

**ATTLEBORO MUNICIPAL COUNCIL
REGULAR MEETING
TUESDAY, FEBRUARY 20, 2018
7:00 P.M.
AGENDA**

APPROVAL OF THE RECORDS – JANUARY 16, 2018, FEBRUARY 6, 2018, FEBRUARY 15, June 6, 2017 and June 27, 2017

NO PUBLIC HEARINGS

Mayor's Communication and other communications

PUBLIC SAFETY & EMERGENCY MANAGEMENT

- Expend FY2018 Student Awareness of Fire Education (SAFE) Grant and a FY2018 Senior SAFE Grant from the Commonwealth of Massachusetts of approximately \$8,220.00 (1/2/6/18)
- Expend \$9,500.00 in Emergency Management Performance Grant (EMPG (2/2/6/18) Expend 2018 Senator Charles E. Shannon Jr. Community Safety Initiative (Shannon CSI) of \$10,144.00 Police Department (10/2/6/18)
- 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 COMMITTEE MINUTES)

PUBLIC WORKS

- Transfer \$22.00 from Account 16501000-511000 (Park & Forestry – Salary & Wages) to Account 16501000-549140 (Park & Forestry – Small Equipment). (9/2/6/18)
- Communication dated January 21, 2018 from resident Kellie Marcil, suggesting a change in the Winter Parking Ban (2/6/18)
- Communication dated January 15, 2018 from resident Adam Stuminski, relative to changes in the Winter Parking Ban (2/6/18)
- To investigate the following amendments: Section 11-10 Sidewalk Snow and Ice Removal and Section 11-10 Sidewalk Snow Removal in Commercial or Industrial Zones (New Business—Ms. Porreca) (1/16/18)
- That Riverfront Drive be re-named Judy's Way. (07/20/17 NB: Mr. Conti

ZONING & LAND USE

- Approve the conveyance of the Judith H. Robbins Riverfront Park to the City of Attleboro. (8/2/6/18)
- Communication dated January 2 from Ashley Driscoll, to Chairman of the Zoning and Land Use Committee, Councilor Todd Kobus relative to suggested changes to the current medical marijuana zoning (RMD). (2/6/18)
- Planning Board Recommendation to adopt the proposed amendments to the 17-3.4(#11C) Table of Use Regulations – Community Facilities and 17-10.15 Registered Marijuana Dispensary (1/16/18)
- That under the proposed M.G.L. being considered with a local option by the MA Cannabis Control Com., 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)
- 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. (NB—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 Kurtzerski 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)
- 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) (DEADLINE April 3, 2018)

CAPITAL IMPROVEMENTS & CITY DEVELOPMENT

- Communication dated December 29, 2017 from outgoing President Cook to the ARA providing a brief history of monies loaned to the ARA back to 2011 and the need for repayment. (1/16/18)
- Appropriate \$44,169.40 from Account 1000-359000 (Undesignated Fund Balance/Free Cash – General Government) to Account 15431000-582512 (Veteran’s Monument) for the restoration of the Soldier’s and Sailors Monument (*voted to lay on the table on February 6, 2018*)

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)
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- 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)
- That the parking options for Beagle Club Road and that restrictions up to and including NO PARKING. (NB: Mr. Cooper)

BUDGET & APPROPRIATIONS

- LOAN ORDER: That the City of Attleboro (“City”) acting through the Attleboro Municipal Council appropriates the amount of Two-Hundred Fifty-Nine Million, Nine-Hundred Eighteen Thousand, One-Hundred and Eighty Dollars (\$259,918,180) for the purpose of paying the costs to design, construct, equip and furnish a new high school located at 100 Rathbun Willard Drive (referred to the Planning Board for study and recommendation and to hold a **PUBLIC HEARING on March 1, 2018**
- School Department to pay these previous year school bills totaling \$1,882.70 as identified in Mr. Furtado’s communication. (3/2/6/18)
- Additional costs associated with a Special State Primary on March 6, 2018 and Special State Election/City Debt Exclusion/Municipal Ward 6 Election on April 3, 2018 \$35,010.00 to several accounts (5/2/6/18)
- To establish a fund to reserve E-Rate Revenue for the School Department FYI from Deb Gould
- 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

- 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

- Donation of fifteen (15) water fillers/bubblers \$18,000.00; a New Matter MOD-t 3D printer \$200.00 for the Studley Elementary School; and two (2) used Toshiba Chromebooks with \$250.00 for the Attleboro High School (7/2/6/18)
- Donation of three parcels of real estate of Viridian Development Plat #136A, Lot #2 and Plat #213, Lot #2

PERSONNEL & HUMAN SERVICES.

- Appointment of Duff White, 12 Carnegie Way, Police Commissioners. Term to expire February 2018.

ORDINANCES, ELECTIONS AND LEGISLATIVE MATTERS

- Transfer \$12,000.00 (Printing) to facilitate the printing and mailing of literature to voters informing them of the question and results of either a yes or a no vote.
- To accept Massachusetts General Law Chapter 53, Section 18B as amended to the proposed April 3, 2018 debt exclusion ballot question (12/2/6/18)
- 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 NB—Mr. Conti) (1/16/18)
- 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)
- 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)
- 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)
- 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

SPECIAL COMMITTEE ON THE COUNCIL’S RULES OF PROCEDURES

- 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)
- 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. (NB—Mr. Conti) (1/16/18)
- 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)

OLD BUSINESS:

- From the meeting of February 6, 2018: Voted on Roll Call – 10 – yeas – 1 nay (Blais voting nay) to “lay on the table” the request of the Mayor to appropriate \$44,169.40 from Account 1000-359000 (Undesignated Fund Balance/Free Cash – General Government) to Account 15431000-582512 (Veteran’s Monument) for the restoration of the Soldiers and Sailors Monument.

NEW BUSINESS:

- To refer the following matter to the appropriate committee for study and recommendation: To install a "No parking Here to Corner" sign on Pine Road at Washington Street (New Business—Ms. Porreca)
- To refer the following matter to the appropriate committee for study and recommendation: To install a “Stop”sign Lilac and Springdale, as well as Springdale and Orchard Lane (New Business—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.