

**Municipal Council
REGULAR MEETING – IN PERSON**

**March 1, 2022
Tuesday, 7:00 P.M.**

All Councilors were present except for Vice President Kobus.

The Council stood for a salute to the flag.

Unanimously (Kobus absent) voted to approve the following records:
January 11, 2022 and executive session minutes from June 27, 2017.

City Clerk Kate Jackson read the public hearing notice for the following:

PUBLIC HEARING to amend City Ordinance 1-12 that states the Powers and Duties of the Attleboro Historical Commission.

Speaking in favor was Marion Wrightington of 42 North Avenue, Chairman of the Attleboro Historical Commission.

No one spoke against. No one spoke neither for nor against. The Public Hearing was closed.

Clerk Jackson then read the Mayor’s communication.

March 1, 2022

Dear Municipal Councilors:

1. I respectfully submit for confirmation by Your Honorable Body the following reappointments for the positions and for the terms as indicated:

<u>Name</u>	<u>Appointment</u>	<u>Term</u>	<u>Expires</u>
Jo-Ann Vaughn	Attleboro Housing Authority-Tenant Rep	5 Year	February 2027
Shannon Benay	Planning Board	5 Year	February 2027

2. I respectfully submit for confirmation by Your Honorable Body the appointment of Alexis Karagounis, 61 Steeple Chase Circle, Unit 3, to fill an unexpired term on the Conservation Commission. Term to expire February 2023. (Copies in your packets)

I hereby request Your Honorable Body to schedule a public hearing pursuant to §16–2.2 of the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended, to layout Ashden Court as a public way (length of 1,102.67 feet, from STA 0+00 to STA 11+02.67) and accept said way and any related drainage, water or sewer facilities or easements, all as shown on a plan and profile entitled “ROAD ACCEPTANCE PLAN OF ASHDEN COURT”, dated December 16, 2020, revised through January 27, 2021, prepared by Byron J. Andrews, R.L.S, and David A. Russo, R.P.E., which plan and

profile have been deemed satisfactory to the Superintendent of Public Works. Enclosed please find the necessary documents.

Voted unanimously (Kobus absent) to call a public hearing on April 5, 2022 for the following street acceptance:

4. I respectfully submit a communication from Superintendent of Public Works Michael Tyler regarding the need for funds to purchase seven (7) new solar powered crosswalk systems. A 10% contingency has been added to this request. Therefore, I hereby request Your Honorable Body appropriate \$68,257.57 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 14201000-585082 (Public Works – Crosswalk Systems).

5. I respectfully submit a communication from Fire Chief Scott T. Lachance regarding the receipt of the Firefighter Safety Equipment Grant from Department of Fire Services of \$19,090.00. The funds will be used to purchase an Accountability Board/Mobile Command Console and assorted hand tools. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body approve expending of such funds and any future grant amendments.

6. I respectfully submit for confirmation by Your Honorable Body the reappointment of Julie Hobson, 84 Barrows Street, North Attleboro, MA to the position of Chief Assessor, as recommended by the Board of Assessors, for a term of three years. Term to expire February 2025.

7. I respectfully submit for confirmation by Your Honorable Body the appointment of Jason Allard, 7 Nick Rock Road, to fill an expired term on the Municipal Building Commission. Term to expire February 2025.

8. I respectfully submit for confirmation by Your Honorable Body the appointment of Christopher Leone, 34 Constitution Avenue, to fill an expired term on the Conservation Commission. Term to expire February 2025.

9. I respectfully submit a communication from Fire Chief Scott T. Lachance regarding the need to replenish funds used for parking fees to attend an event. Therefore, I hereby request Your Honorable Body transfer \$92.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 12201000-573010 (Fire – Dues). Upon approval, the available balance in Reserve Fund for Transfer, to include any pending requests, will be \$5,575.68.

10. I respectfully submit for confirmation by Your Honorable Body the appointment of Martha Iannazzi Conti, 100 Berwick Road, to fill an unexpired term on the Board of Assessors. Term to expire February 2024.

