

**ATTLEBORO MUNICIPAL COUNCIL  
DOCKET  
JULY 21, 2020**

**PUBLIC HEARING** relative to a loan order for \$526,000 to remove and replace gymnasium floors at Hyman Fine and Hill Roberts Elementary schools.

**PUBLIC HEARING** relative to proposed amendments to Section 7 of the Revised Ordinances of the City of Attleboro regarding rubbish and recycling.

**PUBLIC SAFETY & EMERGENCY MANAGEMENT**

**Peter Blais, Chairperson**

The Mayor respectfully submits a communication from Chief of Police Kyle P. Heagney regarding the need for funds to replace the lockers in the locker room. The lockers were installed in 1985 and have served their useful life and need to be replaced. The funds for this project are available due to the Court House being closed because of COVID-19 and the overtime for police officers will not be used. In order to start this project prior to the end of fiscal year 2020, I respectfully request be considered as an emergency measure.

Therefore, the Mayor hereby requests Your Honorable Body transfer \$38,270.05 from Account 12101000-515020 (Police – Court Time) to Account 12101000-584057 (Police – Lockers).

In accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro, I respectfully request Your Honorable Body to consider this as **an emergency measure**.  
(Voted on June 16, 2020)

**CAPITAL IMPROVEMENTS AND CITY DEVELOPMENT**

**Richard Conti, Chairperson**

A letter from Kyle Stephens requesting the Council approve funding for Body Cameras for the Attleboro Police Department as is in the Capital Improvements Plan.

A certificate of vote in the affirmative to recommend the \$6,900,000.00 loan for the Library is consistent with the City's Comprehensive Plan.

**PUBLIC WORKS**

**Kate Jackson, Chairperson**

The Mayor respectfully submits a communication from Water Superintendent Kourtney Wunschel regarding the need for funds to purchase a replacement pump, motor and check valve for the East Well at the Wading River plant. Therefore, I hereby request Your Honorable Body to transfer \$14,846.00 from Account 6100-578300 (Water Enterprise Fund – Reserve Fund for Transfer) to Account 6100-553181 (Water Enterprise Fund – Treatment Plant Supplies).

The Mayor respectfully submits a communication from Water Superintendent Kourtney Wunschel regarding the need for funds to purchase a chain hoist at the Wading River pump building. The current chain hoist was installed prior to the plant upgrade in 1990 and the most recent inspection showed deficiencies in both the bridge beam carrier wheels and travel mechanism. Therefore, the Mayor hereby requests Your Honorable Body transfer \$8,399.00 from Account 6100-578300 (Water Enterprise Fund – Reserve Fund for Transfer) to Account 6100-558205 (Water Enterprise Fund – Safety Equipment).

**PERSONNEL AND HUMAN SERVICES**

**Ty Waterman, Chairperson**

For Your information, the City of Attleboro is happy to announce that Margaret Goulet of 111 Grant Street, Attleboro has been appointed the State Member of the Attleboro Redevelopment Authority by Governor Charlie Baker to fill a vacant seat. Term to expire November 22, 2023.

**BUDGET AND APPROPRIATIONS**

**Jay DiLiso, Chairperson**

A certificate of vote in the affirmative to recommend the \$357,000 loan for the Police Vehicles is consistent with the City’s Comprehensive Plan.

The Mayor respectfully submits a communication from Building Commissioner William McDonough regarding the need to increase the expenditure limits in Revolving Fund 2603 Protective Inspection Services to \$250,000 prior to the end of FY2020. Due to both the change in which the Electrical Inspector is paid and the incredible increase in permit applications, the increase is needed in order to allow the payments for the inspections in FY2020. Therefore, the Mayor hereby requests Your Honorable Body increase the expenditure limit in Revolving Fund 2603 Protective Services to \$250,000. Additionally, it is requested that the proposed change take place **prior to July 1, 2020**.

7. As Your Honorable Body may recall, the Mondo Gymnasium Floors at Hyman Fine Elementary School and Hill Roberts Elementary School are categorized as “urgent” in the FY2021-2025 Capital Improvements Program. These floors are original to the building and were installed in 1975. The average life expectancy of these floors is between 10 to 20 years. Unfortunately, this project is not MSBA reimbursable. The time has now come to finally replace these gymnasium floors and perform the required mitigation to the floor material and the mastic used to secure the floor to the sub floor due to the presence of Mercury. A recent analysis of the gymnasium floors has the estimated cost to repair and replace both floors at \$516,000.00.

