

**ATTLEBORO MUNICIPAL COUNCIL
DOCKET
MAY 5, 2020**

APPROVAL OF THE RECORDS: March 3, April 3, April 7, and April 28, 2020.
Executive Sessions June 6, 2017, June 27, 2017, April 10, 2018 and March 12, 2019.

CAPITAL IMPROVEMENTS AND CITY DEVELOPMENT

Richard Conti,
Chairperson

The Mayor respectfully submits a communication from Director of Council on Aging Madeleine McNielly regarding the need for emergency funds to replace the hot water tank at the Rev. Larson Senior Center. Therefore, the Mayor hereby requests Your Honorable Body transfer \$7,450.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 15411000-524011 (Council on Aging – Building Maintenance). Upon approval, the available balance in Reserve Fund for Transfer, to include any pending requests will be \$39,575.54.

In accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro, the Mayor respectfully requests Your Honorable Body to consider this as an **emergency measure. (Voted on 4-28-20)**

PUBLIC WORKS

Kate Jackson, Chairperson

The Mayor respectfully submits a communication from Superintendent of Public Works Michael Tyler regarding the need for funds to make repairs to roadways and sidewalks due to water breaks and other needed patchwork. Therefore, the Mayor hereby requests Your Honorable Body appropriate \$61,786.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 14201000-538053 (Public Works – Trench Repairs). (Copies in your packets)

The Mayor respectfully submits a communication from Director of Recreation Dennis Walsh regarding the need for funds supplies to complete ongoing projects. Therefore, the Mayor hereby requests Your Honorable Body transfer \$6,765.00 from Account 16301000-512020 (Recreation – Seasonal) to 16301000-546012 (Recreation – Supplies Recreation Grounds). (Copies in your packets)

The Mayor respectfully submits a communication from Superintendent of Wastewater Thomas Hayes regarding the need for funds for Lights and Power for the remainder of FY2020. Therefore, the Mayor hereby requests Your Honorable Body transfer \$12,000.00 from Account 6000-578300 (Wastewater Enterprise Fund – Reserve Fund for Transfer) to Account 6000-521020 (Wastewater Enterprise Fund – Lights and Power) and additionally transfer \$10,000.00 from Account 6000-553130 (Wastewater Enterprise Fund – Chemicals)

to Account 6000-521020 (Wastewater Enterprise Fund – Lights and Power). (Copies in your packets)

The Mayor respectfully requests Your Honorable Body to transfer \$70,000.00 from Account 11241000-578300 (City Wide - Reserve Fund for Transfer) to Account 11241000-521030 (City Wide - Street Lights) in order to satisfy the balances of invoices from expenditures in FY2020. The amount requested is consistent with transfers made in previous fiscal years. Upon approval, the available balance in Reserve Fund for Transfer, to include any pending requests, will be \$47,025.54. (Copies in your packets)

BUDGET AND APPROPRIATIONS

Jay DiLisio, Chairperson

The Mayor respectfully submits a communication from Superintendent of Parks, Forestry and Animal Control Derek Corsi regarding the need for funds for Animal Control overtime for the remainder of FY20. Therefore, the Mayor hereby requests Your Honorable Body transfer \$5,500.00 from Account 11241000-578300 (City Wide - Reserve Fund for Transfer) to the following:

\$3,500.00 to Account 12921000-513022 (Animal Control - Call Back Overtime)
\$2,000.00 to Account 12921000-513100 (Animal Control - Holiday/Sick/Vacation Overtime)

The Mayor respectfully submits a communication from City Auditor Deborah Gould regarding the receipt of a CARES ACT Relief payment in the amount of \$53,428.78. This payment was received, as the City is a Medicare Fee for service provider. To accept the funds from the US Government, the City needed to meet certain criteria as it relates to being a provider of health care. Therefore, I hereby request Your Honorable Body approve expending of such funds consistent with the Terms and Conditions of the CARES ACT Relief payment. Please note, official acceptance of the funds is required by the federal government on line and is time sensitive; 30 days from April 17, 2020.

In accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro, the Mayor respectfully requests Your Honorable Body to consider this as an **emergency measure**.
(Voted 4-28-20)

The Mayor is requesting that Your Honorable Body move \$400,000 from free cash to stabilization. In early 2018, then Budget Director Barry Lacasse presented an idea that we use free cash to pay for \$1.2 million in two expenses as a way to reduce the amount taxpayers would borrow by \$1.2 million in our debt exclusion. This \$1.2 million in free cash was going to pay for the movement of CTE equipment to the new high school, and asbestos removal in the existing high school, which is supposed to happen before demolition so that asbestos particles do not contaminate the neighborhood's air. These are listed on the 3011 sheet itemizing expenses for the new high school. As it turns out, the

city has been getting interest on the bonds that we are taking to pay for the high school and that interest ultimately becomes certified free cash. I have decided to set aside that interest on the bonds to pay for the CTE equipment movement and the asbestos removal. In short, the interest we get from the high school bonds stays with the high school project. City Auditor Deb Gould recommended that I not annually roll that money over from certified free cash to certified free cash but that we put it in the city's stabilization account, as future certifications may not prove sufficient to set aside internally. Therefore, a portion of the interest income accrued to date in the amount of \$400,000 I am asking that you move to the city's stabilization fund for later use to pay for the movement of the CTE equipment and the asbestos removal in the existing high school. Please note, this will require an appropriation request in the future from the stabilization fund. Therefore, the Mayor hereby requests Your Honorable Body to appropriate \$400,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 11241000-596000 (City Wide - Stabilization Fund).

As Your Honorable Body may recall, the replacement of the water main on Deanville Road in the area of I95 and I295 State Highway Interchange are categorized as "urgent" in the FY2021-2025 Capital Improvements Program. The design, bidding, general engineering and residential engineering for this project was funded by retained earnings and voted by the Honorable Municipal Council on June 28, 2018 (item #3). The design amendment #1 was funded from retained earnings and voted by the Honorable Municipal Council on November 26, 2018 (item #8). This project is explained in greater detail in a memorandum from Superintendent of Water, Kourtney Wunschel. (Copies in your packets)

Water Main Replacement (construction includes road restoration):	\$850,000.00
TOTAL Construction (est.)	\$850,000.00
Contingency (includes advertising)	\$ 86,000.00
TOTAL PROJECT	\$936,000.00

Therefore, the Mayor hereby requests Your Honorable Body to approve the following loan order:

ORDERED: that Nine Hundred Forty Six Thousand Dollars (\$946,000.00) is appropriated for the permitting, bidding, construction oversight and construction costs associated with the replacement of the water main, including the road restoration on Deanville Road in Attleboro, MA, (collectively the "Project"), including the payment of all costs incidental or related thereto, of which amount up to \$10,000.00 may be used for costs associated with the issuance of bonds or notes for this purpose; that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow Nine Hundred Forty Six Thousand Dollars (\$946,000.00) under 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 20 of the

General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

LICENSES COMMITTEE

Laura Dolan,

Chairperson

A Massachusetts Electric and Verizon New England petition to replace and relocate a broken pole at 14 Walnut Street including lighting and Riser.

CITY PROPERTY & CLAIMS

Sara Lynn Reynolds, Chairperson

The Mayor respectfully submits a communication from Council on Aging Director Madeleine McNielly regarding the donation of \$300.00 in Stop & Shop gift cards from the Holiday Spirit Committee. In accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, the Mayor hereby requests Your Honorable Body to accept this generous donation to the City of Attleboro. (Copies in your packets)

The Mayor respectfully submits a communication from Director of Planning and Development Gary Ayrassian recommending that the City accept a land donation of four parcels located on the paper streets known as Ash Street and Pine Street (Plat 45; Lots 126 through 129) from John W. Hamel and Harvey R. Hamel. The subject property contains a land area of 22,500± square feet and is zoned “General Residence-A”. It should be noted that real estate taxes are current through the end of fiscal year 2020. (Copies in your packets)

In accordance to Section 5-8 (Lease/Lease-Purchase Agreement) of the Revised Ordinances of the City of Attleboro, the Mayor hereby requests Your Honorable Body to approve a 36-month lease agreement between Quadient and the City of Attleboro for one (1) postage machine and one (1) folding machine. (Copies in your packets)

ORDINANCES, ELECTIONS AND LEGISLATIVE MATTERS

Diana Holmes, Chairperson

The Mayor respectfully submits a communication from Superintendent of Parks & Forestry regarding the need for ordinance changes and to increase fees charged by the Board of Recreation Commissioners and Department of Parks and Forestry. City Solicitor Cynthia Amara reviewed the changes to the Revised Ordinances of the City of Attleboro and approved them as to form.

