

**Municipal Council
REGULAR COUNCIL MEETING**

**April 18, 2023
Tuesday, 7:04 P.M.**

Councilor Holmes was absent.

President DiLisio asked the Council to join him to salute the flag.

City Clerk Kate Jackson read the first public hearing notice:

PUBLIC HEARING: pursuant to §16–2.2 of the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended, to layout a portion of Hillcrest Avenue as a public way (length of 225 feet, from STA 10+00 to STA 13+25) and accept said way and any related drainage, water or sewer facilities or easements, all as shown on a plan and profile entitled “STREET ACCEPTANCE PLAN (HILLCREST AVENUE EXTENSION), ATTLEBORO MASSACHUSETTS”, dated December 15, 2021 and revised through April 25, 2022, prepared by Joyce E. Hastings, R.P.L.S. and Daniel R. Campbell, R.P.E., which plan and profile have been deemed satisfactory to the Superintendent of Public Works.

No one came to speak in favor of the street acceptance. No came to speak against or neither for nor against. Vice Chair of Zoning and Land Use, Councilor Conti, agreed to close the public hearing.

PUBLIC HEARING: pursuant to §16–2.2 of the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended, to layout a portion of Hillcrest Avenue as a public way (length of 125 feet, from STA 13+25 to STA 14+50) and accept said way and any related drainage, water or sewer facilities or easements, all as shown on a plan and profile entitled “STREET ACCEPTANCE PLAN (HILLCREST AVENUE EXTENSION II), ATTLEBORO, MASSACHUSETTS”, dated December 16, 2021 and revised through April 25, 2022, prepared by Joyce E. Hastings, R.P.L.S. and Daniel R. Campbell, R.P.E., which plan and profile have been deemed satisfactory to the Superintendent of Public Works.

No one came to speak in favor of the street acceptance. No came to speak against or neither for nor against. Vice Chair of Zoning and Land Use, Councilor Conti, agreed to close the public hearing.

Committee of the Whole was called to order. Coming forward to speak was Beth Rosa of 30 Hillcrest Avenue to discuss a surgery fundraiser for “AL” the stray cat, scheduled for April 22, 2023.

The Council arose at 7:16 pm.

Clerk Jackson then read the **Mayor’s Communication**

April 18, 2023

Dear Municipal Councilors:

1. I respectfully submit for confirmation by Your Honorable Body the appointment of Julie Hall, 140 North Main Street, Unit 4d, to the Taxation Aid Committee. (Copies in your packets)
2. I respectfully submit for confirmation by Your Honorable Body the appointment of Peter Fellini, 5 Cathedral Drive, to the Planning Board to fill an unexpired term. Term to expire February 2025.

3. I respectfully submit a communication from Director of Planning & Development regarding the receipt of a Municipal Energy Technical Assistance (META) grant from the Massachusetts Department of Energy Resources (DOER) in the amount of \$15,000.00. These funds may be utilized for Emergency Management related activities and equipment procurement. The funds will be used to conduct a thermal study of the Fred Bartek Recreation Center. A professional engineering consultant will be procured to perform the work. 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. (Copies in your packets)

4. In accordance to Section 5-8 (Lease/Lease-Purchase Agreement) of the Revised Ordinances of the City of Attleboro, I hereby request 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)

5. In order to properly budget and account for wages earned through June 30th, it is necessary to fund the accrued payroll, which historically has been referred to as a “53rd pay week.” Therefore, I hereby request Your Honorable Body transfer \$11,451.84 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11241000-578360 (City Wide-Reserve for Compensation 53rd Week) and further transfer \$136,451.84 to accounts as follows:

\$4,929.59 to Account 11611000-511000 (Clerk – Salary & Wages)
 \$130,522.25 to Account 12101000-511000 (Police – Salary & Wages)

6. I respectfully submit a communication from Attleboro Public Schools Director of Finance Marc Furtado regarding the following FY22 fiscal obligations that were not received in time to be processed in the normal FY22 business cycle:

NAME OF VENDOR	AMOUNT	DEPT	Reason
Eversource	\$1,414.50	Business Office	Received after year closed

Therefore, I hereby request Your Honorable Body to authorize the School Department to pay these previous year school bills totaling \$1,414.50 as identified in Mr. Furtado’s communication.

7. I respectfully submit a communication from Superintendent of Water Kourtney Allen regarding equipment that the Water Department would like to surplus. There was no interest in this equipment from any of the departments. Therefore, I hereby request Your Honorable Body to declare the following as surplus and available for disposition.

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>MODEL-S/N</u>	<u>CONDITION</u>
4	IPads	MD522LL/A, DMPKJ44XF18P MC733LL/A, DMPHQ6HPDNQR	Poor
1	Thermo Scientific Orion Dual Star pH/ISE Benchtop meter	EO3805	Poor

8. I respectfully submit a communication from Library Director Amy Rhilinger regarding items that the Library would like to surplus. There was no interest in these items from any of the departments. Therefore, I hereby request Your Honorable Body to declare the following as surplus and available for disposition.

