

**ATTLEBORO MUNICIPAL COUNCIL  
REGULAR MEETING  
TUESDAY, JANUARY 16, 2018  
7:00 P.M.  
AGENDA**

APPROVAL OF THE RECORDS: DECEMBER 19, 2017, DECEMBER 27, 2017, JANUARY 2, 2018. EXECUTIVE SESSION MINUTES OF JUNE 6, 2017 AND JUNE 27, 2017.

JOINT PUBLIC HEARING relative to the Joint Rezoning Petition from John P. and Marcia J. Brady and Vela Inc., to rezone property located at 829 Newport Avenue, said premises being Assessor's Plat #19, Lots #246 thru #252, #254 and 255 being approximately 22,233 square feet; and property located at 839 Newport Avenue, said premises being Assessor's Plat #19, Lots #253, #254A, 255A, #285, #286, #287, #288, #289 and #290, being approximately 28,889 square feet from Single Residence-A District to General Business District.

PUBLIC HEARING relative to the following loan order: ORDERED: That Nine Hundred Seventy-Five Thousand Dollars (\$975,000.00) be appropriated for the cost of purchasing and equipping Fire Department vehicles; that to meet this appropriation, the Treasurer with the approval of the Mayor, is authorized to borrow Nine Hundred Seventy-Five Thousand Dollars (\$975,000.00) under Section 7(1) of Chapter 44 of the General Laws. Any premium received by the City upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote 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.

PUBLIC HEARING relative to the following loan order: ORDERED: That Seven Hundred Thirty-One Thousand Dollars (\$731,000.00) be appropriated for the cost of purchasing and equipping Police and Public Works Departmental vehicles/equipment; that to meet this appropriation, the Treasurer with the approval of the Mayor, is authorized to borrow Seven Hundred Thirty-One Thousand Dollars (\$731,000.00) under Section 7(1) of Chapter 44 of the General Laws. Any premium received by the City upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote 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.

PUBLIC HEARING relative to the following loan order: ORDERED: that Three Million, Two Hundred Thousand Dollars (\$3,200,000.00) is appropriated for the design, permitting, bidding, construction oversight and construction costs associated with repairing and replacing the HVAC at the City's Water Treatment Plant on West Street in Attleboro (collectively the "Project"), including the payment of all costs incidental or related thereto; that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow Three Million, Two Hundred Thousand Dollars (\$3,200,000.00) under Section 8(4) of Chapter 44 of the General Laws, or any other enabling authority. Any premium received by the City upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote 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.

PUBLIC HEARING relative to amending Section 10-5.2(A) Prohibited Parking on Beagle Club Road, and to insert new Section 10-5.15 Seasonally Prohibited on Certain Streets.

Mayor's Communication and other Communications

**CHARTER OBJECTION-ORDINANCE, ELECTIONS AND LEGISLATIVE MATTERS COMMITTEE--"ORDINANCE  
RELATIVE TO A TEMPORARY MORATORIUM ON NON-MEDICAL MARIJUANA ESTABLISHMENTS"**

**PUBLIC WORKS**

- Transfer \$12,425.00 from Account 16501000-511000 (Park & Forestry – Salary & Wages) to two accounts
- Transfer \$9,000.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 14201000-530101 (Public Works – Professional Services).
- Transfer \$19,896.12 from Account 6000-578300 (Wastewater Enterprise Fund – Reserve Fund) to Account 6000-530101 (Wastewater Enterprise Fund – Professional Services).
- That Riverfront Drive be re-named Judy's Way. (07/20/17 NB: Mr. Conti

## **PUBLIC SAFETY & EMERGENCY MANAGEMENT**

- Declare Policed Department firearms as surplus for trade-in or resale value.
- The following proposal relative to the practice of hunting on public lands and private property in Attleboro without the permission of the land owner from Roxanne Houghton of 13 Eisenhower Street, : (SEE LANGUAGE IN COMMITTEE MINUTES)