Mercury rubber floor removal and containment:	\$280,000.00
Replacement wood floors:	\$200,000.00
Environmental Hygienists monitoring	\$ 16,000.00
TOTAL (est.)	\$496,000.00

Contingency	\$ 20,000.00
TOTAL PROJECT	\$516,000.00

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

**ORDERED:** That Five Hundred Twenty Six Thousand Dollars (\$526,000.00) be appropriated for the cost of the removal and replacement of the gymnasium floors and Environmental Hygienist monitoring, including the payment of all costs incidental or related thereto, of which amount up to \$10,000 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 Five Hundred Twenty Six Thousand Dollars (\$526,000.00) under Section 7(1) of Chapter 44 of the General Laws; or any other enabling authority; that the Mayor is authorized to take any other 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 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. (PH 7-21-20)

This serves to notify you that the City is eligible for approximately \$3.9 million in federal assistance for COVID-19 related expenses, which is being administered by the state. By way of background, the Federal CARES Act allocated \$150 billion to cities and states for unbudgeted COVID-19 related expenses. Massachusetts' share of that \$150 billion is about \$2.7 billion. Of that, \$502 million can be used for city and town COVID-19 related reimbursements. Attleboro's share of that \$502 million is \$3.9 million. The state invited the city to apply to the Corona Virus Relief Fund (CVRF) for expenses that have been or will be incurred in FY20. (We will have a future separate application for FY21 expenses.) Part of our instructions were to apply for items that are not eligible for FEMA reimbursement; the state's preference is that municipalities seek FEMA reimbursement before seeking CARES Act/CVRF reimbursement. As such, including the school department, the water and wastewater departments, and city departments, I applied for \$730,464 from the CVRF on 6/5/2020. The City received that amount on 6/10/2020. This money is already being spent so that we can avoid deficit spending on unbudgeted COVID-19 expenses in FY20. This however, does not account for any lost revenues.

PLEASE NOTE: The total cost of unbudgeted COVID-19 related costs assumed eligible for FEMA reimbursement is \$331,102, of which 25% (\$82,775) is not eligible for FEMA reimbursement as FEMA only reimburses 75% for our purpose here. The total cost of FY20 expenses not budgeted for to pay for COVID-19 related expenses assumed to not be eligible for FEMA reimbursement is \$647,689, and when combined with the 25% (\$82,775) not covered by FEMA, we are left with a total request from the CVRF amount of \$730,464. It is also noteworthy that the federal government is expected to change the use of the \$150 billion in CARES money, of which includes the \$3.9 million Attleboro is eligible for through the CVRF. As stated, at present this CVRF is only good for

unbudgeted COVID-19 related expenses. This is \$150 billion in CARES money is expected to be voted on by the house and senate to expand eligible uses and include lost revenues. The balance of the \$3.9 million we are not applying for in FY20 reimbursement may be applied for in the future in FY21. (FYI)

**ZONING AND LAND USE**

**Todd Kobus, Chairperson**

**CITY PROPERTY AND CLAIMS**

**Sara-Lynn Reynolds, Chairperson**

The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding a vehicle that the Department of Public Works would like to declare as surplus. Therefore, the Mayor hereby requests Your Honorable Body to declare the following as surplus and available for disposition:

<b>YEAR</b>	<b>MAKE/MODEL</b>	<b>VIN #</b>	<b>CONDITION</b>
1998	Ford F-800	1FDYF80E4WVA19153	Inoperable

The Mayor respectfully submits a communication from APS Director of Finance Marc Furtado regarding the 60-month lease-purchase agreement with Ford Motor Credit Company, LLC for eight (8) 2020 Toyota Sienna vans for the Transportation Department. Under Section 5.8 of the City Ordinance, any lease or lease-purchase agreement binding the city beyond the fiscal year in which it is agreed to must have the approval of the Mayor and Municipal Council. Please note that this quote expires on July 15, 2020. Therefore, the Mayor hereby requests Your Honorable Body to approve this 60-month lease at your **next meeting**.

The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding vans that the School Department would like to declare surplus for trade-in value, as a condition of the new van lease agreement. The lease agreement will expire on July 15, 2020. A memo to surplus the vans was circulated to the departments on June 9th with a response date of June 29th. To date, there is no interest from the departments. In order to surplus these vans before the lease agreement expiration date, the Mayor respectfully asks Your Honorable Body to declare the following as surplus and available for trade-in at **your next available meeting**. This vote will be effective June 29, 2020 to fulfill the 20-day response period.

Fleet of 2015 Toyota Sienna Mini-Vans with the following Vin Numbers:

- 5TDZK3DC5FS630173
- 5TDZK3DC1FS631224
- 5TDZK3DC5FS632151
- 5TDZK3DC5FS630612
- 5TDZK3DC2FS650929
- 5TDZK3DCXFS651908

- 5TDZK3DC3FS651295
- 5TDZK3DC0FS631621

## **ORDINANCES, ELECTIONS & LEGISLATIVE MATTERS**

**Diana Holmes, Chairperson**

A letter from Mark Rioux to express opposition to Water Department proposed fee increases and request no decision until a “live public hearing” can be held safely.