Furniture:

(2) Folding metal coat racks

Condition

Fair

Computers

- (21) Dell OptiPlex 3010 Computer tower units
- (3) Dell OptiPlex GX520 Computer tower units
- (3) Dell OptiPlex 210L Computer tower units
- (1) Dell OptiPlex 8200 Computer tower unit
- (2) Dell OptiPlex 745 Computer tower units
- (4) Dell OptiPlex 380 Computer tower units
- (4) Dell OptiPlex 360 Computer tower units
- (1) Dell Vostro Computer Tower Unit

- Inoperable
- Inoperable
- Inoperable
- Inoperable
- Inoperable
- Inoperable
- Inoperable
- Inoperable

Computer Monitors:

- (5) Dell 14” computer monitors
- (3) Dell 12” computer monitors
- (1) HP 14” computer monitor
- (1) Gateway 14” computer monitor

- Works intermittently
- Works intermittently
- Works intermittently
- Works intermittently

Printers:

- HP LaserJet P2055d
- (3) HP Envy 4500
- HP OfficeJet 3830
- Dell B2360dn
- Dell 1355cnw

- Inoperable
- Inoperable
- Inoperable
- Inoperable
- Inoperable

9. I respectfully submit a communication from Acting Council on Aging Director Dennis Walsh regarding an organ that the Council on Aging would like to surplus. There was no interest in this organ from any of the departments. Therefore, I hereby request Your Honorable Body to declare the following as surplus and available for disposition. (Copies in your packets)

Item

Lowrey – Theatre with Genie Edition Organ

Condition

Very Poor

Sincerely,
Cathleen DeSimone, Mayor

CLERK’S COMMUNICATION

Tuesday April 18, 2023

We have received a license renewal application from Prolerized New England Company LLC d/b/a Schnitzer Northeast located at 136 Bacon Str for a Scrap Metal Recycler/Junk Dealer license.

President DiLisio then asked for **Committee Reports.**

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

Voted 9 yeas – 0 nays (Holmes absent) to approve a new Class II license application from Attleboro Shell Auto Sales, LLC. 182 Pleasant St. for 19 customer parking spaces and 10 display spaces.

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

Voted 9 yeas – 0 nays (Holmes absent) to transfer \$4,000 from Account 16301000-521020 (Recreation – Lights & Power) to Account 16301000-546012 (Recreation – Rec Grounds).

Voted 9 yeas – 0 nays (Holmes absent) to transfer \$45,000.00 from Account 6000-578300 (Wastewater Enterprise Fund – Reserve Fund for Transfer) to Account 6000-599000 (Wastewater Enterprise Fund – Other Financing Uses) and further transfer \$45,000.00 from Account 6000-599000 (Wastewater Enterprise Fund – Other Financing Uses) to Fund 3224-499000 (Wastewater SCADA – Other Financing Sources).

Voted 9 yeas – 0 nays (Holmes absent) to transfer \$13,075.00 from Account 16301000-511000 (Recreation – Salary & Wages) to the following to purchase supplies for FY23:

\$4,075.00 to Account 16301000-524002 (Recreation – Maintenance of Rec Areas)

\$9,000.00 to Account 16301000-546012 (Recreation – Rec Grounds)

Voted 9 yeas - 0 nays (Holmes absent) to appropriate \$100,050.00 from Account 6000-359000 (Wastewater Enterprise Fund) to Fund 3233 30” Sewer Main Repair to fund the cost of design, bidding and construction services to repair a 30” sewer main that crosses the 10 Mile River.

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

Voted 9 yeas – 0 nays (Holmes absent) to authorize the City to expend \$325,000.00 of ARPA funds on costs associated with the Wading River Pilot Test Phase II in order to continue to prepare for a large upgrade to the Wading River Treatment Plant.

Voted 9 yeas – 0 nays (Holmes absent) to authorize the City to expend \$800,000.00 of ARPA funds on costs associated with the Sand Filter Project. The bid for construction to complete the Sand Filter Improvements originally funded by the Honorable Municipal Council in April of 2022 is significantly greater than the original appropriation.

Voted 9 yeas – 0 nays (Holmes absent) to transfer \$13,500.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11241000-578030 (City Wide – Previous Year Bills) to pay an invoice from the Commonwealth of Massachusetts for weights and measures inspections done in FY22.

Voted 9 yeas – 0 nays (Holmes absent) to approve to expend no more than \$350,000 from the SPED Stabilization Fund 8507 for unexpected special education transportation costs incurred during the current fiscal year.