## **ZONING & LAND USE**

- **(HOST AGREEMENT HAS BEEN SIGNED)** Communication from Cannatech, Medicinals of Fall River, P.O. Box 9639, Fall River, MA 02702 requesting is a letter of support and/or non-opposition from the City of Attleboro for a Registered Medical Marijuana Facility. (12/19/17)
- **(HOST AGREEMENT HAS BEEN SIGNED)** Communication from The Leonard J. Irving Center of 81 West Street, suite 2112, Attleboro, MA 02703 requesting a letter of support and/or non-opposition from the City of Attleboro for a Registered Medical Marijuana Dispensary. (12/19/17)
- That under M.G.L. Chapter 64N Section 3, the city impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the city to anyone other than a marijuana establishment at a rate not greater than 3 per cent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products. The marijuana retailer shall pay the local sales tax imposed under this section to the commissioner at the same time and in the same manner as the sales tax due to the commonwealth. (New Business—Mr. Conti) (12/19/17)
- Amend §17-16.10 NON-CONFORMING SIGNS Delete B in its entirety and insert new language (see New Business-Ms. Porreca & Mr. DiLisio) (12/12/17)
- Communication from John P & Marcia J. Brady and Eugene Kurtsterski requesting that the Joint Public Hearing relative to the rezoning petition for 829 and 839 Newport Avenues scheduled for Tuesday, December 19, 2017 be continued to Tuesday, January 16, 2018. (12/5/17)
- Communications dated November 14 and 16, 2017 from Ashley Driscoll, Director of The Leonard J. Irving Center, Inc, 81 West Street, Suite 2112, Attleboro, MA requesting a letter of non-opposition - Medical Marijuana Dispensary Facility 70 Frank Mossberg Drive. (11/21/17)
- To amend Section 17-3.4, Table of Use Regulations, Principal Uses-Community Facilities #11C under Industrial-I and IBP from SMC TO S; and to amend certain sections of 17-10.15, Registered Marijuana Dispensary Uses, by deleting “Municipal Council” and inserting “Zoning Board of Appeals”.. (New Business—Mr. Cook and Ms. Hall) (Joint Public Hearing December 12, 2017) (DEADLINE MARCH 19, 2018)
- To refer the following matter to the appropriate committee for study and recommendation: to amend Section 17-10.15 REGISTERED MARIJUANA DISPENSARY USES.
- That the City adopt an ordinance governing the operation of non-medical Marijuana Establishments as defined under MGL Chapter 94G, Section 1. (New Business—Blais and Cook) (11/7/17)
- Joint Rezoning Petition from John P. and Marcia J. Brady and Vela Inc., to rezone property located at 829 Newport Avenue and 839 Newport Avenue, from Single Residence-A District to General Business District. REFERRED TO THE PLANNING BOARD FOR STUDY AND RECOMMENDATION AND TO HOLD A JOINT PUBLIC HEARING ON 12/19/17 continued to January 16, 2018))
- Communication from The Leonard J. Irving Center, Inc., 81 West Street, Suite 2112, requesting a Letter of Non-Opposition for a proposed Registered Marijuana Dispensing cultivation, processing, and dispensing facility at either 70 Mossberg Drive or 527 Pleasant Street. (10/24/17)

## **CAPITAL IMPROVEMENTS & CITY DEVELOPMENT**

- Appropriate \$915,613.52 from Account 1000-359000 (UFB/Free Cash – General Government) to 7 accounts (VOTES SEPARATED)
- Transfer \$15,634.33 from Fund 3531-599000 Fire and Police Equipment – Other Financing Uses to Fund 3542-499000 FY16 Equipment Authorization – Other Financing Sources.

## **TRANSPORTATION & TRAFFIC**

- That the parking situation on Stobbs Drive be examined to ensure the safe passage of vehicular traffic, including emergency apparatus, as well as pedestrians. Also, that “No Parking to corner” signs be added on Stobbs Drive at its intersection with both Holcott Street and Commonwealth Avenue. (New Business—Mr. Cook)
- That a solar warning lighted sign be installed at the intersection of Lower County Street and Read Street to warn traffic northbound on Lower County that there is a four-way intersection over the hill. (New Business—Mr. Conti) (12/5/17)
- That a solar warning lighted sign be installed at the intersection of Lower County Street and Read Street to warn traffic northbound on Lower County that there is a four-way intersection over the hill. (New Business—Mr. Conti) (12/5/17)
- To reevaluate the parking issues and erect the proper signage on Riverbank Road and to refer the above matter to the **Traffic Study Commission** for study and recommendation. (10/24/17) (New Business—Mr. Cook)

- **PUBLIC HEARING on January 16, 20-18** relative to amending Section 10-5.2(A) Prohibited Parking on Beagle Club Road, and to insert new Section 10-5.15 Seasonally Prohibited on Certain Streets.
- That the parking options for Beagle Club Road and that restrictions up to and including NO PARKING. (NB: Mr. Cooper)