11. I respectfully submit a communication from Chief Assessor Julie Hobson regarding the need for funds to complete the appraisal process of additional telecommunication equipment within the City. Therefore, I hereby request Your Honorable Body transfer \$1,870.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11411000-530102 (Assessor – Appraisal Services). Upon approval, the

available balance in Reserve Fund for Transfer, to include any pending requests, will be \$3,705.68.

12. I respectfully submit a communication from City Treasurer Laura Gignac regarding the need for funds to purchase five new office chairs for the Treasurer's Office. Therefore, I hereby request Your Honorable Body transfer \$1,100.00 from Account 11451000-532015 (Treasurer – Staff Development) to Account 11451000-542010 (Treasurer – Office Supplies). (Copies in your packets)

13. I respectfully submit a communication from City Treasurer Laura Gignac regarding the need for funds to pay the Medtax for non-school and non-enterprise employees. A review of the Medtax account reveals that additional funding will be required to cover the anticipated expenses for the remainder of FY2022. Therefore, I hereby request Your Honorable Body appropriate \$30,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 11451000-517240 (Treasurer-Medicare Tax).

14. I respectfully submit a communication from City Clerk Kathleen Jackson regarding the need for funds for the MA City Clerk's Association dues. Therefore, I hereby request Your Honorable Body transfer \$50.00 from Account 11611000-542010 (Clerk – Supplies Office) to Account 11611000-573010 (Clerk – Dues).

15. I respectfully submit a communication from Superintendent of Wastewater Thomas Hayes regarding the need for funds to hire a consultant to help develop the required SSO Notification Plan. Therefore, I hereby request Your Honorable Body appropriate \$28,500.00 from Account 6000-359000 (Wastewater Enterprise Fund – Retained Earnings) to Account 6000-530101 (Wastewater Enterprise Fund – Professional Services). (Copies in your packets)

16. I respectfully submit a communication from Chief of Police Kyle P. Heagney regarding longevity payments that were not paid in FY2020 and FY2021. Therefore, I hereby request Your Honorable Body transfer \$1,100.00 from Account 11241000-578300 (City Wide-Reserve Fund for Transfer) to Account 12101000-514035 (Police-Prior Year Longevity). Upon approval, the available balance in Reserve Fund for Transfer, to include any pending requests, will be \$2,605.68. (Copies in your packets)

17. For Your Information: The Historical Commission has appointed Diane Mangiaratti, as an Alternate Member, to fill an expired term. Term to expire February 2024. Council confirmation is not needed for this appointment.

18. I respectfully submit a communication from Superintendent of Public Works Michael Tyler regarding the need for funds for the new sidewalk installation on Read Street. There has been a long-standing neighborhood effort to get sidewalks on Read Street. When I became mayor in 2018, more residents asked me about constructing a sidewalk on Read Street than all other streets combined. Considering that Read Street's water main was recently replaced and final paving has not yet been completed, the spring

and early summer 2022 is the best time to construct a sidewalk on Read Street. This sidewalk would run from Kensington Road to West Street. People are walking now more than ever in recent history for healthy bodies and healthy minds. A sidewalk on Read Street will allow for children to safely stand on the side of the road to wait for a school bus, for new parents to walk with a baby stroller, families with dogs a place to safely walk a dog, or for anyone to walk for health. The sidewalk also protects private property from erosion and snowplow damage. There is no downside to constructing a sidewalk. The people of the community will benefit from it. The city does not seek to supplement costs by adding a betterment fee to sidewalk repairs or construction using CH90 in other neighborhoods; we would not do this here either using this funding means.

This sidewalk installation is part of a larger planned effort to connect different parts of the city. For example, Bishop Street (next year) and Maple Street (last year) are being connected with Park Street sidewalk repairs (this year and last year). Mendon Road sidewalk installation was connected with Brown Street (the last two years) and Mendon Road is going to be connected with Robinson Ave (this year and next).

This plan is vastly expanding the walkability of several heavily populated neighborhoods. The plan also calls for replacing and repairing various existing sidewalks throughout the city, far more than can be accommodated in any one year.