Voted 9 yeas – 0 nays (Holmes absent) to transfer \$470,000 from Fund 2423-599000 ARPA Funds – Other Financing Uses to Fund 2607-499000 Capron Park Zoo –Other Financing Sources to support the operation of the Capron Park Zoo.

Voted 9 yeas – 0 nays (Holmes absent) to approve the following:

- Program Year 2023 CDBG Entitlement Budget, for the period of July 1, 2023 through June 30, 2024

•Program Year 2023 Annual Action Plan

•Authorization to submit said Program Year 2023 CDBG Entitlement and Program Year 2023 Annual Action plan to the U.S. Department of Housing and Urban Development on or before May 15, 2023.

Voted 9 yeas – 0 nays (Holmes absent) to appropriate \$6,981.69 from Account 6100-359000 (Water Enterprise Fund - Retained Earnings) to Account 6100-587046 (Water Enterprise Fund - Van Purchase) and appropriate \$4,654.46 from Account 6000-359000 (Wastewater Enterprise - Retained Earnings) to Account 6000-587046 (Wastewater Enterprise Fund - Van Purchase) due to a price increase of \$11,636.15 for a Ford T250 Transit Van ordered in December 2021.

Voted 9 yeas – 0 nays (Holmes absent) in accord with the Attleboro City Charter Section 6-3 (d) moved to adopt the following Resolution to adopt the Capital Improvements Program for Fiscal Years 2024-2028:

**RESOLUTION
CITY OF ATTLEBORO
CAPITAL IMPROVEMENTS PROGRAM
Fiscal Years-2024-2028**

WHEREAS: The Home Rule Charter, approved by the people of Attleboro in November 1973, requires the submission of the five-year capital improvement program at least six months prior to the last day of each fiscal year; and

WHEREAS: The Charter calls for a yearly adoption by resolution of the Council at least a five-year capital improvements program for the city; and

WHEREAS: The Charter calls for a Public Hearing which was held by the Council on February 21, 2023; and

WHEREAS: Our municipal fiscal management reflects a plan to maintain a Capital Improvement line item in the Budget of \$500,000, and

WHEREAS: Our municipal fiscal management reflects a plan to maintain a Capital Improvement line item in the Budget upon State certification of Free Cash.

WHEREAS: The City’s capital improvements have and continue to depreciate and deteriorate logarithmically; and

WHEREAS: A capital improvements program each year requires a city’s future projects to be regularly re-evaluated and updated in response to changing needs and conditions; and

WHEREAS: The Council makes the following suggestions and recommendations in adopting the Capital Improvement Program for 2024-2028:

Management Information Systems

Replace Cisco Switches \$85,000

Council on Aging

Replace Rooftop HVAC (ARPA)	\$400,000
Replace Rubber Roof	\$40,000
Upgrade Roof Drainage Run-off	\$200,000

Fire Department

Twin Village Renovation Phase 1 Design	\$200,000
Briggs Corner Renovation Phase 1 Design	\$200,000
Storage Area for PPE	\$50,000
HQ HVAC	\$50,000
So. Attleboro HVAC	\$60,900
So. Attleboro Roof	\$40,900

Library

Carpeting	\$200,000
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Park & Forestry

Balfour Riverwalk Bridge	\$60,000
Maintenance Building	\$330,000
Repair Newell Shelter	\$600,000
Zoo Asphalt & Roadways	\$120,000

Police Department

Replace front stairs	\$125,000
Bola-Wrap device	\$39,495
Early Warning Software	\$35,000
Evidence Storage	\$20,000
Re-point Brick Façade	\$24,000

School Department

Hill Roberts HVAC	\$140,000
Hyman Fine HVAC	\$140,000

The **Total \$3,758,495** in suggestions and recommendations are approximately \$500,000 more than last year, reflecting the items we did not complete with new urgent items. In summation, the Council is of the opinion that the ever-growing CIP items will never be resolved without perpetuating the fiscal policy of a line item for Capital Improvement implemented three years ago. There is a need to build upon this policy for the timely replacement of vehicles, equipment and minimize deferred maintenance amid the ebb and flow of municipal funds.

THEREFORE: The Council adopts the Capital Improvement Program for 2024-2028.

Signature of Finance Committee Chair Richard J. Conti

Chair Bennett of the **Traffic** Committee called for a meeting at the next available time.

Chair Bennett of **Ordinances, Elections** and **Legislative** Matters brought the following forward:

Voted 9 yeas – 0 nays (Holmes absent) to approve the following ordinance change in Chapter 19 Stormwater Management:

PROPOSED AMENDMENTS TO
Chapter 19 Stormwater Management Ordinance
of the
Revised Ordinances of the City of Attleboro, as amended
February 14, 2023

1. Amend Chapter 19 Stormwater Management Ordinance of the Revised Ordinances of the City of Attleboro, as amended, by deleting in its entirety “Appendix E – Median Pollutant Removal for Approved Practices to Meet Water Quality Treatment Criteria”.
2. Amend §~~19–1.1~~, Purpose by inserting the language “in accordance with the City’s requirements for authorized coverage under the Municipal Separate Storm Sewer System (MS4) General Permit issued by the US Environmental Protection Agency (EPA)” at the end of the first sentence, as follows.

