNCILOR HOLMES:**

To refer the following matter to the appropriate committee for study and recommendation:

New Business: - **To strike the following Ordinance in its' entirety:**

Ordinances of the City of Attleboro, Section 2-17 Council on Disabilities. (Ms. Holmes 4/2/19)

(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.