Therefore, I hereby request Your Honorable Body appropriate \$1,097,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Fund 3563 Sidewalk Construction Read Street. (Copies in our packets)

Voted unanimously (Kobus absent) to call a public hearing on April 5, 2022 to discuss money to Fund 3563 Sidewalk Construction Read Street.

Sincerely,
Paul Heroux, Mayor

ATTLEBORO CITY CLERK COMMUNICATIONS
MARCH 1, 2022

A communication from Roy Belcher with an appeal for more affordable housing and support for those suffering food insecurity.

For Your Information

Follow up information from COA Director Melissa Tucker, regarding the questions about participation in the programs at the COA.

The Council voted to enter the Committee of the Whole at 7:23 p.m.
The Council voted to arise from **Committee of the Whole at 7:24 p.m.**

The President then called for Committee reports.

Voted unanimously (Kobus absent) to call a public hearing on April 5, 2022 to discuss the appropriating of \$1,097,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Fund 3563 Sidewalk Construction Read Street.

Voted unanimously (Kobus absent) to hold a public hearing on March 15, 2022 regarding the Class II License application submitted by Papantoniadis Automotive Group, Inc. d/b/a/ ToyKarzz Motorsports at 676 Pleasant Street with 17 customer and 95 display spaces.

Chair Waterman of **License Committee** brought the following vote forward:

Voted unanimously (Kobus absent) to approve the Class II application from Blasius Auto Group at 800 Washington Street with 10 customer parking spaces and 100 storage spaces.

Chair Dolan of **Public Works Committee** brought the following votes forward:

Voted on Roll Call 10 yeas – 0 nays (Kobus absent) to transfer \$17,620.50 from Account 16301000-511000 (Recreation – Salary & Wages) to the following:

\$12,500.00 to Account 16301000-546012 (Recreation – Supplies Rec Grounds)

\$ 5,120.50 to Account 16301000-530101 (Recreation – Professional Services)

to cover the cost of price increases for supplies and services.

Voted on Roll Call 10 yeas – 0 nays (Kobus absent) to appropriate \$8,819.19 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 16501000-546010 (Park – Supplies Ground) to cover the cost of price increases to supplies.

Voted on Roll Call 10 yeas – 0 nays (Kobus absent) to approve the expending of funds from the receipt of the Massachusetts Office of Business Development Grant for Capron Park Zoo for \$125,000 and approve expending any future grant amendments. There are no matching funds required but all funding should be spent or committed by June 20, 2022

Chair Conti of **Finance Committee** brought forward the following votes:

Voted on Roll Call 10 yeas – 0 nays (Kobus absent) to appropriate \$7,546.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 16301000-582513 (Recreation – Building Improvements) to fund the repair to the Bartek Center roof.

Voted on Roll Call 10 yeas – 0 nays (Kobus absent) to appropriate \$15,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 16601000-582513 (Capron Park Zoo – Building Improvements) to fund the purchase of a new pre-fabricated ticket booth at the Zoo.

Voted on Roll Call 10 yeas – 0 nays (Kobus absent) to approve the expenditure of funds and approve any further grant amendments for the approximately \$186,629 grant from the Office of Energy and Environmental Emergency Affairs to the City of Attleboro.

Chair Bennett of **Traffic & Transportation** asked for a meeting at the next appropriate time.

Vice Chair Holmes of **IT & Infrastructure** asked for a meeting at the next appropriate time.

Chair Reynolds of **City Property/ Claims Committee** brought forward the following:

Voted on Roll Call 10 yeas – 0 nays (Kobus absent) to approve the resolution in support of the South Attleboro Train Station Renovation project.