The purpose of this ordinance is to protect, maintain, and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of construction site stormwater runoff, post–construction stormwater runoff, and illicit connections and discharges to the municipal storm drain system **in accordance with the City’s requirements for authorized coverage under the Municipal Separate Storm Sewer System (MS4) General Permit issued by the US Environmental Protection Agency (EPA)**.

3. Amend §~~19–1.1~~(A)(4), Purpose by deleting the words “control facilities” and inserting in place there of words “green” and “infrastructure”, as follows.

Establish design and application criteria for the construction and use of structural **green** stormwater **infrastructure** that can be used to meet the minimum post–development stormwater management standards.

4. Amend §~~19–1.2~~ Definitions by deleting the definition of “Best Management Practices” in its entirety.
5. Amend §~~19–1.2~~ Definitions by inserting the definitions “Green Stormwater Infrastructure”, “Rainwater Harvesting”, and “Stormwater Control Measure” alphabetically, as follows:

GREEN STORMWATER INFRASTRUCTURE: The range of SCMs that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, rainwater harvesting and reuse, or landscaping to store, infiltrate, evapotranspire, and/or clean stormwater and reduce flows to the municipal storm drain system and/or to surface waters.

RAINWATER HARVESTING: A technique of capturing, storing, and reusing rainwater on site.

STORMWATER CONTROL MEASURE (SCM): Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. “Structural” SCMs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. “Nonstructural” and “Managerial” SCMs use natural measures and better site design techniques to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

6. Amend §19-1.5(1), Exemptions and §19-1.5(2), Exemptions by inserting the words “that disturb less than one acre of land” at the end of the sentence, as follows
 1. Construction, renovation, or modification of a single-family dwelling and associated accessory structures customary to single-family lots **of any size that results in less than one acre of land disturbed;**
 2. Construction, renovation, or modification of a two-family dwelling on a single lot and associated accessory structures customary to such lots **of any size that results in less than one acre of land disturbed;**

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

Vice Chair Conti of the **Zoning and Land Use Committee** requested a meeting at the next appropriate time.

Chair Reynolds of the **City Property and Claims** Committee brought forth the following:

Voted 9 yeas – 0 nays (Holmes absent) to declare the following Police Department vehicles as surplus and available for disposition for trade-in or to sell:

<u>Year</u>	<u>Make/Model</u>	<u>Vin #</u>	<u>Miles</u>	<u>Condition</u>
2014	Ford/PI Utility Explorer	1FM5K8AR3EGC26653	128,517	Poor
2015	Ford/PI Utility Explorer	1FM5K8AR1FGA15906	126,934	Poor

Voted 9 yeas – 0 nays (Holmes absent) to appropriate \$27,500 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 11241000-582514 (City Wide – Building Renovations) to convert the Election office “storage area” to office space.

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

Voted unanimously to approve the confirmation of the following reappointments:

<u>Name</u>	<u>Appointment</u>	<u>Term</u>	<u>Expires</u>
Lee Ghazil	Board of Park Commissioners	5 Year	February 2028
Albert Richmond	Disability Commission	3 Year	February 2026
Christopher Quinn	Health Officer	1 Year	February 2024
Kevin Smith	Cable Advisory Commission	1 Year	February 2024

Voted unanimously to approve the of the following reappointments for the positions and for the terms as indicated:

<u>Name</u>	<u>Appointment</u>	<u>Term</u>	<u>Expires</u>
Peter Mello	City Solicitor	1 Year	February 2024
Catherine Merkle	Zoning Board of Appeals	3 Year	February 2026

Voted unanimously to accept the generous donation of twelve (12) 3X5 American flags valued at a total of \$300.00 from Eric J. Purcell, Exalted Ruler, Attleboro Elks #1014 to the Veterans Department.

Voted unanimously to approve the appointment of Mayor Cathleen DeSimone to an unexpired term on the Board of Sturdy Memorial Hospital. Term to expire December 2024.

Chair Blais, of the **Public Safety Committee**, requested a meeting at the next appropriate time.

Chair Conti of the **Special Committee on Senior Tax** requested a meeting at the next appropriate time.

Chair Angelo of the **Special Committee on Classification and Compensation** requested a meeting at the next appropriate time.

No old business.

No new business.

The council voted unanimously to adjourn at 7:51 PM.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)

City Clerk/Clerk of the Council