

**ATTLEBORO MUNICIPAL COUNCIL  
DOCKET  
FEBRUARY 6, 2018**

**APPROVAL OF THE RECORDS: JANUARY 2 and JANUARY 16, 2018.  
EXECUTIVE SESSION MINUTES OF JUNE 6, 2017 AND JUNE 27, 2017.**

**(continued from the meeting of January 16, 2018) 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.

**(continued from the meeting of January 16, 2018) 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 WORKS**

**Kate Jackson, Chairperson**

1. The Mayor respectfully submits a communication from Wastewater Superintendent Paul Kennedy regarding the need for funds to take advantage of replacing another sewer main that is also in poor condition and on the verge of collapsing on Mill Street. An emergency waiver was granted to the City from the Office of General Counsel in order to omit the formal bidding process. The estimate to repair the sewer main is \$180,000.00. In addition, a 20% contingency has been included in the cost to cover any additional work and police details. Therefore, the Mayor hereby requests Your Honorable Body appropriate \$180,000.00 from Account 6000-359000 (Wastewater Enterprise Fund - Retained Earnings) to Account 6000-589070 (Wastewater - Sewer Mains). (Copies in your packets)

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In accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro, the Mayor respectfully requests Your Honorable Body to consider this as an emergency measure. (VOTED AS AN EMERGENCY MEASURE ON JANUARY 16, 2018) (7/1/16/18)

2. As you are aware, on December 27, 2017 Your Honorable Body voted to appropriate funds for an emergency repair for a collapsing sewer main at South Main and Mill Streets. Once the contractor began excavating below the surface of the road it was discovered that due to other utilities that share this same area, additional work will be required. This work can be performed under the City's Emergency Waiver. Funding is necessary to continue with this project.

The Mayor respectfully submits a communication from Wastewater Superintendent Paul Kennedy regarding the need for funds to have this work performed by Verizon to move the utilities to complete this project. Also, another week of police details will be required. Therefore, the Mayor hereby requests Your Honorable Body appropriate \$26,000.00 from Account 6000-359000 (Wastewater Enterprise Fund – Retained Earnings) to Account 6000-589070 (Wastewater Enterprise Fund – Sewer Main). (Copies in your packets)

In accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro, I respectfully request Your Honorable Body to consider this as an emergency measure. (VOTED AS AN EMERGENCY MEASURE ON JANUARY 16, 2018) (8/1/16/18)

3. The Mayor respectfully submits a communication from Acting Water Superintendent Paul Kennedy regarding the need for funds to replace a 50-foot section of a water main on South Main Street. This water main is located in the same construction trench as the on-going sewer main project. An emergency waiver was granted to the City from the Office of General Counsel in order to omit the formal bidding process. Therefore, the Mayor hereby requests Your Honorable Body appropriate \$28,000.00 from Account 6100-359000 (Water Enterprise Fund – Retained Earnings) to Account 6100-589065 (Water Enterprise Fund – Water Main Construction). (Copies in your packets)

In accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro, the Mayor respectfully requests Your Honorable Body to consider this as an emergency measure. (VOTED AS AN EMERGENCY MEASURE ON JANUARY 16, 2018) (9/1/16/18)

4. To investigate the following amendments to the Revised Ordinances of the City of Attleboro:  
(1) Section 11-10 Sidewalk Snow and Ice Removal

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The owner, occupant, or other person having the care of any property shall remove snow and ice from sidewalks that are within the public way, contiguous with said property, and which are intended for the use of pedestrians. Snow shall be removed within 12 hours of daylight after the cessation of a snow fall. Outside of any snowfall, no ice shall be permitted to remain upon any such sidewalk more than two hours in the daytime, unless covered with sand or other suitable substance that is meant to treat the ice and that will not impede pedestrian use.

(2) Section 11-10 Sidewalk Snow Removal in Commercial or Industrial Zones  
For any building and/or lot that may fall within any commercial and/or industrial zone in the City and is within one mile of any publicly-owned school property within the City, the owner, occupant, or other person having the care of said facility shall remove snow and ice from sidewalks that are within the public way, contiguous with said property, and which are intended for the use of pedestrians. Snow shall be removed within 12 hours of daylight after the cessation of a snow fall. Outside of any snowfall, no ice shall be permitted to remain upon any such sidewalk more than two hours in the daytime, unless covered with sand or other suitable substance that is meant to treat the ice and that will not impede pedestrian use. (New Business—Ms. Porreca) (1/16/18)

**CAPITAL IMPROVEMENTS & CITY DEVELOPMENT**

**Richard Conti, Chairperson**

1. Communication dated December 29, 2017 from outgoing President Cook dated December 29, 2017 to the Attleboro Redevelopment Authority providing a brief history of monies loaned to the ARA back to 2011 and the need for repayment. (1/16/18)

