

**ATTLEBORO MUNICIPAL COUNCIL
DOCKET
AUGUST 16, 2022**

SUMMER SCHEDULE MEETINGS – AUGUST 16 and AUGUST 18, 2022

PUBLIC HEARING to discuss the application from the Friends of Capron Park Zoo to waive serving alcohol for an October event. (8-1-6-22)

PUBLIC HEARING to discuss a proposed amendment to section 7-9 of the Ordinances regarding solid waste and storage fines and fees. (8-16-22)

PUBLIC HEARING to address an application to waive building department fees (S. 3-8.1) totaling \$168,700 from Preservation of Affordable Housing, Inc. owners of the Gardner Terrace Apartments on Pine Street. (8-16-22)

PUBLIC HEARING to discuss the exemption period for the plastic containers and straw bans in city ordinance 7-13.6 and 7-19.6. (8-16-22)

CONTINUED PUBLIC HEARING to discuss the proposed amendments to Section 16-11 regarding water assessments. (From 7-19-22)

LICENSES

Ty Waterman, Chairperson

A Ring a Bell application and a Hawkers Peddlers application from Adam Palagi of Palagi Brothers of 389 Benefit Street, Pawtucket, 02861. (No public hearing required)

A Ring a Bell application and a Hawkers Peddlers application from Wayne Labossiere of 104 Byron Avenue Pawtucket, 02861 of Palagi Brothers. (No public hearing required)

PUBLIC WORKS

Laura Dolan, Chairperson

The Mayor respectfully submits an Easement from Verizon New England Inc. that has been approved as to form by City Solicitor Cynthia Amara. This easement is needed to place communication lines for the new high school at 100 Rathbun Willard Drive. Therefore, the Mayor respectfully requests that Your Honorable Body accept this easement as shown on “Exhibit A”.

The Mayor respectfully submits a communication from Superintendent of Wastewater Thomas Hayes regarding the need for funds due to a greater than anticipated increase in insurance premiums for FY23. Therefore, the Mayor hereby requests Your Honorable Body transfer \$2,413.00 from Account 6000-578300 (Wastewater Enterprise Fund – Reserve Fund for Transfer) to Account 6000-574010 (Wastewater Enterprise Fund – Insurance).

The Mayor respectfully submits a communication from Superintendent of Water Kourtney Allen regarding the need for funds due to a greater than anticipated increase in insurance premiums for FY23. Therefore, the Mayor hereby requests Your Honorable Body transfer \$6,922.00 from Account 6100-578300 (Water Enterprise Fund – Reserve Fund for Transfer) to Account 6100-574010 (Water Enterprise Fund – Insurance).

The Mayor respectfully submits a communication from Superintendent of Park & Forestry Derek Corsi regarding the need for funds for concrete repair and restoration to multiple columns and arches on the Newell Shelter in Capron Park. Therefore, the Mayor hereby requests Your Honorable Body transfer \$4,877.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16501000-524011 (Park – Maintenance of Buildings).

The Mayor respectfully submits a communication from Superintendent of Public Works Michael Tyler regarding the award of \$35,012.64 from the Mass DOT for the Shared Streets and Spaces Program. The funds will go toward the purchase of a new sidewalk-cleaning machine. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, the Mayor hereby requests Your Honorable Body approve expending of such funds and any future amendments.

Correspondence from Water Superintendent Allen, notifying the Council of the Water Department’s Cross connection Control Plan.

FINANCE COMMITTEE

Richard Conti, Chairperson

The Mayor respectfully submits a communication from Director of Recreation Dennis Walsh regarding the Community Development Block Grant for PY2022 (FY2023) for the Youth Center Program in the amount of approximately \$11,640. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, the Mayor hereby requests Your Honorable Body to approve the expenditure during FY2023 of this Community Development Block Grant and approve any future grant amendments.

The Mayor respectfully submits a communication from Superintendent of Park & Forestry Derek Corsi regarding the need for funds to replace the fence around the Wolfenden Fountain in Capron Park. The current fence is in a very sad state of disrepair, which unfortunately is beyond the point of repair. Due to the constant exposure to water, the fence has become extremely rusty and is now a hazard to the park patrons who visit and admire the fountain. This project is listed as item number 1 on the 2022 Capital Improvements report for the Parks & Forestry Department and has been listed on the report for over 5 years. Therefore, the Mayor hereby requests Your Honorable Body transfer \$30,000.00 from Account 11241000-578380 (City Wide – Reserve Fund for Capital) to Account 16501000-587091 (Park – Fencing).

