



REGULAR MEETING
TUESDAY: MARCH 07, 2017 at 7:00 P.M.
AGENDA

APPROVAL OF THE RECORDS OF DECEMBER 06, 2016, DECEMBER 20, 2016 AND FEBRUARY 21, 2017.

EXECUTIVE SESSION MINUTES OF SEPTEMBER 6, 2011 AND SEPTEMBER 27, 2011; JANUARY 17, 2012; FEBRUARY 7, 2012; APRIL 10, 2012; MAY 1, 2012; APRIL 16, 2013; AUGUST 20, 2013; DECEMBER 17, 2013; NOVEMBER 17, 2015; AND DECEMBER 22, 2015.

ORDINANCES, ELECTIONS AND LEGISLATIVE MATTERS

- For further study and recommendation: To add the phrase "Ride Sharing Services (including Lyft and Uber)" where appropriate to Sections 9-11 and 9-12 of the Revised Ordinances of the City of Attleboro to definition of Hackney Carriage. Furthermore to review those sections are written to ensure the appropriate inclusion of Ride Sharing Services such as Lyft and Uber so those services may be safely provided to the residents of the City of Attleboro. (01/17/17 NB: Mr. DiLisio)
- Letter from the Attleboro Retirement Board asking the Municipal Council to accept Section 19 of Chapter 188 of the Acts of 2010 which would increase the COLA base for retirees from the first \$12,000 to the first \$13,000. The Board at its regular meeting held on May 25, 2016 voted 3-2, with James Castro and Deborah Gould voting nay, to accept this Section.
- Letter from the Attleboro Retirement Board asking the Municipal Council to accept Section 34 of Chapter 176 of the Acts of 2011 so that the stipend that is paid to Retirement Board members from \$3,000 to \$3,500. The Board at its regular meeting held on November 29, 2016 voted 3-2, with Deborah Gould and Bruce Tondreau voting nay, to increase its stipend.
- To the appropriate Committee for further study and recommendation: That Section 5-1.2 of the Revised Ordinances of the City of Attleboro, Powers and Duties (Amended 4/3/08), be amended by deleting that section in its entirety and replacing it with the following: The Board of Assessors shall assess taxes and estimate the value of property for the purpose of taxation. The Board of Assessors shall have all the powers and duties now or from time to time vested by General Law or Special Act in Board of Assessors. The Chief Assessor under the administrative direction of the Mayor, not to include assessing of property, shall be the administrative head of the Assessors' Department and shall assist the Board of Assessors in estimating the value of real and personal estate and in the performances of such other duties as the Assessors require. (NB: Mr. Cooper- 08/16/16)
- Amendment of Section 9-43 of the Licenses and Permits Ordinance by deleting the last sentence that states, "All late fees collected under this provision shall be reserved for the Animal Shelter Building Fund, subject to further appropriation."
(PH held & closed on 03/15/16)
- To investigate the City Ordinances governing 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)
- Communication from John Murray, 17 Jenna Drive, in support of passive use of the Manchester Reservoir (Clifton Street side)
- Communication from Colin Blaney-Young former resident in support of passive use of Manchester Reservoir.
- Communication from Chris Castano, 831 West Street, in support of passive use of Manchester Reservoir.
- Information from Michael J. Crowley, 20 Beagle Club Road, and petition from residents.
- Amend Section 16-20 Restricted Use of Orr's Pond and Manchester Reservoir (Public Hearing October 21, 2014)
- To amend Section 9-11 Hackney Carriage (Taxi) by adding the following language to 9-11.7 (New Business—Mr. Thibodeau)
- Legal Opinion dated August 15, 2014 from Attorney Brandon H. Moss to Jeremy Denlea relative to the proposed amendment to the Hackney Carriage (Taxi) ordinance. (8/19/14)
- That another definition of the requirements for a class #2 Dealer License. (WHOLE SALE ONLY) (NB—Thibodeau &Denlea)

ZONING & LAND USE

- Donation of a parcel of real estate to the City from William Pitas. The parcel is located on Pitas Avenue, more specifically, Assessor's Plat #74, Lot #46F.
- Rezoning Petition from the Zoning Board of Appeals to amend as follows; In accordance with MGL Chapter 40A, §5 and §17-1.6 AMENDMENTS of the ZONING ORDINANCE, amend §17-10 SPECIAL REGULATIONS AS