**ZONING & LAND USE**

**Todd Kobus, Chairperson**

1. Communication dated January 2, 2018 from William McDonough, Buildings Inspector, relative to the proposed Registered Marijuana Dispensary to be located at 220 O'Neil Blvd. stating that the property is located in an Industrial Zoning District, but the property is located less than 500' from a recreation facility in which children commonly congregate. (1/16/18)
2. Communication dated January 2, 2018 from William McDonough, Buildings Inspector, relative to the proposed Registered Marijuana Dispensary to be located at 70 Frank Mossberg Drive, stating that the property is located in an Industrial Zoning District, but that the property is located 1,000 feet from another approved RMD located at 34 Extension Street. (1/16/18)

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3. Recommendation dated January 9, 2018 certifying the January 8, 2018 unanimous vote of the Planning Board to recommend the Municipal Council adopt the proposed amendments to the 17-3.4(#11C) Table of Use Regulations – Community Facilities and 17-10.15 Registered Marijuana Dispensary uses of the Zoning Ordinance as contained in the legal advertisement for December 12, 2017 joint public hearing. (1/16/18)
4. 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) (1/16/18)

**BUDGET AND APPROPRIATIONS**

**Jay DiLisio, Chairperson**

1. Recommendation dated January 9, 2018 certifying the January 8, 2018 unanimous vote of the Planning Board to recommend the Municipal Council that the Loan Order, in the amount of THREE MILLION TWO HUNDRED THOUSAND (\$3,200,000.00) DOLLARS, for the design, permitting, bidding, construction oversight and construction costs associated with repairing and replacing the HVAC system at the Water Department’s Water Treatment Plant on West Street is consistent with Municipal Facilities, Goal 16, Policy 1 of the City’s COMPREHENSIVE PLAN. (1/16/18)
2. Recommendation dated January 9, 2018 certifying the January 8, 2018 unanimous vote of the Planning Board to recommend the Municipal Council that the Loan Order, in the amount of SEVEN HUNDRED THIRTY-ONE THOUSAND (\$731,000.00) DOLLARS, for the purpose of purchasing and equipping vehicles for the Police Department and Department of Public Works is consistent with the Public Safety, Goal 15, Policy 1, Municipal Facilities of the City’s COMPREHENSIVE PLAN. (1/16/18)
3. Recommendation, dated January 9, 2018 certifying the January 8, 2018 unanimous vote of the Planning Board to recommend the Municipal Council that the Loan Order, in the amount of NINE HUNDRED SEVENTY-FIVE THOUSAND (\$975,000.00) DOLLARS, for the purpose of purchasing and equipping vehicles for the Fire Department is consistent with Public Safety, Goal 15 Policy 1 and Municipal Facilities, Goal 16 of the City’s COMPREHENSIVE PLAN. (1/16/18)
4. The Mayor respectfully submits a communication form Director of Planning and Development Gary Ayrassian regarding the need for funds in order to provide project contingency funding for the Ten Mile Cantilevered Walkway. Therefore, the Mayor hereby requests Your Honorable Body transfer \$95,000 from account

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11241000-578300 (City Wide - Reserve Fund for Transfer) to account 11241000-599000 (City Wide – Other Financing Uses) and to Further Transfer \$95,000.00 from 11241000-599000 (City Wide Other Financing Uses) to account 2307H4-499000 (Gateway City Parks Program – Other Financing Sources). Upon approval, the available balance in Reserve Fund for Transfer will be \$407,240.49. (Copies in your packets) (10/1/16/18)

**LICENSES**

**Laura Dolan, Chairperson**

1. Application for a Renewal 2018 Scrap Metal Recycler/Junk Dealer License for Prolerized New England Company, LLC - D/B/A Schnitzer Northeast, 136 Bacon Street, S. Attleboro, MA (1/16/18)
2. Application for a Renewal 2018 Class II license from B&C Auto Service, Robert J. Pedro d/b/a B&C Auto Service located at 21 South Avenue, Attleboro, MA for 5 Customer Parking Spaces and 5 Display Spaces. (1/16/18)

**CITY PROPERTY & CLAIMS**

**Sara Lynn Reynolds, Chairperson**

1. The Mayor respectfully submits a communication from Library Director Joan Pilkington-Smith regarding the need for funds to purchase a new copier. The new copier will be a replacement for the main copier in the Library that is beyond repair. Therefore, the Mayor hereby requests Your Honorable Body transfer \$3,067.96 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16101000-558330 (Library – Copiers). Upon approval, the available balance in Reserve Fund for Transfer will be \$502,240.49. (Copies in your packets) (2/1/16/18)
2. The Mayor respectfully submits a communication from Health Department Outreach Worker/Case Manager June Fleischmann and Public Health Nurse Jacqueline Joyal O'Brien regarding the donation of \$250.00 in Stop & Shop food gift cards from an anonymous donor. These cards will be offered by the Health Department's Public Health Nurse and Outreach Worker to individuals and families in need. 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 gifts to the City of Attleboro. (Copies in your packets) (3/1/16/18)
3. The Mayor respectfully submits a communication from Director of Planning and Development Gary Ayrassian regarding the donation of four (4) parcels of land from William and Pamela Yukna of Foxboro and Stephen Dorrance of Rehoboth. These parcels are located off Richardson Avenue and Division Street, more

