

ATTLEBORO MUNICIPAL COUNCIL
SPECIAL MEETING
TUESDAY, MARCH 1, 2018
7:00 P.M.
AGENDA

RECEIVED
CITY OF ATTLEBORO
CITY CLERK

2018 FEB 26 AM 10:50

PUBLIC HEARING: relative to the following 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, Attleboro, Massachusetts, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer with the approval of the Mayor, is authorized to borrow said amount under M.G.L. Chapter 44, M.G.L. Chapter 70B, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) sixty-six and sixty-five hundredths percent (66.65%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; that any premium received by the City upon the sale of any bonds or notes approved by this vote, less the cost of preparing issuing and marketing them, shall be applied to the payment of project costs approved by this vote, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the City to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½); provided further, that the amount of borrowing authorized pursuant to this order shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA; and provided further, that the amount of the borrowing authorized pursuant to this order shall also be reduced by the net proceeds, if any, received prior to the issuance of any long term bonds for the Project from the sale of the following city school buildings: Old High School, 135 County Street; Finberg School, 1125 South Main Street, and Briggs Corner School, 908 Oakhill Avenue.

PUBLIC SAFETY & EMERGENCY MANAGEMENT

- Transfer \$80,000.00 from (City Wide – Reserve Fund for Transfer) to (Police – Overtime).
- Transfer \$42,300.00 from (City Wide – Reserve Fund for Transfer) to two departments
- 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

- Appropriate \$9,900.00 from (Water Enterprise Fund - Retained Earnings) to (Water Enterprise Fund – Water Main Construction). (1/2/20/18)
- Transfer \$13,000.00 from (Park & Forestry – Salary & Wages) (Park & Forestry – Equipment Maintenance). (3/2/20/18)
- 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

- Communication from the Attleboro Planning Board recommending denial for the petition of John Brady, Marcia Brady and Vela, Inc. to rezone property on Newport Avenue (2/20/18)
- 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)
- 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 Kurtserki 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 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)

TRANSPORTATION & TRAFFIC

- To install a "Stop" sign Lilac and Springdale, as well as Springdale and Orchard Lane (New Business—Ms. Porreca)
- To install a "No parking Here to Corner" sign on Pine Road at Washington Street (New Business—Ms. Porreca) (2/20/18)
- 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)
- That the parking options for Beagle Club Road and that restrictions up to and including NO PARKING. (NB: Mr. Cooper)

BUDGET & APPROPRIATIONS

- Communication from Massachusetts School Building Authority (MSBA) reporting the Board has approved the Attleboro High School Project. (2/20/18)
- 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**
- 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

- Application for a 2018 Hawkers and Peddler's license from Renee Lumb, of Sycamore Avenue, Attleboro dated February 12, 2018. (2/20/18)

- 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

- Declare surplus 1988 Pierce Fire Engine IP9CT01D9JA040374 72,682 Average Declare surplus 200--Water Meters-- Used
- Kubota Rotary Mower, F-3060, 72"--Very poor condition
- Mower #31382, Deck #16751, Collection System #78200496
- Donation of fifteen (15) water fillers/bubblers \$18,000.00 from the YMCA of Attleboro; a New Matter MOD- t 3D printer \$200.00 for the Studley Elementary School from an anonymous donor; and two used Toshiba Chromebooks \$250.

PERSONNEL & HUMAN SERVICES

- Transfer \$16,796.16 from (City Wide – Reserve Fund for Transfer) to (Library – Earned Time).
- 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 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)
- 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)
- 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)
- (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.

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