### **BUDGET & APPROPRIATIONS**

- Motion to petition the General Court to enact the following legislation to repeal An Act Increasing the Expenditure Limit on Revolving Funds in the City of Attleboro, sections 1-2 of Chapter 116 of the Acts of 2006
- To allow the Library to expend \$5,000.00 from ALSC (Association for Library Services to Children) funded grant, Strengthening Communities through Libraries
- To establish a fund to reserve E-Rate Revenue for the School Department
- Loan Order: (\$975,000.00) be appropriated for the cost of purchasing and equipping Fire Department vehicles (Public Hearing 1/16/18)
- Loan Order: (\$731,000.00) be appropriated for the cost of purchasing and equipping Police and Public Works Departmental vehicles/equipment; (Public Hearing on January 16, 2018)
- Loan Order: (\$3,200,000.00) is appropriated for the design, permitting, bidding, construction oversight and construction costs associated with repairing and replacing the HVAC at the City's Water Treatment Plant on West Street in Attleboro (Public Hearing on January 16, 2018)
- That given the council has not voted to issue a budget message to the Mayor, its intentions remain non-public and apart of the historical record. That the council consider a resolution to the Mayor itemizing the wishes of the council on the budgeted items. (07/20/17: NB Mr. Conti)
- That the City of Attleboro accept a local exemption to allow research and development corporations to be taxed as manufacturing corporations in accord with M.G.L. c. 59, § 5, cl. 16(3), as amended by St. 2010, c. 240, § 108, effective for tax years beginning on or after January 1, 2018. (03/21/17: NB Mr. Conti)
- That this Municipal Council create a City policy stating that Water and Wastewater Departments (Water and Wastewater Enterprise Accounts) (SEE LANGUAGE IN COMMITTEE MINUTES) (New Business: Ms. Reynolds. Co-Sponsors: Vice-President Denlea, Mr. Conti, Mrs. Porreca & Mr. Cooper)
- To research/investigate establishing a separate Stabilization Fund for the purposes of establishing a fund to replace the Attleboro High School track surface and/or the artificial athletic field (NB—Mr. Kirby and Mr. Conti)
- To establish a procedure for notifying the business community of proposed new ordinances or revisions to existing ordinances that may impact their businesses. (New Business—Mr. Cook and Mr. Bergevine)
- That an ordinance be established requiring that all fees enacted by the city be reviewed on a bi-annual basis.
- Create and implement beginning in FY06, a Debt Policy.

### **LICENSE**

- 2018 Renewal Class 2 Auto License from New England Automax, Inc. of 1199 Worcester Road, Framingham, MA 01701, d/b/a: Automax Preowned, 800 Washington Street, Attleboro, MA for 40 Customer Parking Spaces and 60 Display Spaces.
- Communication dated 11/28/17 from Mark S. LaVita, 34 Turner Street relative to a complaint against Old School Auto Sales, 187 Cumberland Avenue, Attleboro, MA. (12/5/17)
- Communication from Stephen Bishop of Peters Way regarding WEFT Auto, 496 Tiffany Street, Attleboro, MA.

### **CITY PROPERTY & CLAIMS**

- \$1,000.00 in Stop & Shop gift certificates from Attleboro Elks Lodge #1014 to Veterans Dept.
- \$ 300.00 in Stop & Shop gift certificates from DAV Chapter #91 of Attleboro to Veterans Dept.
- \$ 300.00 in Stop & Shop gift certificates from Holiday Spirit Committee to Veterans Dep
- \$50.00 in Stop & Shop gift certificates from Larry Quaglia to Veterans Department
- Water Department surplus for disposition:
- \$200.00 in Market Basket gift certificates from the Holiday Spirit Committee to the Council on Aging
- Two hardwood block drums \$110.14 for the Willett Music Program from the Fitzpatrick family.

### **PERSONNEL & HUMAN SERVICES.**

- Temporary appointment of Michael Tyler, 196 County Street, Attleboro, MA 02703 to fill an unexpired term of Superintendent of Public Works
- Temporary appointment of Derek Corsi, 467 Seven Mile Road, Hope, RI 02831 to fill an unexpired term of Superintendent Parks and Forestry.
- Rules and Regulations for the City's Exempt group. The first would be an amendment
- Transfer \$658.98 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 15411000-511000 (Council on Aging – Salary)

- Appointment of Duff White, 12 Carnegie Way, to fill an unexpired term on the Board of Police Commissioners. Term to expire February 2018.