FOLLOWS: Amend §17-3.5 TABLE OF ACCESSORY USE REGULATIONS by inserting the word “and” after “Livestock” and deleting “and Poultry” from accessory use #2. **(PH held and closed on January 24, 2017)**

- Rezoning Petition from Attleboro Planning Board to amend as follows; In accordance with MGL Chapter 40A, §5 and §17-1.6 AMENDMENTS of the ZONING ORDINANCE, amend §17-10 SPECIAL REGULATIONS by inserting §17-16.0 SIGNS, as follows: BE IT ORDAINED by the Municipal Council of the City of Attleboro that the ZONING ORDINANCE be amended by adding thereto the following:§17-16.0 SIGNS. **(PH held and closed on January 24, 2017)**
- For further review and recommendation: All Building Permits for construction and alterations in the Transit Oriented Development (TOD) include an impact fee of one hundredth of one percent (0.01%) of the building permit stated improvement value to be placed in a Fund for the maintenance and repair of TOD common ground capital improvements. Said Fee and Fund shall meet all Federal and State law requirements and shall benefit the residents of the TOD. (NB: Mr. Conti-08/18/16)
(Also Referred to the Planning & Land Use Department on 09/06/16)

CAPITAL IMPROVEMENTS & CITY DEVELOPMENT

NO ITEMS

TRANSPORTATION & TRAFFIC

- For further study and recommendation: That Section 10-4.11 Isolated Stop Signs (Amended 01/03/2017) be amended by striking “Southbound drivers on Magnolia Avenue at Brown Street” and replacing it with “Southbound drivers on Magnolia Street at Brown Street”. (02/07/17 NB: Mrs. Porreca) **(PH held and closed on February 21, 2017)**
- Petition to the Attleboro Municipal Council (with accompanying Plans and other documents) filed by John F.D. Jacobi, III, duly authorized representative of SOWA, LLC, and GSLC, LLC, to layout, relocate, and alter Angeline Street pursuant to MGL c. 82 and Section 16-2 of the Revised Ordinances of the City of Attleboro. **(PH held and closed on February 21, 2017)**
- For further study and recommendation: For street lights to be installed along Commerce Way. (01/17/17 NB: Mr. DiLisio)
- That “No Parking” signs be placed in front of the Greek Orthodox Church on 6 Park Avenue during services on Saturday and Sunday. *(Also referred to TSC)* (NB: DiLisio)
- Delete in its entirety and replace with the following:
10-3.3 Temporary Parking Rules
 - a. The Police Chief is hereby authorized by the Municipal Council to prohibit, temporarily, parking on any street or highway or part thereof in an impending or existing emergency, or for a lawful assemblage, demonstration, or procession or where public convenience requires it, provided there is reasonable justification for such prohibition. Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer.
 - b. The Police Chief is hereby authorized by the Municipal Council to temporarily waive parking restrictions or prohibitions on any street or highway or part thereof for good cause shown, at the request of the Mayor or an owner of property on such street or highway, provided that such waiver does not impair public safety or convenience. *(Also referred to TSC)* **(PH held and closed 12/06/16)**
- That this Honorable Body work in conjunction with the Traffic Study Commission, the Police Chief, the Superintendent of Schools, the DPW Director, the Principal of Willett Elementary School, and residents of the neighborhood to address the well-documented traffic concerns in and around Willett Elementary School, including (but not limited to) the speed limit and creating a safe environment for pick-up and drop-off of students in this area. *(Also referred to TSC)*
- Email from Thomas N. Turgeon regarding the speed limit at Willett Elementary School and drivers going through stop signs without stopping.
- To amend Section 10-5.11, Prohibited for Time Limited Parking by adding the following new section (f): No person shall park a vehicle between the hours of 6:00 A.M. though 7:00 A.M. and between the hours of 2:00 P.M. through 3:00 P.M. on any day except Saturday, Sunday and Legal Holidays, during the regular Bishop Feehan School Years, on the following streets or parts thereof; That prohibited for time limited no parking signs be posted on Harvard Street inbound (Easterly) from North Avenue on the South side of Harvard to the end of the street where it meets the Gate on Bishop Feehan Property. (Mr. Thibodeau) (9/1/15) **(Public Hearing-9/15/15)**
- That the parking options for Beagle Club Road and that restrictions up to and including NO PARKING. (NB: Mr. Cooper)
- That “NO THROUGH TRUCKING” sign be posted on May Street. (NB—Mr. Thibodeau and Mr. Cooper)
- Amend Section 10-5.2 Prohibited on Certain Streets delete Section and insert under Section 105.2N Second Street, easterly side, from County Street to Cliff Street.
- Letter from the Morin family, residents of May Street, with concerns relative to May Street.