A letter from Mark Kolakowski regarding the need for change of hours at the Compost Center.

New Business submitted by Councilor Reynolds:

To review the City Ordinances and address any modification needed, up to and including the removal of Section 17-13.0, WATER RESOURCES PROTECTION DISTRICT.

The Mayor respectfully submits a communication from Health Agent Alan Perry regarding the proposed changes to Section 7-7 Collection of Domestic Solid Waste, Section 7-8 Solid Waste Collection Fees and Section 7-9 Unauthorized Dumping in the Revised Ordinance of the City of Attleboro. The proposed changes are needed due in part to the new contract the City has executed with its waste hauler and the changes being made to the Rubbish and Recycling Program. City Solicitor Cynthia Amara reviewed the changes to the Revised Ordinances of the City of Attleboro and approved them as to form. (PH 7-21-20)

Therefore, the Mayor hereby requests the following amendments to Section 7 of the revised ordinances, which supplements item #4 on the communication of May 26, 2020:

### **Section 7-7 Collection of Domestic Solid Waste (Amended 8/21/2014)**

Delete Section 7-7.1 in its entirety and replace with the following:

7-7.1 The Health Officer, with the approval of the Mayor and subject to appropriation, shall provide for the collection of domestic rubbish and domestic recyclables from residential dwellings of one through eight units. The removal and disposal of all other solid waste shall be the responsibility of the owner or owner’s agent of the premises where such solid waste is located.

Delete Section 7-7.3 in its entirety and replace with the following:

Section 7-7.3 Domestic garbage and rubbish shall be placed for collection in the plastic cart or trash bags approved by the City of Attleboro. All such domestic garbage and rubbish

must fit in the approved plastic cart so that the lid is completely closed. Any excess must be placed in the City approved trash bag. Approved bags shall weigh when full not more than 50 pounds. Plastic bags shall be used to store garbage or mixed rubbish and garbage inside approved containers. Loose garbage will not be allowed in containers. Hazardous Waste materials are not allowed in containers. Domestic garbage and rubbish shall not contain items defined as domestic recyclables. Each homeowner shall separate from non-recyclable rubbish all domestic recyclables as defined.

7-7.4 All domestic recyclables shall be placed for collection in the plastic cart approved by the City of Attleboro, and in no other containers. Domestic recyclables shall be washed and prepared as required by the Health Officer, and shall not be placed in the same container or otherwise mixed with other domestic rubbish for collection or disposal. All such domestic recyclables must fit in the approved plastic cart so that the lid is completely closed. Only domestic recyclables placed in the approved plastic cart will be collected.

Delete Section 7-7.5 in its entirety and replace with the following:

7-7.5 A schedule for the collection of domestic rubbish and domestic recyclables shall be established by the Health Department. All containers for domestic rubbish and/or domestic recyclables shall be placed for curbside collection between 5:00 p.m. on the day prior to the scheduled pick up, and 7:00 a.m. on the day of the scheduled pick up. Waste in Attleboro Trash Bags may be placed out on the day of collection prior to 7 AM. Containers shall be placed on the outer edge of sidewalks (where available), and otherwise no further than three (3) feet from edge of pavement. The recycling and garbage/rubbish carts must be at least three (3) feet away from any other containers or structures (e.g. signs, mailboxes, vehicles etc.).

Collectors are forbidden to go upon private property beyond five (5) feet. The number of containers for collection per residence on any one day may be limited by the Health Officer, subject to the approval of the Mayor. This ordinance shall become effective upon its passage.

7-7.6 No person shall willfully or maliciously disturb or handle the contents of or tip over or upset any container placed for the collection of solid waste.

Delete Section 7-7.7 in its entirety and replace with the following:

7-7.7 Trucks having passed through a street will not be sent back to collect any solid waste or recycling placed for collection after seven o'clock in the morning on day of pick up. All containers shall be removed by the owner, agent or occupant from the limits of the street upon which they have been placed the same day in which they are emptied.

The City of Attleboro will not be responsible for any litter upon the streets resulting from the placing of poorly constructed, damaged or improperly placed containers, or for any

damage resulting from or caused by the presence of containers properly placed at the street line. The responsibility for such litter or damage shall be upon the person who placed such containers.

Delete Section 7-7.8 in its entirety and replace with the following.

