



ATTLEBORO MUNICIPAL COUNCIL

REGULAR MEETING

TUESDAY: APRIL 04, 2017 at 7:00 P.M.

AGENDA

APPROVAL OF THE RECORDS OF DECEMBER 20, 2016; AND FEBRUARY 21, 2017; AND MARCH 07, 2017; AND MARCH 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 15, 2015.

PUBLIC HEARING to amend Section 16-20 of the Revised Ordinances of the City of Attleboro (Restricted Use of Orr's Pond and Manchester Reservoir).

PUBLIC HEARING relative to the following:

That Section 10-4.11 Isolated Stop Signs (Amended 7/23/2015) of the Revised Ordinances of the City of Attleboro be amended by adding the following in alphabetical order:

Northbound drivers on Thatcher Street at Snell Street

PUBLIC HEARING relative to the following:

That Section 10-4.11 Isolated Stop Signs (Amended 7/23/2015) of the Revised Ordinances of the City of Attleboro be amended by adding the following in alphabetical order:

Westbound drivers on Edgewood Avenue at Magnolia Street

PUBLIC HEARING relative to the Administration's proposed Program Year 2017 Community Development Block Grant Entitlement Budget for the CDBG entitlement year July 1, 2017 through June 30, 2018, the proposed Program Year 2017 Annual Action Plan, and to request that the Mayor, on behalf of the City of Attleboro, be authorized to submit to the Department of Housing and Urban Development the proposed CDBG budget and proposed activities to be undertaken during the upcoming CDBG entitlement year.

PUBLIC HEARING relative to the 2017 Petition for Pole locations from **MASSACHUSETTS ELECTRIC COMPANY. NGRID** requests permission to remove Solely Owned tree guy and install a 35' Solely Owned support pole 8' from road on town property. Located across from Emory Street Pole 5520 SW 49' LS install 35-3 pole 5520-84.

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)
- 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 scheduled for April 4, 2017)**
- 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

- The transfer of funds from account 2513-500995 (Conservation Fund- Restricted) to the following accounts for the Conservation Commission to undertake seven initiatives:
 - \$15,000.00 to Account 2513-584016 Conservation Fund-Public Improvements
 - \$10,000.00 to Account 2513-550016 Conservation Fund-Kiosk-Information/Education
 - \$15,000.00 to Account 2513-524212 Conservation Fund-Maintenance of Trail/Vegetation Control
 - \$15,000.00 to Account 2513-589060 Conservation Fund-Construction
 - \$15,000.00 to Account 2513-530151 Conservation Fund-Pond Management
 - \$ 5,500.00 to Account 2513-530147 Conservation Fund- Space and Recreation Consulting
 - \$ 5,000.00 to Account 2513-530117 Conservation Fund- Mapping Service
- Transfer \$5,159.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11751000-530147 (Planning Department- Space and Recreation Consultant) to enter into a contract with SRPEDD in the amount of \$10,659.00 for technical assistance to help the Steering Committee and staff prepare the City's new OPEN SPACE AND RECREATION PLAN for the period of fiscal years 2018-2024. The Conservation Commission voted to approve \$5,500.00 towards this effort.
- Certificate of Vote from Lauren Stamatis, Planning Board Clerk, certifying that at the Planning Board meeting held on Monday, March 6, 2017, the Planning Board unanimously voted in the affirmative (6 Yeas, 0 Nays, 2 Absent) to recommend to the Municipal Council the adoption of proposed amendments relative to raising and keeping poultry for commercial use.
- 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 . **(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)**

CAPITAL IMPROVEMENTS & CITY DEVELOPMENT

- The Administration's proposed Program Year 2017 Community Development Block Grant Entitlement Budget for the CDBG entitlement year July 1, 2017 through June 30, 2018, the proposed Program Year 2017 Annual Action Plan, and to request that the Mayor, on behalf of the City of Attleboro, be authorized to submit to the Department of Housing and Urban Development the proposed CDBG budget and proposed activities to be undertaken during the upcoming CDBG entitlement year.
(PH Scheduled for April 04, 2017)