LICENSE

- 2017 NEW Hawkers and Peddlers License Application from Shane T. Matlock, 11 Westgate Road, Attleboro, MA to sell coffee beverages on Saturday and Sunday from 10:30 A.M. – 3:30 P.M.

BUDGET & APPROPRIATIONS

- Transfer \$80.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 14201000-578020 (Public Works – Previous Years Bills) to a pay previous year bill to reimburse an employee for his Hoisting License renewal.
- Appropriate \$186,217.88 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 13001000-551011 (School Appropriation - Medicaid) to fund the Municipal Sharing Agreement.
- That this Municipal Council create a City policy stating that Water and Wastewater Departments (Water and Wastewater Enterprise Accounts) will not charge the City of Attleboro school system for services provided and/or That this Municipal Council make a temporary policy change to not charge the Attleboro School Department for Water and Wastewater Usage Costs in 2017; with the possibility of doing so again in 2018 if the Water and Wastewater Enterprise Account show retained earnings. (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 in the future. (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.

CITY PROPERTY & CLAIMS

- Declare the following Department of Public Works item as surplus for trade-in value and available for disposition:

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>VIN #</u>	<u>MILES</u>	<u>CONDITION</u>
1994	Ford F550 Dump Truck	1FDLF47MXREA50928	96,000	Poor
- That the Municipal Council supports a proposal of the Attleboro Police Department to designate an area near Police Station with electronic surveillance for residents to engage in the exchange of goods from Internet transactions of any similar means. (12/15/15 NB- Mrs. Porreca)
- To review, discuss and consider reducing the dollar amount in Sections 2-12 and Sections 2-13.
- To investigate relocating the Hebronville Plaque from Dolores Cotnoir Gaudreas. (NB—Ms. Heagney)

PERSONNEL & HUMAN SERVICES

- Confirm the following reappointments to positions and for terms as indicated:

<u>Name</u>	<u>Appointment</u>	<u>Term</u>	<u>Expires</u>
Anthony Gowen	Board of Assessors	3 Years	February 2020
Tony Viveiros	Constable	1 Year	February 2018
Walter Chicoine	Constable	1 Year	February 2018
Terrance McCrosson	Constable	1 Year	February 2018
Robert Belanger	Council on Aging	4 Years	February 2021
Carol O’Connor	Council on Aging	4 Years	February 2021
Ann Spinelli	Council on Aging	4 Years	February 2021
Sean Rogers	Council on Human Rights	3 Years	February 2020
Laurie Drucker	Cultural Council	3 Years	February 2020
Abbey McGrath	Cultural Council	3 Years	February 2020
Max Volterra	Election Commission	4 Years	February 2021
Charles Oliver	Library Trustees	3 Years	February 2020
Cathleen DeSimone	Library Trustees	3 Years	February 2020
Donald Hebert	Licensing Board	6 Years	February 2023
Edward Stanton	Municipal Building Commission	3 Years	February 2020
Gerry Fricot	Municipal Building Commission	3 Years	February 2020
Scott Jones	Planning Board	5 Years	February 2022
Jackie Romaniecki	Redevelopment Authority	5 Years	February 2022
Robert Lerio	Solid Waste Advisory Committee	3 Years	February 2020
Jim Poore	Solid Waste Advisory Committee	3 Years	February 2020
Adolfo Sanchez	Traffic Study Commission	3 Years	February 2020
Ellie Kirby	Youth Commission	2 Years	February 2019
Connor Davis	Youth Commission	2 Years	February 2019
Connor Hanrahan	Youth Commission	2 Years	February 2019
Kathryn Rautenstrauch	ZBA Associate	2 Years	February 2019
- Transfer funds to cover the cost of overtime for the Animal Control Department as follows:
 -\$750.00 from Account 12921000-521010 (Animal Control – Heating) to Account 12921000-513000 (Animal Control – Overtime)
 -\$2,000.00 from Account 12921000-521010 (Animal Control – Heating) to Account 12921000-513022 (Animal Control Call Back Overtime)

-\$3,000.00 from Account 12921000-530121 (Animal Control – Animal Control Services) to Account 12921000-513100 (Animal Control – Holiday, Vacation & Sick Overtime)

-\$2,750.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 12921000-513100 (Animal Control – Holiday, Vacation & Sick Overtime).