Voted on Roll Call 10 yeas – 0 nays (Kobus absent) to declare the following Assessor’s office equipment as surplus and available for disposition:

<u>ITEM</u>	<u>MAKE/MODEL</u>	<u>SERIAL NO.</u>	<u>CONDITION</u>
Printer	HP LaserJet 9050dn	JPRC97704T	Very Poor

Voted on Roll Call 10 yeas – 0 nays (Kobus absent) to declare the following Recreation Department equipment as surplus and available for disposition:

<u>ITEM</u>	<u>CONDITION</u>
Gym Lockers	Fair to Poor
Exercise Equipment	Fair

Voted on Roll Call 10 yeas – 0 nays (Kobus absent) to declare the following Police Department vehicles/equipment as surplus and available for disposition:

<u>Year</u>	<u>Make/Model</u>	<u>VIN #</u>	<u>Miles</u>	<u>Condition</u>
2011	Dodge/Charger	2B3CL1CT7BH597891	84,790	Poor
2014	Ford/Explorer	1FM5K8AR8EGC26650	118,495	Poor
2007	Fisher/Minute Mount II	N/A	N/A	Poor

Voted unanimously (Kobus absent) to accept the generous donation of 20 laptops to the City of Attleboro Library from Sensata Technologies with an estimated value of \$10,000.00.

Voted unanimously (Kobus absent) to accept the donation to Studley Elementary School from Ameriport Logistics of a Skutt KM Kiln with an estimated value of \$3,440.92.

Chair Angelo of the **Personnel, Veterans and Human Services** brought the following forward:

Voted unanimously (Kobus absent) to approve the following reappointments for the positions and for the terms as indicated:

<u>Name</u>	<u>Appointment</u>	<u>Term</u>	<u>Expires</u>
Kathi Gariepy	Conservation Commission	3 Year	February 2025
Douglas Greene	Cultural Council	3 Year	February 2025

Voted on Roll Call 10 yeas – 0 nays (Kobus absent) to approve the appointment of Derek Corsi, 467 Seven Mile Road, Hope, RI to fill an expired term as the Superintendent of Insect Pest Control. Term to expire February 2025.

Voted on Roll Call 9 yeas –1 nay, Reynolds (Kobus absent) to approve the transfer \$23,776.48 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 15101000-511000 (Health Department – Salary and Wages Full Time) to fund the added Grade 9 Solid Waste Manager for the remainder of FY22.

Voted on Roll Call 10 yeas – 0 nays (Kobus absent) to transfer \$72,187.11 from Account 11241000-578350 (City Wide – Reserve for Labor Negotiations) to the following accounts to fund the MOA with the Attleboro Laborers’ Association for FY 2021-2023:

11211000	511000	MAYORS OFFICE	SALARY/ WAGES FULL TIME	\$1,456.28
11211000	511100	MAYORS OFFICE	SALARY /WAGES PART TIME	\$ 347.69
11211000	513001	MAYORS OFFICE	LUMP SUM RETRO	\$ 500.00
12101000	511000	POLICE	SALARY/ WAGES FULL TIME	\$3,200.47
12101000	511100	POLICE	SALARY WAGES PART TIME	\$ 215.00
12101000	513001	POLICE	LUMP SUM RETRO	\$1,000.00
12401000	511000	BUILDING INSP.	SALARY/WAGES FULL TIME	\$4,058.95
12401000	513001	BUILDING INSP.	LUMP SUM RETRO	\$1,000.00
15101000	511000	HEALTH	SALARY/ WAGES FULL TIME	\$2,890.54
15101000	513001	HEALTH	LUMP SUM RETRO	\$1,000.00
15411000	511000	COA	SALARY/WAGES FULL TIME	\$ 314.78
16101000	511000	LIBRARY	SALARY/WAGES FULL TIME	\$1,341.31
16101000	513001	LIBRARY	LUMP SUM RETRO	\$ 500.00
16301000	511000	RECREATION	SALARY/ WAGES FULL TIME	\$10,452.13
16301000	513001	RECREATION	LUMP SUM RETRO	\$ 3,000.00
16301000	515050	RECREATION	SPECIAL LICENSES	\$ 3,600.00
16501000	511000	PARK & FORESTRY	SALARY/WAGES FULL TIME	\$25,909.96
16501000	513000	PARK & FORESTRY	OVERTIME	\$ 500.00
16501000	513001	PARK & FORESTRY	LUMP SUM RETRO	\$ 8,500.00
16501000	515050	PARK & FORESTRY	SPECIAL LICENSES	\$ 2,400.00

Voted on Roll Call 10 yeas – 0 nays (Kobus absent) to transfer \$43,899.32 from Account 6000-578350 (Wastewater – Reserve for Labor Negotiations) to account 6000-511000 (Wastewater - Salary and Wages Full Time).