### **ORDINANCES, ELECTIONS AND LEGISLATIVE MATTERS**

- Communication from Linda Blodgett, 21 Prospect Street, Attleboro, MA requesting permission to use the Dog Park with their own lighting until 7 P.M. (12/12/17)
- That the annual Senior Exemption for those meeting income and savings requirements be raised from \$600 to \$1000 as a local adoption to Massachusetts General Laws Chapter 59 section 5. (New Business—Mr. Conti) (12/5/17)
- That all Commercial and industrial classification accounts in the city with personal property assessments lower than \$10,000 shall be exempt from personal property taxation. Said exemption shall be a local adoption under Massachusetts general Law Ch 59 taxation under section 18, exemption under section 5. (New Business—Mr. Conti) (12/5/17)
- Petition to vote No to a Moratorium on Recreational Marijuana in Attleboro signed by 88 residents (11/21/17)
- To refer the following be referred to the appropriate committee for r study and recommendation. That the city adopt an annual Automobile Rental License program under Chapter 140 of the Massachusetts General Laws with a license application fee of \$100. Said licenses shall act in compliance with M.G.L Ch 90 Section 32 E 1/2. (New Business—Mr. Cooper and Mr. Conti)
- That the City adopt an ordinance establishing a temporary moratorium on the use of land or structures for Non-medical Marijuana Establishments. (New Business—Mr. Cook) (PUBLIC HEARING on Tuesday, November 21, 2017) (10/17/17)

### **CHARTER OBJECTION**

- To amend Section 9-7.1: No political rally, religious meeting, speech or lecture shall be held or delivered in any public square, street or way unless a permit therefore has been granted by the Mayor and recorded by the City Clerk. The Police Chief shall be notified of any such permit. (New Business—Ms. Jackson 9/19/17)
- To amend Section 12-3.2 requires that a request for a permit to use any city park or rec area for political purposes. The request for a permit must be submitted 60 days in advanced. (New Business—Ms. Jackson 9/19/17)
- To investigate Hawkers and Peddlers Licenses and Leafleting Permits with the possibility of banning door to door sales within the City of Attleboro. (New Business—Mr. Denlea and Mr. Cook)

### **OLD BUSINESS: NONE**

### **NEW BUSINESS:**

- To revise the Revised Ordinances of the City of Attleboro: Section 1-9.1 Time and Place of Municipal Council Meetings (Amended 10/1/2013) striking the measure following “The regularly scheduled meetings of the Municipal Council shall be held on the first and third Tuesdays of each month.” Said revisions to take effect January 1, 2019 (New Business Mr. Conti).
- To revise the Attleboro Municipal Council Rules of Procedure as Follows: Article III Section 1 – Regular Meetings, 3-1.1 striking the measure following “Regular Meetings of the Municipal Council shall be held on the first and third Tuesdays of each month.” Said revisions to take effect January 1, 2019 (New Business--Mr. Conti).
- To revise the Attleboro Municipal Council Rules of Procedure as Follows: Article IV Section 3 – Duties of Council Officers, adding to item h. “Set and prepare Council Meeting Dockets.” the additional measure to read “including any legal deadlines for a Committee.” As it directly relates, to also amend Article3 Order of Business and Docket Section 2 – Dockets, 5-2.1 Regular Meeting Dockets, item a. to insert “including any legal deadlines for a Committee,” after “The President shall be responsible for the preparation of a Docket...” Said revisions to take effect January 1, 2019. (New Business--Mr. Conti).
- That under the proposed M.G.L. being considered with a local option by the Massachusetts Cannabis Control Commission, the Municipal Council develop a local ordinance for the sale of commercial marijuana and marijuana products by a marijuana retailer operating within the city in accord with the eventual laws of the commonwealth. (New Business—Mr. Conti)
- To confirm the appointments of Mayor Kevin J. Dumas and Council President Frank Cook as representatives of the City on the Sturdy Memorial Hospital Board of Managers subject to the confirmation of the Mayor. Terms to expire December 2017. (New Business --Mr. Kobus).
- To investigate the creation of an Agricultural Commission for the City of Attleboro and to insert a new section in the Revised Ordinances of the City of Attleboro. (New Business—Ms. Porreca)
- To insert the following new sections into the Revised Ordinances of the City of Attleboro: Section 11-10 Sidewalk Snow and Ice Removal and Section 11-10 Sidewalk Snow Removal in Commercial or Industrial Zones. (New Business—Ms. Porreca)
- To allow Council members the use of non-cellular devices (tablets). In addition, to request the Administration to investigate the possibility of supplying council members with tablets to be used at meetings to provide members with electronic copies of agendas, committee minutes, motions, etc. and decrease the use of paper in the Council Office. (New Business—Mr. DiLisio and Ms. Porreca)

(Disclaimer: This agenda has been prepared in good faith based on topics that the Municipal Council anticipates may be discussed at its meeting). Agenda prepared by the Administrative Assistant from the Office of the Municipal Council.