Correspondence from Jeremy Stull, Director of Budget and Administration. Advising the request to waive Building Department permit fees to remove and install gym floors is no longer needed as the Building Superintendent reviewed the scope of work and advised as such.

The Mayor respectfully submits a communication from Economic Director Catherine Feerick regarding the need to revise the authorization for a proposed Tax Increment Exemption (TIE) Agreement, as required under the Massachusetts Housing Development Incentive Program (HDIP) for 27-39 South Main Street. This resolution will replace and nullify the previous resolution, voted by Your Honorable Body on May 4, 2021. The approved TIE structure has been negotiated between the development team and the Economic Development Incentive Board.

Therefore, the Mayor hereby requests Your Honorable Body to nullify the previous resolution on May 4, 2021 and authorize the following resolution for the Mayor to enter into a TIE agreement with 27-39 South Main St LLC pursuant to MGL 40V section 4(b)(i) and MGL 59 section 5M.

ATTLEBORO MUNICIPAL COUNCIL

RESOLUTION AUTHORIZING THE TAX INCREMENT EXEMPTION AGREEMENT

For

27-39 SOUTH MAIN ST LLC

WHEREAS, 27-39 South Main St LLC, the owner of the building located at 27-39 South Main Street (Parcel 031 248 000) in the City of Attleboro, is proposing to demolish the existing dilapidated structure and construct a new market-rate, multifamily residential building. The total investment at this location, including site acquisition, site preparation, environmental remediation, rehabilitation and construction, will be approximately \$13,897,216; and

WHEREAS, 27-39 South Main St LLC is seeking to become a “Certified Project” in accordance with the Massachusetts Housing Development Incentive Program and is seeking a Tax Increment Exemption Agreement from the City of Attleboro in accordance with the Massachusetts Housing Development Incentive Program and M.G.L. c. 40V; and

WHEREAS, the City of Attleboro strongly supports increased economic development within its downtown, increasing the market-rate housing inventory within the City, and expanding the consumer base for downtown businesses; and

WHEREAS, the proposed project meets the location and eligibility criteria set forth in the Downtown Attleboro Housing Development Zone and Plan; and

WHEREAS, the Economic Development Incentive Board has negotiated an Agreement, voting unanimously to approve a Tax Increment Exemption Agreement structure for 27-39 South Main St LLC (“Agreement”), and now recommends that the Municipal Council of the City of Attleboro vote to authorize the City to enter into said Agreement

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the City of Attleboro hereby:

(A) Ratifies the Agreement and authorizes the Mayor to execute the Agreement, pursuant to the Massachusetts Housing Development Incentive Program, between 27-39 South Main St LLC and the City of Attleboro to further the development of market-rate residential housing on South Main Street in Downtown Attleboro, including the following parcels:

a. Parcel 031 248 000

(B) Authorizes the Mayor or his designee to take such other and further actions as may be necessary or appropriate to carry out the purposes of this resolution.

Signed and Sealed this _____ day
of _____ in the year 2022

James DiLisio
Municipal Council President

TRAFFIC AND TRANSPORTATION

Kelly Bennett, Chairperson

The Mayor respectfully submits a request from a constituent to install multi-way stop signs at Greenwich Street and Holly Street that is not included in City Ordinance Section 10-4.11, Isolated Stop Signs and 10-4.12, Multi-Way Stop Signs. Therefore, the Mayor hereby requests Your Honorable Body refer this issue to the City’s Traffic Study Commission for review and recommendation.

IT & INFRASTRUCTURE COMMITTEE

Todd Kobus, Chairperson

The Mayor respectfully submits a communication from Director of Budget & Administration Jeremy Stull regarding the need for funds for a new firewall appliance as support for the existing appliance is set to end within calendar year 2022. Therefore, the Mayor hereby requests Your Honorable Body transfer \$12,330.00 from Account 11241000-578380 (City Wide – Reserve Fund for Capital) to Account 11331000-585010 (Budget & Administration – New Computer Equipment).

The Mayor respectfully submits a communication from Director of Budget & Administration Jeremy Stull regarding the need for funds to purchase three new chairs in

the MIS Office. Therefore, the Mayor hereby requests Your Honorable Body transfer \$1,100.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11331000-542020 (Budget & Administration – Supplies Office Equipment).

The Mayor respectfully submits a communication from City Auditor Deborah Gould regarding the E-rate funding for the Library. As you know, the library is one of two City department's eligible for E-Rate funding. The Library was successful in obtaining funding to defray 60% of monthly cost of its data transmission and/or internet access with Comcast Business Communications. The total E-rate funding for the City's FY23 delivery period is \$8,928.36 which will be accounted for as a local receipt in the FY23 tax recap. Therefore, the Mayor respectfully requests Your Honorable Body appropriate \$8,928.36 to Account 16101000-534040 (Library Internet Line).