Voted on Roll Call 10 yeas – 0 nays (Kobus absent) to appropriate \$33,403.04 from Account 6000-359000 (Wastewater – Retained Earnings) to the following accounts:

6000	511000	WASTEWATER	SALARY AND WAGES FULL TIME	\$ 8,303.04
6000	513000	WASTEWATER	OVERTIME	\$ 2,900.00
6000	513001	WASTEWATER	LUMP SUM RETRO	\$15,300.00

6000	513003	WASTEWATER	OT CALL BACK/DIG SAFE MARKINGS	\$ 800.00
6000	513010	WASTEWATER	OVERTIME SNOW REMOVAL	\$ 400.00
6000	513022	WASTEWATER	CALL BACK OVERTIME	\$ 1,200.00
6000	513024	WASTEWATER	MAIN BLOCK OVERTIME	\$ 450.00
6000	513100	WASTEWATER	HOLIDAY OVERTIME	\$ 2,400.00
6000	514020	WASTEWATER	NIGHT DIFFERENTIAL	\$ 1,250.00
6000	514030	WASTEWATER	LONGEVITY	\$ 400.00

Voted on Roll Call 10 yeas – 0 nays (Kobus absent) to transfer \$31,272.76 from Account 6100-578350 (Water – Reserve for Labor Negotiations) to Account 6100-511000 (Water – Salary and Wages Full Time).

Voted on Roll Call 10 yeas – 0 nays (Kobus absent) to appropriate \$30,233.49 from Account 61000-359000 (Water – Retained Earnings) to the following accounts:

6100	511000	WATER	SALARY AND WAGES FULL TIME	\$10,783.49
6100	513000	WATER	OVERTIME	\$ 2,500.00
6100	513001	WATER	LUMP SUM RETRO	\$11,700.00
6100	513003	WATER	OT CALL BACK/DIG SAFE MARKINGS	\$ 100.00
6100	513010	WATER	OVERTIME SNOW REMOVAL	\$ 250.00
6100	513022	WATER	CALL BACK OVERTIME	\$ 425.00
6100	513023	WATER	MAIN BREAK OVERTIME	\$ 1,000.00
6100	513100	WATER	HOLIDAY OVERTIME	\$ 1,500.00
6100	514020	WATER	NIGHT DIFFERENTIAL	\$ 1,925.00
6100	514030	WATER	LONGEVITY	\$ 50.00

Chair DeSimone of Ordinances, Elections & Legislative Matters brought forward the following votes:

Voted on Roll Call 10 yeas – 0 nays (Kobus absent) to accept the following statutes to enhance the votes from December 17, 2019 regarding the deferral of taxes and for eligible seniors:

MGL c.40 § 42J for the authority to defer water liens and rubbish liens

MGL c.83 § 16G for the authority to defer wastewater liens

Voted on Roll Call 10 yeas – 0 nays (Kobus absent) to approve the proposed amendments to Section 10-8, Monthly Parking, of the Revised Ordinances of the City of Attleboro as follows:

Delete in its entirety and replace with the following:

Section 10-8 Monthly Parking

Monthly parking fees may be established and collected for any municipal parking area. All such fees shall be collected in advance on a single-month basis by the Parking Clerk or his/her designee. All said monies shall be deemed to have been received as parking meter receipts and shall be used by the City of Attleboro for any purpose authorized by General Laws for the use of parking meter receipts. Monthly parking fees are hereby established as follows:

-Sanford Street Parking Lot, Municipal Parking Garage and the two (2) Municipal Parking Lots located off Bank Street:

Fifty dollars (\$50.00) per month effective from July 1, 2022 and thereafter.