Therefore, I hereby request the following amendments to Sections 12-2 through 12-5 of the revised ordinances:

- 1.) Delete Section 12-2.4 in its entirety and replace with the following:
12-2.4 Proceedings of Board of Recreation Commissioners the Board of Recreation Commissioners shall meet regularly once a month in at least ten months of every year and

shall hold such special meetings as may be called by the Chairman, the Mayor, or directed by vote of the Board. The Board shall keep a record of its proceedings and may establish its own rules of procedure.

2.) Delete Section 12-3.1 in its entirety and replace with the following:

12-3.1 The Recreation Director, Board of Park Commissioners and/or Superintendent of Parks & Forestry (Park Superintendent) shall enforce the following ordinances in the areas under their respective jurisdictions.

3.) Delete Section 12-3.2 in its entirety and replace with the following:

12-3.2 Permits to use park facilities for picnics, ball games, athletic meets, pageants, and other recreational, social, educational, political, and patriotic assemblages, shall be secured from the Park Commissioners and/or Park Superintendent. Requests to use park facilities shall be submitted in writing, at least 60 days prior to the planned event and shall include the following

- a. Name, address, and phone number of the applicant(s)
- b. Name of the sponsoring organization or individuals(s)
- c. Event date(s)
- d. Description of planned event
- e. Copy of "Certificate of Non-Profit Status" (Form 501c3), if applicable

Any permit to use a recreational facility for any authorized use, including ball games, athletic meets, picnics and other recreational, social, educational, political, and patriotic assemblages, shall be secured from the Recreation Director. Requests to use recreation facilities shall be submitted in writing, at least 30 days prior to the planned event. No admission fee shall be charged unless the sponsoring group is a non-profit organization, as determined by the Recreation Director in writing.

The Recreation Director, Park Commissioners, and/or Park Superintendent may grant permission and impose such conditions as are necessary to be consistent with the intent of this ordinance and in the best interests of the safety and well-being of the City of Attleboro and persons using recreation and park facilities. If a request is denied, the Recreation Director, Commissioners, and/or Park Superintendent shall provide a written basis for the denial.

4.) Delete Section 12-3.3 in its entirety and replace with the following:

12-3.3 Unless otherwise directed, organized, or permitted by the Commissioners, it shall be unlawful in the parks, commons, playgrounds, athletic fields, and outdoor recreation facilities of the City of Attleboro to:

a. Be present between the hours from dusk to dawn, except with express written permission from the Recreation Director, Commissioners, and/or Park Superintendent, to be at the location after dusk but no later than 11:00 PM at lighted facilities.

b. Operate or park any motor vehicle, including but not limited to automobiles, mopeds, motorcycles, motor bikes, mini bikes, dirt bikes, all-terrain vehicles, trucks, and vans, anywhere other than on the roads, drives, or parking lots designated for such purpose. The Recreation Director, Commissioners, and/or Park Superintendent shall have the power within their jurisdiction to direct traffic and close any roads whenever they deem it is in the public interest to do so, after consultation with appropriate authorities including but not limited to Mayor, Police Chief, and Fire Chief.

c. Operate any motor vehicle for the purpose of learning how to operate said vehicle on any road, drive or parking lot.

d. Operate any motor vehicle at a speed exceeding 15 miles per hour.

e. Operate any motor vehicle between dusk to dawn, except as provided in Section 12-3.3a.

f. Ride or drive an animal within the limits of any park or recreation facility.

g. Suffer or permit a dog under the control or care of any person to enter or remain, unless it is led by a leash of suitable strength not more than 6-feet in length. At no time shall dogs be allowed in the athletic fields, lawns, animal buildings or other buildings. In accordance with Chapter 9 of the Revised Ordinances of the City of Attleboro, the owner or keeper of a dog shall remove any excreta deposited by the dog(s), and be liable for such fines specified in that section.

h. Injure, molest, feed, or disturb any animal, or in any way interfere with exhibits or barriers provided for their protection.

i. Cut, injure, deface, or disturb any tree, shrub, plant, rock, building, exhibit, monument, fence, bench, or other property.

j. Play ball, golf, or other games, except where designated for such purposes. Golf is expressly prohibited at park and recreational facilities unless specifically authorized.

k. Swim, bathe, or wade in any fountain, pool, except those designated for such purpose.

l. Throw stones, missiles, sticks, or other objects in any fountain, pool, lake, stream, or swimming pool.

