

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

JOINT PUBLIC HEARING relative to amending Section §17-10.15 REGISTERED MARIJUANA DISPENSARY USES, subsection (B) (2) (d) and subsection (D) (1) (a)–(D) (1) (f).

APPROVAL OF THE RECORDS –FEBRUARY 15, FEBRUARY 20, MARCH 1, 2018, MARCH 2, 2018, MARCH 6, 2018 AND JUNE 6, 2017 AND JUNE 27, 2017 June 6, 2017

MAYOR’S COMMUNICATION AND OTHER COMMUNICATIONS

PUBLIC SAFETY & EMERGENCY MANAGEMENT

- Transfer \$9,625.00 from (City Wide – Reserve Fund) to (Police – Buildings – Elevator)
- 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 \$403.00 (Water Enterprise Fund – Retained) to (Water Enterprise –Main Construction) S. Main Street.
- Transfer \$15,000.00 from (Water Enterprise– Reserve Fund for Transfer) to (Water Enterprise– Carbon)
- 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 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)
- 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)

CAPITAL IMPROVEMENTS & CITY DEVELOPMENT

TRANSPORTATION & TRAFFIC

- Communication dated February 26, 2018 from resident Diane Federico regarding the speed limit on County Street.
- 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)
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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

- Communication from resident Steve Hosmer regarding the cost of building a new high school in Fall River.
- Appropriate \$1,214,257.00, and any future grant amendments, into Fund 3108 (Chapter 90 Projects) (MassDOT).
- Transfer \$5,367.80 from (Veterans – Veterans Aid) to (Veterans - Replacement of Flags).
- 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 from Zoning Enforcement Officer regarding Looney Tuned Auto Sales.
- Communication dated February 21, 2018 VFW Post 115, for permission to hold a Poppy Drive on May 19 (with a rain date on May 26, 2018)
- 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 6 Office Chair/Black Faux Upholstery - Police
- Declare surplus 2005 GMC Envoy, 100,239 miles - 2008 Honda Accord, 130,345 miles - Police
- Declare surplus 1997 Ford F350 - 69,903 Recreation

PERSONNEL & HUMAN SERVICES.

- Transfer \$16,796.16 from (City Wide – Reserve Fund for Transfer) to (Library – Earned Time).
- Transfer \$1,751.88 from Account (City Wide – Reserve Fund for Transfer) to Account (Council on Aging – Salary)
- Confirm reappointments and terms for 27 positions (SEE MAYOR’S COMMUNICATION #12, 13, 15, 16 & 17 3/20/18)
- Appointment of Ian Daley, 59 Linden Street, Taunton, MA as Constable. Term to expire February 2019.

ORDINANCES, ELECTIONS AND LEGISLATIVE MATTERS

- Approval to petition the General Court to enact special legislation relative to polling places in the City of Attleboro.
- 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)
- 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 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. (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 – NONE

NEW BUSINESS:

- **To refer the following matter to the appropriate committee for study and recommendation:**
That in accord with the City of Attleboro Massachusetts City Charter Article 3 Section 3-1 which reads “The Mayor shall receive for his services such salary as the municipal council shall by ordinance determine ... within the first eighteen months of the term of office and is to be effective at the start of the next term of office.” that effective January 1, 2020, the salary of the City of Attleboro Mayor be set at \$100,000.00 per year and, in addition, that the position of Mayor shall be removed from the City of Attleboro Classification Plan as defined in the Revised Ordinances of the City of Attleboro Chapter 13, Personnel, Section 5.1 Mayor (amended 1/5/11) which is to be deleted. In accord with City Charter Article 2 Section 7B this measure will call for a public hearing and that a majority of the Municipal Council shall be required to adopt said Ordinance revision. (New Business – Mr. Conti)
- **To refer the following matter to the appropriate committee for study and recommendation:**
To erect signs on County Street that indicate a right turn at Commerce Way (coming from Attleboro Center) will bring you to the Sports Complex. (New Business – Ms. Reynolds)
- **To refer the following matter to the appropriate committee for study and recommendation:**
To erect signs on County Street that indicate a right turn at Commerce Way (coming from Attleboro Center) will bring you to the on ramps for 95 North and South (Rt. 123) or signage indicating staying straight on County will bring you to Rt. 95 on ramps by way of Newport Avenue in Pawtucket, RI. (New Business – Ms. Reynolds)
- **To refer the following matter to the appropriate committee for study and recommendation:**
To change the ordinance as it relates to appointing authority:
Section 13-7 Civil Service Appointments (Amended 6/16/92) Strike in its entirety:
13-7.1 Appointing Authority
Notwithstanding any other ordinance, the Mayor shall be the Civil Service Appointing Authority for all departments, boards and commissions of the city with the exception of positions under the control of the School Department.
Replace with;
13-7.1 Appointing Authority
Notwithstanding any other ordinance, the Mayor shall be the Civil Service Appointing Authority for all departments, boards and commissions of the city with the exception of positions under the control of the School Department, the Police Department and the Fire Department. Notwithstanding any other ordinance, the Police Chief shall be the Civil Service Appointing Authority for the Police Department. Notwithstanding any other ordinance, the Fire Chief shall be the Civil Service Appointing Authority for the Fire Department.

(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.