ZONING AND LAND USE

Diana Holmes, Chairperson

An application to waive building department fees totaling \$168,700 from Preservation of Affordable Housing, Inc. owners of the Gardner Terrace Apartments on Pine Street.
(PH 8-16-22)

CITY PROPERTY AND CLAIMS

Sara-Lynn Reynolds, Chairperson

The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding items that the Attleboro High School would like to declare as surplus. Therefore, the Mayor hereby requests Your Honorable Body to declare the following as surplus and available for disposition:

- **Wall Mats in the large gym**

The Mayor respectfully submits a communication from Chief Assessor Julie Hobson regarding the need for funds to purchase four new office chairs in the Assessor's Office. Therefore, the Mayor hereby requests Your Honorable Body transfer \$857.60 from Account 112241000-578300 (City Wide – Reserve Fund for Transfer) to Account 1141000-542020 (Assessor – Office Equipment).

The Mayor respectfully submits a communication from Library Director Amy Rhilinger regarding the need for funds in the Building Maintenance account. Since early June, the Library has been experiencing repeated, serious plumbing issues that have required them to have the pipes snaked multiple times. This work has required them to close the public restrooms at least 6 times in the last seven weeks. Library staff and the Germain Plumbing team have consulted with the Building Inspector and they are still not able to resolve this ongoing issue. Due to this issue, a significant portion of the Building Maintenance budget has been spent leaving this account without enough funds for additional building repairs. Therefore, the Mayor hereby requests Your Honorable Body

transfer \$6,700.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16101000-524011 (Library – Building Maintenance).

The Mayor respectfully submits a communication from Director of Budget & Administration Jeremy Stull regarding the need for funding towards the proposed Highland pavilion. As you are aware, there was no money budgeted in fiscal 2022 or fiscal 2023 for this endeavor. It is necessary to request seed money to hire professionals to answer many of the questions posed by Your Honorable Body. This would include hiring an engineering and/or architectural firm to pinpoint the location of the pavilion, assess the necessary tie-ins to existing utilities, provide preliminary design documents, and perform other due diligence to better determine the anticipated cost of the project. This work would then serve as the basis of the eventual project. Therefore, the Mayor requests Municipal Council transfer \$100,000 from Account 11241000-578380 (City Wide – Reserve for Capital) to Account 11241000-599300 (City Wide – Transfer to Capital Fund) and to further transfer that \$100,000 from Account 11241000-599300 (City Wide – Transfer to Capital Fund) to Account 3572 – 499600 (Highland Pavilion – Transfer from General Fund).

PERSONNEL, VETERANS AND HUMAN SERVICES

Michael Angelo, Chairperson

The Mayor respectfully submits for confirmation by Your Honorable Body the appointment of Steven Escobar, 240 Thacher Street, Attleboro to the Taxation Aid Committee.

The Mayor respectfully submits a communication from Director of Veterans' Services Ben Quelle regarding the donation of \$1,000.00 in Stop & Shop gift cards from Attleboro Elks Lodge #1014. In accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, the Mayor hereby requests Your Honorable Body to accept these generous donations to the City of Attleboro.

The Mayor respectfully submits for confirmation by Your Honorable Body the appointment of Patricia A. Bellfield, 108 Newport Avenue, Attleboro to fill an unexpired term on the Council on Human Rights. Term to expire February 2024

The Mayor respectfully submits a communication from Elections Office Manger Leslie Veiga requesting an additional full-time Senior Clerk in the Elections Office. Over the past two years the office has experienced an increase in the volume of work currently assigned to the existing Senior Clerk. An overview of the increased activities includes automatic voter registration, early voting in person and mail in voting. After speaking with Director of Budget & Administration Jeremy Stull, we came up with the following funding plan. The entry-level annual salary for this Grade 23 position is \$35,194. Should this position be funded now, we can reasonably have somebody on-board by the end of August, so I am seeking funding for ten months. Therefore, the Mayor hereby requests Your Honorable Body make the following transfers:

\$1,750 from Account 11621000-511100 (Election Commission – Salaries and Wages Part-Time) to Account 11621000-511000 (Election Commission – Salaries and Wages);

\$3,000 from Account 11621000-511550 (Election Commission – Salaries Elections) to Account 11621000-511000 (Election Commission – Salaries and Wages);

\$15,600 from Account 11241000-578300 (City Wide – Reserve for Transfer) to Account 11621000-511000 (Election Commission – Salaries and Wages).