m. Deposit or leave refuse except in receptacles designated for such.

n. Bring onto, or dump any trash, including yard waste or construction debris.

o. Drink any alcoholic beverages, unless licensed in accordance with Chapter 11 of the Revised Ordinances of the City of Attleboro.

p. Loiter or behave oneself in a rude or disorderly manner, use any indecent or profane language, or solicit the acquaintance of, follow, or otherwise annoy other visitors.

q. Camp or lodge in any park, common, playground, athletic field, or recreation center.

r. Make or kindle a fire for any purpose, except where designated. No charcoal grills or open flames are allowed on any property subject to this Ordinance.

s. Carry or discharge any firearms, fireworks, rockets, or other explosive devices.

t. Post any notices, bills, or advertising matter of any kind or nature.

u. Sell, or offer for sale, except at the zoo gift shop and concession stands, any merchandise, article, or articles whatsoever, or to practice, carry on, conduct or solicit any trade, occupations, business, or profession.

v. Exclude any person from admittance to any recreational, social, educational, political, or patriotic assemblage, providing that said persons are not disruptive or in violation of any other provisions of this ordinance.

w. Leave children and pets in unattended vehicles.

x. Use of metal detectors.

y. Use of any form of tobacco, marijuana, or vaping products on park or recreational property.

z. Erect a permanent structure in any park or recreation facility without the approval of the Commission or Director.

aa. Use of drones.

5.) Delete Section 12-3.4 in its entirety and replace with the following:

12-3.4 The Recreation Director, Commissioners, and/or Park Superintendent have the right to waive any or all of the provisions of Section 12-3.3 or establish conditions specific to an activity, that are in the best interests of the safety and well-being of the City of Attleboro and persons using recreation and park facilities. Requests for exemptions shall be in writing and submitted to the Recreation Director, Commissioners, and/or Park Superintendent during the permit request application process.

6.) Delete Section 12-3.5 in its entirety and replace with the following:

12-3.5 Any person who disrupts any activity being held in a park, common, playground, athletic field, or recreation center shall be removed from the facility.

A person who violates any provision of this ordinance shall be punished by a fine according to the following schedule unless a higher applicable penalty is provided in other sections of the Ordinances of the City of Attleboro:

a. First Offense: \$150.00

b. Second offense and each offense thereafter, \$300.00.

Such penalties shall be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D, as amended.

In addition, any person(s) responsible for damaging a park, common, playground, athletic field, recreation center, or equipment and facilities associated therein, shall be liable to pay for the cost incurred to repair such damage, including the labor charges of staff workers or contractors who perform the repair work.

7.) Delete Section 12-3.6 in its entirety and replace with the following:

12-3.6 Cancellation Authority The Recreation Director, Commissioners, and/or Park Superintendent reserve the right to deny any athletic activity or event from being held on an athletic field due to inclement weather and/or poor field conditions. The Recreation Director, Commissioners, and/or Park Superintendent may establish an Inclement Weather Clause as necessary. Teams or leagues in violation of this ordinance shall be subjected to one or more of the following disciplinary actions:

- a. Written warning to the President or Chairman of the organization for the first offense.
- b. Suspension of the team(s) or organization from practicing on athletic fields for one week.
- c. Forfeiture of the privilege of a team or organization to either practice or play games on athletic fields for the remainder of their season.
- d. Financial restitution by the team or organization for damage to the athletic fields.

8.) Delete Section 12-3.7 in its entirety and replace with the following:

12-3.7 Capron Park Zoo Admission Fees and Policies *New Fees to begin January 2, 2021*

	RESIDENTS	NON-
RESIDENTS		
Children (under age 3)	FREE	FREE
Youths (age 3 – 12)	\$7.00	\$8.00
Adults (age 13 and over)	\$8.00	\$9.50
Senior Citizens (age 65 and over)	\$6.25	\$7.25
Military	\$5.25	\$5.25

Group Rates for five or more individuals of non-profit organizations only are:

	RESIDENTS	NON-RESIDENTS
Children (under age 3)	FREE	FREE
Youths (age 3 –12)	\$6.50	\$7.50
Adults (age 13 and over)	\$7.50	\$9.00

ANNUAL MEMBERSHIPS

Individual	\$ 35.00
Zoo Two	\$ 45.00
Zoo Three	\$ 55.00
Zoo Six	\$ 85.00
Senior Zoo Six	\$ 75.00
Zoo Seven	\$ 125.00
Supporter	\$ 250.00
Sustaining	\$ 500.00

Patron and Business \$ 1,000.00

Zoo Memberships

- Memberships are not transferrable
- Members must show identification along with their card for admission.