Effective March 1, 2022, the following discounts shall be available:

- All passes (quantities of 1-9) shall receive a 10% discount if paid quarterly in advance
- 10-19 monthly or Quarterly Passes shall receive a 15% discount if paid in advance
- 20-29 monthly or Quarterly Passes shall receive a 25% discount if paid in advance
- 30 more Monthly or Quarterly Passes shall receive a 33 1/3% discount if paid in advance.
- Monthly passes purchased after the 15th of said month shall receive a 50% discount, applied after any applicable bulk discount. No other partial proration will be permitted. There will be no prorated fee for quarterly passes.

Voted 10 yeas – 0 nays (Kobus absent) move to approve the following proposed Ordinance amendments to Section 16:

REQUEST FOR ADDITION OF SECTION 16-9.3 OF THE REVISED ORDINANCES OF THE CITY OF ATTLEBORO:

The Water Management Act Withdrawal Permit for the Taunton River Basin was received in early May 2021. This permit guarantees that the Attleboro Water Department will be authorized to withdraw 380,000 gallons per day from the Taunton River Basin over the 1.62 million registered gallons in the basin until the permit expires in February 2030. This volume is essential for maximum water production from the Wading River Treatment Plant. A requirement of this permit is that the Water Department adopts a local land use control ordinance that meets 310 CMR 22.20C (attached) for its reservoir Zone A protection areas that exist within the City. In order to meet this requirement, I am proposing that the following changes to the ordinance be made:

Add the following section:

16-9.3 Zone A Protection Areas

According to 310 CMR 22.20C, the following activities are prohibited within 400 feet of Manchester Reservoir, Orr’s Pond, and those areas of Luther Reservoir which lie within the city limits, as well as within 200 feet of the 4-Mile Brook, the portions of the 7-Mile River which lie within City limits, and tributaries to both rivers:

- 1.) Facilities that, through their acts or processes, generate, treat, store or dispose of hazardous waste that are subject to M.G.L. c. 21C and 310 CMR 30.000: Hazardous Waste, except for the following:
 - a.) very small quantity generators, as defined by 310 CMR 30.000: Hazardous Waste;

b.) treatment works approved by the MassDEP designed in accordance with 314 CMR 5.00: Ground Water Discharge Permit Program for the treatment of contaminated ground or surface waters;

2.) Sand and gravel excavation operations;

3.) Uncovered or uncontained storage of fertilizers;

4.) Uncovered or uncontained storage of road or parking lot de-icing and sanding materials;

5.) Storage or disposal of snow or ice, removed from highways and streets outside the Zone A, that contains deicing chemicals;

6.) Uncovered or uncontained storage of manure;

7.) Junk and salvage operations;

8.) Motor vehicle repair operations;

9.) Cemeteries (human and animal) and mausoleums;

10.) Solid waste combustion facilities or handling facilities as defined at 310 CMR 16.00: Site Assignment Regulations for Solid Waste Facilities;

11.) Land uses that result in the rendering impervious of more than 15%, or more than 20% with artificial recharge, or 2500 square feet of any lot, whichever is greater; and

12.) Commercial outdoor washing of vehicles, commercial car washes.

13.) All underground storage tanks,

14.) Above-ground storage of liquid hazardous material as defined in M.G.L. c. 21E, or liquid propane or liquid petroleum products, except as follows:

a.) The storage is incidental to:

(1) Normal household use, outdoor maintenance, or the heating of a structure; 310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION 22.20B: continued

(2) Use of emergency generators;

(3) a response action conducted or performed in accordance with M.G.L. c. 21E and 310 CMR 40.000: Massachusetts Contingency Plan and which is exempt from a ground water discharge permit pursuant to 314 CMR 5.05(14); and

b.) The storage is either in container(s) or aboveground tank(s) within a building, or outdoors in covered container(s) or aboveground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of

all containers, or 110% of the largest container's storage capacity, whichever is greater. However, these storage requirements do not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in accordance with applicable state and local requirements;

(c) Treatment or disposal works subject to 314 CMR 3.00: Surface Water Discharge Permit Program or 5.00: Ground Water Discharge Permit Program, except the following:

(1) The replacement or repair of an existing treatment or disposal works that will not result in a design capacity greater than the design capacity of the existing treatment or disposal works;