ORDINANCES, ELECTIONS AND LEGISLATIVE MATTERS

Cathleen DeSimone, Chairperson

The Mayor respectfully submits a communication from Elections Office Manager Leslie Veiga regarding the need for funds for the cost of postage to mail post cards to 32,1153 registered voters regarding polling location changes made necessary by the 2020 Federal Census. Therefore, the Mayor hereby requests Your Honorable Body transfer \$11,542.93 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11621000-534210 (Elections – Postage).

Correspondence from Chairman of the Election Commissioners, George Spatcher, Jr. and from Deputy Police Chief Timothy D. Cook, Jr. to approve the recommendation for police detail locations and assignments for the upcoming elections on September 6, 2022 and November 8, 2022.

A Certificate of Vote from the Planning Board dated June 24, 2022 with 7 years – 2 nays to recommend amendments to 17-3.3 Prohibited Uses, 17-11.0 Definitions and 17-3.5 (7) Table of Accessory Use Regulations of the Zoning Ordinance Relative to Commercial Vehicles.

In order to allow marijuana retail businesses to operate in locations zoned as general business (GB) and planned highway business (PHB) and to increase the Marijuana Retailer special permit limit to 10 permits, amend the Revised Ordinances of the City of Attleboro as follows:

- Delete §17-3.4 TABLE OF USE REGULATIONS; PRINCIPAL USES – COMMUNITY FACILITIES item 11c

GR				SR					CB
TOD		GB		PHB			I		IBP
11c. Marijuana Business.....				N	N	N	N	N	S S

- Amend §17-3.4 TABLE OF USE REGULATIONS; PRINCIPAL USES – COMMUNITY FACILITIES to add item 21 as follows:

GR SR CB TOD GB PHB I IBP

21. Marijuana Business	
a. Medical Marijuana Treatment Center	N N N N N N S S
b. Marijuana Cultivator	N N N N N N S S
c. Craft Marijuana Cooperative	N N N N N N S S
d. Marijuana Product Manufacturer	N N N N N N S S
e. Marijuana Retailer	N N N N S S S S
f. Independent Marijuana Testing Laboratory	N N N N N N S S
g. Marijuana Research Facility	N N N N N N S S
h. Marijuana Transporter	N N N N N N S S
i. Marijuana Courier	N N N N N N N N
j. Marijuana Delivery Operator	N N N N N N N N

- Amend §17-11.2 DEFINITIONS by replacing the definition of Marijuana Establishment as follows:

“Marijuana Establishment: means a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Marijuana Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, **Marijuana Courier, Marijuana Delivery Operator**, or any other type of licensed marijuana-related business, except a Medical Marijuana Treatment Center (MMTC). “

- Amend §17-11.2 DEFINITIONS by adding a definition for Marijuana Courier as follows:

“Marijuana Courier: means an entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from an MTC, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional license type under M.G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b).”

- Amend §17-11.2 DEFINITIONS by adding a definition for Marijuana Delivery Operator as follows:

“Marijuana Delivery Operator: means an entity licensed to purchase at Wholesale and Warehouse Finished Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, and White Label, sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers, but is not authorized to Repackage Marijuana or Marijuana Products or operate a storefront under this license. A Delivery Operator is an additional license type under M.G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be

considered to be a Marijuana Retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b).”

- Amend §17–10.15(G)(2) Marijuana Business Uses – Standards for the Granting of a Special Permit, by amending the second sentence by deleting “This license limit does not apply to other Marijuana Business license types.” in its entirety and insert in place thereof “This limitation only applies to the Marijuana Retailer use. This provision shall not limit Marijuana Retailers who are actively being operated from choosing to transfer their license to a new location within the City provided the Special Permit for the new location shall include a condition that the previous Special Permit shall be null and void and no additional location shall be created.”

The resulting language would then read:

“The Special Permit Granting Authority may not grant a special permit for a Marijuana Retailer if five (5) or more are actively being operated. This limitation only applies to the Marijuana Retailer use. This provision shall not limit Marijuana Retailers who are actively being operated from choosing to transfer their license to a new location within the City provided the Special Permit for the new location shall include a condition that the previous Special Permit shall be null and void and no additional location shall be created.” (Kobus)

PUBLIC SAFETY

Peter Blais, Chairperson

SPECIAL COMMITTEE ON SENIOR TAX

Richard Conti, Chairperson