7-7.8 Fines Any person who violates any provision of this ordinance shall be punished by a fine according to the following schedule: first offense \$100.00; second offence \$200.00; third offense \$300.00; a fourth offense may require removal from City's Service as determined upon/after hearing before the City's Health Officer.

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. This ordinance may be enforced by the Health Department.

This ordinance shall become effective immediately upon passage.

**Section 7-8 Solid Waste Collection Fees (Amended 5/03/05, 6/20/06, 6/26/07, 6/10/08, 6/25/12, 6/23/16)**

Delete Section 7-8.1 in its entirety and replace with the following:

7-8.1a A charge is hereby established in the amount of \$234.12 per year from residential dwellings of one (1) through eight (8) units, for the regular curbside collection and disposal, of domestic rubbish, domestic recyclables, white goods and yard waste, the collection and disposal of household hazardous waste, the operation of the municipal composting site, and the operation for solid waste disposal.

7-8.1b Regular, weekly curbside collection and disposal of solid waste shall consist of the following:

1. Unlimited domestic recyclables and one (1) container (bag or barrel, maximum volume 35 gallons, maximum weight 50 pounds)-additional domestic rubbish shall be disposed of in city-approved collection bags, having a capacity of 30-33 gallons, and available at a per bag cost of \$2.00;
2. Bulk items may be disposed of by appointment through City's approved waste hauler: \$29.00 per bulk item
3. Unlimited metal items, not including televisions (e.g., appliances and electronic) and
4. One (1) television, per household, per fiscal year (i.e., July 1st through June 30th) -- additional televisions may be picked up at a charge of \$25.00 per television.

This ordinance shall take effect immediately upon passage.

Delete Section 7-8.3 in its entirety and replace with the following:

### 7-8.3 Mobile Home Parks and Residential Complexes of Nine or More Units

A program is hereby established for the acceptance and disposal of hazardous waste, composting waste, and disposal of solid waste from Attleboro residents of mobile home parks and residential complexes having nine (9) or more units. Fees for this program are hereby established as follows:

a) Hazardous Waste Drop-Off

Propane tanks  
Tires  
Paint  
Oil  
Oil filter  
Anti-freeze  
Fluorescent bulbs

Hazardous Waste material shall be dropped off on the first Saturday from April thru November at the site specified by the Health Department. Refer to Section c below.

b) Household Hazardous Waste Day:

Household Hazardous Waste material shall be collected during the annual Household Hazard Waste Day (if available). There is no fee for the collection and disposal of such material during the event.

c) Composting, Hazardous and Recycling Waste:

A fee of \$30.00/year will be charged for the purchase of a vehicle sticker for residents not participating in the Rubbish/Recycling Program. There is no charge for a sticker for residents participating in the program. Sticker shall be purchased/obtained at the Health Department. The sticker shall only be placed on the resident's personal vehicle. All vehicles must have a visible sticker to enter and use the facilities.

d) Solid Waste Collection:

Appliance \$35.00  
Television \$35.00  
Computer \$35.00

Bulk Items:

Couch, Mattress, Chair, all furniture, and misc. items \$35.00

Solid Waste material shall be collected at the curb by appointment only. Payment per item shall be made at the Health Department prior to being collected.

This ordinance shall take effect immediately upon passage.

Delete Section 7-8.6 in its entirety and replace with the following:

7-8.6 Exemptions (Established 12/21/99 Amended 2/21/2012, 2/18/20)

Property owners who are eligible for a property tax exemption under MGL 59, Section 5, clause 41C shall, upon application to the Health Department receive a thirty-three and one-third percent (33 1/3%) exemption on the solid waste fee established under 7-8.1a above.

**Section 7-9 Unauthorized Dumping**

Delete Section 7-9.2 in its entirety and replace with the following:

7-9.2 Whoever violates any provision of this ordinance shall be liable for a fine of \$100.00 dollars for the first offense, \$200.00 for the second offense, and \$300.00 for the third offense and any subsequent offense, said penalty to be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D), as amended. each day of continuing violation shall constitute a separate offense. This ordinance may be enforced by the Health Department.

Section 7-10 Compost Center (Amended 8/21/14)

Delete Section 7-10.1 in its entirety and replace with the following:

7-10.1 Landscapers servicing Attleboro residents/property owners participating in the City's Rubbish and Recycling Program will be permitted to utilize and have access to the City's Compost Center. Participating owners/residents may obtain landscaper tickets free of charge from the Attleboro Health Department. Landscapers must present these tickets at time of entry at the Compost Center: 1 ticket for a standard size pick-up truck or two wheeled trailer and 2 tickets for a 6 wheeled truck or trailer with more than two wheels. Logs that are greater than six inches (6") in diameter and stumps will be excluded from the loads.