(2) Treatment or disposal works for sanitary sewage if necessary to treat existing sanitary sewage discharges in non-compliance with 310 CMR 15.000: The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage, provided the facility owner demonstrates to the Department's satisfaction that there are no feasible siting locations outside of the Zone A. Any such facility shall be permitted in accordance with 314 CMR 5.00: Ground Water Discharge Permit Program and shall be required to disinfect the effluent. MassDEP may also require the facility to provide a higher level of treatment prior to discharge;

(3) Treatment works approved by the MassDEP designed for the treatment of contaminated ground or surface waters and operated in compliance with 314 CMR 5.05(3) or (13).

(4) Discharge by public water system of waters incidental to water treatment processes.

REQUEST FOR ADDITION OF SECTION 16-9.4 OF THE REVISED ORDINANCES OF THE CITY OF ATTLEBORO:

In review of the ordinance, it was discovered that Section 16-20 is listed amongst Wastewater ordinances, and for clarity, it should be moved to the Water ordinances. I am therefore proposing that the following change to the ordinance be made:

Remove the entirety of Section 16-20 from the Wastewater Sections and place it as a new section, numbered as follows:

Section 16-9.4 Restricted Use of Orr's Pond and Manchester Reservoir (amended 10/17/17)

16-9.4.1 No unauthorized person shall enter upon any pond or reservoir owned or used as a source of water supply by the City of Attleboro, or the land owned by the City of Attleboro and surrounding the same for any reason whatsoever, except that fishing from the shore shall be permitted in Orr's Pond and Manchester Reservoir if a permit therefore has been granted. Notwithstanding the foregoing, passive recreation, as that term is defined in Section 17-11.2 herein, shall also be allowed in the City's land surrounding Orr's Pond and Manchester Reservoir, subject to the conditions and restrictions set forth in sections 16-9.4.5 through 16-9.4.9 below.

16-9.4.2 Any resident of the City of Attleboro who holds a fishing license from the Commonwealth of Massachusetts and who has attained the age of fifteen (15) years may obtain from the City Clerk a permit to fish in Orr's Pond and Manchester Reservoir. A person under the age of fifteen may fish without a permit if he is accompanied by an adult holder of a permit.

16-9.4.3 The permit shall be effective for the same period as the fishing license from the Commonwealth of Massachusetts. Fishing shall be permitted from one hour before sunrise to one hour after sunset.

16-9.4.4 Fishing shall be from designated areas on shore by hook and line only, in numbers, lengths and kinds allowed by the Fish and Game Laws of the Commonwealth of Massachusetts. No live bait shall be used. A map of designated areas shall be provided by the Superintendent of Water.

16-9.4.5 No person shall drink or have in his possession alcoholic beverages of any nature while on these fishing grounds. No person shall dispose of rubbish or refuse or deposit or discharge human excrement on this fishing grounds.

16-9.4.6 No person shall build a fire, picnic, smoke, hunt, shoot or trap on these fishing grounds. No person shall in any way bring firearms of any nature on these fishing grounds.

16-9.4.7 No person shall tamper with or damage any gate, barrier, or lock or deface or defile signs, trees or other property on these fishing grounds.

16-9.4.8 No person shall refuse or neglect to obey any reasonable request made or order given by officers or employees of the Department of Water or the Commonwealth of Massachusetts Department of Natural Resources.

16-9.4.9 These ordinances are in addition to any regulation established by the Commonwealth of Massachusetts Department of Natural Resources and the Massachusetts Department of Public Health covering public use and water supply areas for recreation.

16-9.4.10 Persons found to be in violation of this Section 16-20 shall be liable to a fine of Seventy-Five (\$75.00) dollars for a first offense and a fine of One Hundred (\$100.00) Dollars for the second and subsequent violations; said penalties to be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D or as criminal penalties under General Laws Chapter 40 Section 20, as amended.