- To the appropriate Committee for further study and recommendation: That Section 13-6 of the Revised Ordinances of the City of Attleboro relative to the Personnel Rules and Regulations for employees not covered by Collective Bargaining Agreements (Exempt Employees) be reviewed, and that revisions, updates or changes be made as appropriate. (NB- Mr. Cooper 08/16/16)
- Two (2) letters from Paul Michaud, Joanne Troiano, Donald Allard, and “Margaret” to President Cook, dated February 8th and 11th, 2016 regarding the Anti-bullying Ordinance.
- 2 communications to President Cook from Donald Allard, Paul Michaud, Joanne Troiano and Margaret, disabled residents of Gardner Terrace.
- 5 Communications received from Attleboro citizens regarding the status of a proposed ordinance concerning the bullying of elderly and disabled residents (2 dated December 4th, 1 dated December 5th, 1 dated December 7th and 1 dated December 15th).
- Communication from Attleboro citizens regarding the status of a proposed ordinance concerning bullying of elderly and disabled residents.
- That the Council continues to investigate the anti-bullying issue and further discussions with the Council on Human Rights. (New Business—Ms. Heagney) (3/3/15)
- Amend the Personnel Rules and Regulations Article XVIII Reimbursement for Education Courses.
- Amend Section 13-6 Personnel Rules and Regulations to receive compensation to advance their education shall be obligated to reimburse the City if they terminate their employment.

PUBLIC WORKS

- Transfer \$1,224.68 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 14201000-514050 (Public Works – Previous Years Salaries) to pay previous years’ salaries that are required to be paid to an employee who had been inadvertently assigned to an incorrect step.
- 2017 Petition for a Joint or Identical Pole location from VERIZON NEW ENGLAND, INC. VERIZON requests permission to install a pole, down guy and anchor with a 8 foot lead across from County Street Pole 1083, and the anchor will be located on city property on the west side of County Street. This pole will be labeled 1083-84. **(Public Hearing held and closed on Tuesday, February 21, 2017)**
- 2017 Petition for a New Pole location from MASSACHUSETTS ELECTRIC COMPANY. NGRID requests the relocation of existing service to new Pole #8384-1. That lot can be subdivided into 3 lots without a trespass from existing pole on what will then become lot 3. **(Public Hearing held and closed on Tuesday, February 7, 2017)**
- That Jones Street and Lee Street be accepted as a City street. (NB-Mr. Denlea and Ms. Jackson 02/02/16)
- That a street be named in honor of former State Representative Stephen J. Karol. (12/19/00)

PUBLIC SAFETY & EMERGENCY MANAGEMENT

- Transfer \$2,770.75 from Account 11241000-578300 (City Wide- Reserve Fund for Transfer) to Account 12101000-599100 (Police – Transfer to 911 Grants) to properly close out prior year amounts due from the Commonwealth that will not be reimbursed; and to further authorize the Accounting Department to complete the necessary entries to close prior year grants.
- In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, approve expending of approximately \$10,144.00 in 2017 Senator Charles E. Shannon Jr. Community Safety Initiative (Shannon CSI), and any future grant amendments, by the Attleboro Police Department. No matching funds are required by the City.
- Letter from Brenda Haskell, 192 Richardson Avenue, Attleboro, MA relative to hunting.
- 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, Attleboro, MA:
Anyone wishing to hunt in Attleboro should get his/her license - in Attleboro - possibly at the City Clerk's Office or Police Department. Attleboro's laws should be given with the license and the applicant should sign an acceptance of the rules of our city. If the state has taken over the handing out of hunting licenses, then the hunter should still have to visit the City Clerk's Office or the Police Department to obtain the hunting laws of Attleboro.
As the only legal place too hunt in Attleboro is on private property - with permission - any land owner that is going to allow hunting on their property, should have to notify/register with the APD.
- Letter from Ellie Sugar, 11 Manchester Street, Attleboro MA regarding the increasing installation and use of outdoor fire pits by individuals on their properties in Attleboro.

OLD BUSINESS: **NONE**

NEW BUSINESS:

To the appropriate committee for study and recommendation:

To address the public safety concerns relative to pedestrian crossing at LaSalette Shrine, that in conjunction with LaSalette Shrine and a private donor, that further examination be given to the installation of appropriate safety measures and signalization.

(Peter Blais & Council President Frank B. Cook)

(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 Ken Owens from the Office of the Municipal Council.