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specifically Assessor's Lot #4, on Plat #94 (containing a land mass of 2.2± acres), Assessor's Lot #1, on Plat #125A (containing a land mass of 16.68± acres), Assessor's Lot #3, on Plat #125 (containing a land mass of 24± acres), and Assessor's Lot #4, on Plat #125 (containing a land mass of 12.1± acres). They are to be placed under the stewardship of the Conservation Commission. Additionally, as this land donation is being made pursuant to the EOEEA's Conservation Land Tax Credit program, the City must vote to accept the donation on or before January 27, 2018. Therefore, the Mayor hereby requests your Honorable Body to accept the donation of these parcels of real estate. It should be noted that all FY2018 taxes have been satisfied. (Copies in your packets)

(5/1/16/18)

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4. The Mayor respectfully submits a communication from Director of Planning and Development Gary Ayrassian regarding the donation of three contiguous parcels of real estate from attorney Edward J. Casey on behalf of Viridian Development. These parcels are located off Slater Street, more specifically as shown on ANR plan of land recorded at the Bristol County Registry of Deeds book 510, page 64, Assessor's Plat #136A, Lot #1 (containing a land mass of 27.06 acres), Assessor's Plat #136A, Lot #2 (containing a land mass of 8.48 acres) and Assessor's Plat #213, Lot #2 (containing a land mass of 27.17 acres). They are to be placed under the stewardship of the Conservation Commission for the purpose of conservation of natural resources and passive recreation, including but not limited to, the conservation of species listed pursuant to the Massachusetts Endangered Species Act. Therefore, the Mayor hereby requests your Honorable Body to accept the donation of these parcels of real estate. It should be noted that all FY2018 taxes have been satisfied. (Copies in your packets) (6/1/16/18)
5. The Mayor respectfully submits a communication from Wastewater Superintendent Paul Kennedy regarding the need for funds to take advantage of replacing another sewer main that is also in poor condition and on the verge of collapsing on Mill Street. An emergency waiver was granted to the City from the Office of General Counsel in order to omit the formal bidding process. The estimate to repair the sewer main is \$180,000.00. In addition, a 20% contingency has been included in the cost to cover any additional work and police details. Therefore, the Mayor hereby requests Your Honorable Body appropriate \$180,000.00 from Account 6000-359000 (Wastewater Enterprise Fund – Retained Earnings) to Account 6000-589070 (Wastewater – Sewer Mains). (Copies in your packets)

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**PERSONNEL AND HUMAN SERVICES**

**Diana Holmes, Chairperson**

1. The Mayor respectfully submits a communication from Acting Superintendent Dennis Walsh regarding the need for funds to add a second Port-a-John on Capron Park property and to add the “Geese Police” services at the Judith H. Robbins Park. Therefore, the Mayor hereby requests Your Honorable Body transfer \$1,500.00 from Account 16501000-511000 (Park – Salary & Wages) to Account 16501000-530101 (Park – Professional Services). (Copies in your packets) (1/1/16/18)
2. To confirm the appointments of Mayor Paul Heroux and Council President Mark Cooper as representatives of the City on the Sturdy Memorial Hospital Board of Managers subject to the confirmation of the Mayor. Terms to expire December 2019.(New Business—Ms. Holmes) (1/1/16/18)

**ORDINANCES, ELECTIONS & LEGISLATIVE MATTERS**

**Julie Hall, Chairperson**

1. 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) (1/16/18)
2. Communication dated January 8, 2018 from School Chairman Stephen K. Withers, Jr., dated January 8, 2018 notifying the Council of the resignation of Ward VI School Committee Member: Michael Tyler.

LEGAL NOTICE: This notice is to inform the voters of Ward Six in the City of Attleboro that nomination papers for the office of Ward Six School Committee shall be filed in the office of the Board of Election Commissioners, City Hall, 77 Park Street, Attleboro, MA no later than 5 P.M. on Thursday, February 8, 2018. If necessary, the Special Municipal Preliminary election to be held on Tuesday, March 6, 2018. The Special Municipal Election to be held on Tuesday, April 3, 2018. (VOTED AS AN EMERGENCY MEASURE ON JANUARY 16, 2018)

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3. Communication dated January 9, 2018 from School Committee Chairman Stephen K. Withers, Jr., regarding the request for a referendum scheduled for Tuesday, May 1, 2018 for residents to vote on the construction of a new High School. (1/16/18)

**SPECIAL COMMITTEE ON THE COUNCIL’S RULES OF PROCEDURES**

**Richard Conti, Chairperson**

1. 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) (1/16/18)
2. 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 Article 3 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) (1/16/18)
3. 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—Ms. Porreca and Mr. DiLisio) (1/16/18)