TRANSPORTATION & TRAFFIC

- For study and recommendation: That Section 10-4.11 Isolated Stop Signs (Amended 7/23/2015) of the Revised Ordinances of the City of Attleboro be amended by adding the following in alphabetical order: Northbound drivers on Thatcher Street at Snell Street. (03/21/17: NB Mrs. Porreca) **(PH Scheduled for April 04, 2017)**
- For study and recommendation: That Section 10-4.11 Isolated Stop Signs (Amended 7/23/2015) of the Revised Ordinances of the City of Attleboro be amended by adding the following in alphabetical order: Westbound drivers on Edgewood Avenue at Magnolia Street. (03/21/17: NB Mrs. Porreca) **(PH Scheduled for April 04, 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)**
(The layout, relocation, and alteration of Angeline Street referred to Department of Public Works and the Planning Board for Study and Recommendation on 3/21/17)
- 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. through 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

- Letter from Phillip Audette from the VFW Gilbert-Perry Post No. 115, 122 Park Street, Attleboro, MA requesting a permit to conduct the annual Poppy Drive on Saturday, May 20, 2017 during the hours of 7:00 a.m. to 4:00 p.m. with a rain date of Saturday, May 27, 2017.

BUDGET & APPROPRIATIONS

- For study and recommendation: 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)
- In accordance to Section 5-8 (Lease/Lease-Purchase Agreement) of the Revised Ordinances of the City of Attleboro, approve a 36-month lease agreement between MailFinance and the City of Attleboro for one (1) postage machine, one (1) folding machine and one (1) envelope opener.
- 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

- In accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, accept the donation of gift certificates to Stop and Shop from the POW-MIA/Post 9/11 Committee of Attleboro totaling \$500.00 in value, a donation of a used Brother Intellifax 4100e printer/fax/copier combination from Carl Bradshaw of Northbridge valued at \$170.00 as donations to the City of Attleboro.
- In accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, accept these generous donations to the City of Attleboro:

-Two (2) cases of paper from an anonymous donor to Hill-Roberts Elementary School

-A donation of books with an estimated value of \$317.50 from Professional Books to Thacher Elementary School

- Declare the following Police Department items as surplus and available for disposition:

<u>DESCRIPTION</u>	<u>SERIAL #</u>	<u>CONDITION</u>
Kodak Fax Machine	HO61843	Poor
Canon Selphy CP800 Compact Photo Printer	2301024345	Poor
GPS System	A2649	Poor
Sony Video Camera HVR-HD 1000U	115714	Poor
Toshiba DVD/VHS Player	D16J3314KU0602	Poor
Numark Audio Equalizer	D0206220	Poor
Sanyo DVD Player	N3Z47992	Poor
Polaroid 2700 Flat Screen TV	D0600181900003242	Poor
Sur Tec XOA Portable Video System (6)	11000352	Poor
Motorola Cruiser Radio	623AXJ0080	Poor
Sanyo Digital Recorder Box (2)	78830018	Poor
Sony Floppy Disc Camera	87896	Poor
Polaroid Camera	No Serial #	Poor
Northern Bubble Camera	IFC07318	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 appointment of Aurelio “Sonny” Almeida of 18 Mason Street, Attleboro to fill an expired term as a Park Commissioner. Term to expire February 2022.
- 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

- 2017 Petition for Pole locations from MASSACHUSETTS ELECTRIC COMPANY. NGRID requests permission to remove Solely Owned tree guy and install a 35’ Solely Owned support pole 8’ from road on town property. Located across from Emory Street Pole 5520 SW 49’ LS install 35-3 pole 5520-84. **(PH Scheduled for April 04, 2017)**
- Amend Chapter 16-21.3 Remedies Non-Exclusive Attachment A, City of Attleboro Local Limits of the Revised Ordinances of the City of Attleboro from Parameters/Pollutant Temperature (F/C) Local Limit 100/40 to 125/51.6.
- 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

- 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. (03/21/17 NB: Mr. Blais, President Cook, Mr. DiLisio, Ms. Hall & Ms. Jackson)
- 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 to 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

- Rescind the following vote from the meeting of March 7, 2017:
#11. Voted on Roll Call (11 Yeas, 0 Nays) to approve the Mayor's request to appropriate \$30,000.00 from Account 6100-359000 (Water Enterprise Fund - Retained Earnings) to Account 6100-584077 (Water Enterprise Fund -Sludge Collector Equipment) to purchase a new drive assembly for the pretreatment sludge collectors at the water treatment plant. The installation will be done by plant personnel.

NEW BUSINESS

NONE

(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.