General Benefits

- Free Admission for the number of guests indicated on the membership card. One adult named on the card must be present for admission to the zoo.
- 10% discount on concession and gift shop purchases
- Discounts on Education Programs (Birthday Parties?)
- Free or discounted admission to over 100 AZA institutions nationwide.

Zoo Two, Zoo Three, Zoo Six and Senior Zoo Six allowed two adults to be named on the membership card, one of whom needs to be present for admission to the zoo.

Zoo Seven allows three adults to be named on the membership card, one of whom must be present for admission to the zoo. Additional guests may be added to the Zoo Seven for \$10.00 per guest at the time of membership purchase.

Zoo Supporter provides free admission for up to ten guests one of whom must be an adult named on the membership card. Three adults can be named on the cards.

Zoo Sustaining Membership allows free admission for up to 15 guests, one of whom must be an adult named on the card. Three adults can be named on the membership card

- Zoo Sustaining Memberships include 15% discounts on concession and gift shop purchases.

Zoo Patron allows free admission for up to twenty guests one of whom must be an adult named on the membership card. Three adults can be named on the card.

- Zoo Patron Membership includes 20% discount on concession and gift shop purchases.
- Discounted admission to zoo events.
- Two Director's Rounds behind the scene tours for up to 5 people. Tour must be arranged in advance.

Business Membership allows free admission for up to twenty guests one of whom must be an employee of the business. The employee must bring the business membership card and proof of employment with the business.

- Business Memberships receive a 20% discount on concession and gift shop purchases.

- Discounted admission for the business owner to special zoo events such as Zoo Moon and Zoo Boo.
- Two Director's Rounds behind the scene tours for up to five people. Tour must be scheduled in advance.

All children under the age of 13 years must be accompanied by an adult. School age persons may not enter the zoo during school hours unless accompanied by a chaperone.

Disabled people, whom are assisted by a working dog, must be accompanied by a staff member when visiting the zoo.

The Park Superintendent and the Zoo Director shall have the authority to waive the admission fee during inclement weather.

The admission fee or pass shall cover the entire day. Persons will be permitted to leave and re-enter the zoo on the same day without having to pay an additional fee. This is during regular zoo hours only.

The Superintendent of Parks & Forestry and the Zoo Director shall be responsible for implementing the provisions of this ordinance and for the safekeeping and accounting of the monies collected. All monies collected from admission fees shall be deposited in a revolving fund in accordance with the provisions of MA General Laws, Chapter 44, Section 52 1/2E. All persons involved in the handling of such monies shall give bond to the City of Attleboro in the amount determined by the City Treasurer.

Friends of Capron Park Zoo who are active in the organization do not pay entrance into the zoo. All other programs offered by the zoo are at normal cost.

Residents with a financial need may obtain free passes to the zoo through various agencies or by contacting the zoo office. Information regarding the availability of free passes will be posted at the zoo.

This ordinance shall become effective immediately upon passage.

- 9.) Delete Section 12-4.1 in its entirety and replace with the following:

12-4.1 Organization There is hereby established within the Municipal Government a Department of Parks and Forestry to be headed by a Superintendent of Parks and Forestry. The mayor shall appoint the Superintendent of Parks and Forestry, subject to confirmation by the Municipal Council for a term of three years from up to three candidates recommended by the Board of Park Commissioners. The Superintendent of Parks and Forestry shall be a person especially fitted by education, training and experience to perform the duties of the office and shall receive such salary as the mayor and Municipal Council shall from time to time determine.

- 10.) Delete Section 12-5.1 in its entirety and replace with the following:

12-5.1 Organization There is hereby established within the Municipal Government a Department of Recreation, to be headed by the Director of Recreation. The Mayor shall appoint the Director of Recreation, subject to confirmation by the municipal Council, for a term of three years, from up to three candidates recommended by the Board of Recreation Commissioners. The Director of Recreation shall be a person especially fitted by education, training and experience to perform the duties of the office and shall receive such salary, as the Mayor and Municipal Council shall from time to time determine.

SPECIAL RULES AND PROCEDURES COMMITTEE

Chairperson **Richard Conti,**

Introduce the Revised Attleboro Municipal Council Rules of Procedures – 2020 Edition