REQUEST FOR REVISION OF SECTION 16-12.5 OF THE REVISED ORDINANCES OF THE CITY OF ATTLEBORO:

An additional requirement of the Water Management Act Withdrawal Permit discussed above is that “Attleboro shall have water use regulations in place that require property owners to expeditiously repair leaks on their property.” I am therefore proposing that the following change to the ordinance be made:

Add the following sections:

16-12.5(e) The Water Department requires that any property owner with a known plumbing leak or water service leak on the property side of the service repair the leak in the following time frame: For 3 gallons per minute or more, the leak must be repaired within 90 days of notice to the property owner. For leaks less than 3 gallons per minute, the leak must be repaired within 180 days of notice to the property owner. The repair is to be made at the expense of the property owner.

16-12.5(f) The deadlines listed in Section 16-12.5(e) may be extended by the Water Superintendent for good cause shown. Such causes may include inclement weather, financial hardship, on-going plumbing or other water renovations, or similar instances.

16-12.5(g) Should the property owner not meet the repair deadlines in Section 16-12.5(e), the water will be shut off to the property until the repair is made. Final notice of shutoff will be sent by certified mail no less than 10 days prior to shutoff. There will be a \$25.00 fee for restoring water service to the property.

REQUEST FOR REVISION OF SECTIONS 16-12.7 AND 16-12.27 OF THE REVISED ORDINANCES OF THE CITY OF ATTLEBORO:

A review of Section 16-12.27 of the ordinance has shown that this section is ambiguous and would be better placed within Section 16-12.7. In addition, the current language in Section 16-12.27 is unclear regarding ownership of water meters larger than 5/8” and must be revised. I am therefore proposing that the following change to the ordinance be made:

Delete Section 16-12.27 in its entirety.

Add the following sections:

16-12.7(d) For meters 1” and larger, it is the responsibility of the property owner to test the meter according to the schedule below and to maintain the meter in proper working order. Testing reports are to be submitted to the Water Department before December 31 of the year in which the meter is required to be tested.

<u>Meter Size (Inches)</u>	<u>Testing Frequency (Years)</u>
1	6
1.5	4
2	4
3	3

4	2
6	1
8	1

16-12.7(e) Should a property owner not comply with Section 16-12.7(d), the Water Department may test, replace, repair, or maintain the meter, using either Department personnel or an outside contractor to perform the work, and shall invoice the property owner the cost for such service and materials.

Voted unanimously (Kobus absent) to **refer** to the Traffic Study Commission and the Traffic Committee for study and recommendation, the following:

That Section 10-4.18 of the Ordinances be amended to establish a process for the removal and modification of permanent speed humps. (Public Hearing required) (DeSimone)

Voted unanimously (Kobus absent) to **refer** to the Personnel the following new business for study and recommendation:

To confirm the appointments of Mayor Paul Heroux and Council President James DiLisio as representatives of the City on the Sturdy Memorial Hospital Board of Managers. Term to expire December 2023.

Voted unanimously (10 yeas – 0 nays Kobus absent) to approve the following reappointments to positions and for terms as indicated:

<u>Name</u>	<u>Appointment</u>	<u>Term</u>	<u>Expires</u>
Randal Vincent	Inspector of Wiring	3 Year	February 2025
Laban O'Brien	Alt. Inspector of Wiring	1 Year	February 2023
Steven Nunes	Asst. Insp. Of Gas Piping/ Gas App.	3 Year	February 2025
Cynthia Amara	City Solicitor	1 Year	February 2023
Dorothy Brissette	Community Development Dir.	2 Year	February 2024
Ben Quelle	Dir. Vet. Serv./Agent/Burial Agent	2 Year	February 2024
Scott Lachance	Forest Warden	1 Year	February 2023
Christopher Quinn	Health Officer	1 Year	February 2023
Kyle Heagney	Lockup Keeper	1 Year	February 2023
Catherine Rego	Parking Administrator	1 Year	February 2023
Derek Corsi	Superintendent of Park & Forestry	3 Year	February 2025

Chair Blais of the **Public Safety** committee sked for a meeting at the next appropriate time.

The council voted 10 yeas – 0 nays (Kobus absent) to adjourn at 8:01 p.m.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)

City Clerk/Clerk of the Council