

ATTLEBORO MUNICIPAL COUNCIL

REGULAR MEETING TUESDAY May 15, 2018 7:00 P.M. AGENDA

APPROVAL OF THE RECORDS –MARCH 20, 2018, APRIL 3, 2018, APRIL 17, 2018, MAY 1, MAY 8, 2018. EXECUTIVE SESSIONS – MAY 8, 2018, APRIL 10, 2018, JUNE 6, 2017 AND JUNE 6, 2017

PUBLIC HEARING relative to the Petition from National Grid and Verizon New England to install 2 jointly owned utility poles with anchors on Handy Street so that electrical facilities can be extended to supply new service request at house at 164 Handy Street.

PUBLIC HEARING relative to the following loan order: ORDERED: that Five Hundred Thousand Dollars (\$500,000.00) is appropriated for the permitting, bidding, construction oversight and construction costs associated with the rehabilitation of the Dodgeville Pond Dam located in Attleboro, MA

MAYOR'S COMMUNICATIONS AND OTHER COMMUNICATIONS

PUBLIC SAFETY & EMERGENCY MANAGEMENT

- Transfer \$7,000.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to two accounts
- Legal Opinion from Lauren Galvin, dated April 18, 2018 relative to hunting on Conservation land. (5/1/18)
- To change the ordinance as it relates to appointing authority - Section 13-7 Civil Service Appointments (SEE DOCKET 3/20/18 NEW BUSINESS MR. DILISIO)
- 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

- Petition from National Grid and Verizon New England to install 2 jointly owned utility poles with anchors at 164 Handy Street. (PUBLIC HEARING ON TUESDAY, MAY 15, 2018)
- Petition from National Grid/Verizon to erect a pole on the northerly side of 4969 Maple Street. (4/3/18) Public hearing 5/1/18
- Petition from National Grid/Verizon to erect a pole on the easterly side of 3445 Hickory Road. (4/3/18) Public hearing 5/1/18
- 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 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 BCWC, LLC, 34 Extension Street, Attleboro, MA relative to amending the Zoning Ordinance pertaining to cultivating and product manufacturing in the Industrial Zoning Districts and an Outreach meeting. (5/1/18)
- Application from Briarleaf, LLC, 54 Taylor Road, Foxboro, MA for a Special Permit pursuant to Section §17-9.0 SPECIAL PERMITS AND §17-10.15 REGISTERED MARIJUANA DISPENSARY USES 527 Pleasant Street, (PUBLIC HEARING ON JUNE 5, 2018)
- Communication from Attorney Edward J. Casey requesting that the Council vote to issue a letter of non-opposition to Briarleaf, LLC, 54 Taylor Road, Foxboro for a Registered Medical Marijuana Dispensary Center and a Medical Marijuana Cultivation Center located at 527 Pleasant Street, Attleboro, MA (5/1/18)
- Communication from Attorney J. Jacobi, III requesting a Letter of Non-Opposition for Leonard J. Irving Center for 0 Frank Mossberg Drive for a Registered Marijuana Dispensary. (4/3/2018)
- 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)
- 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

- Loan Order (\$500,000.00) rehabilitation of the Dodgeville Pond Dam (Public Hearing May 15, 2018)

TRANSPORTATION & TRAFFIC

- Communication from Phyllis Carter of West Street addressing speed limit enforcement and alternatives (4/3/2018)
- Install a Stop sign on Steeple Chase Circle at Bishop Street (New Business – Ms. Porreca) referred to the Traffic Study Commission (4/3/18)
- Reduce the speed from 40 MPH to 30 MPH on County Street in the area of 721 County. Additionally, research whether truck traffic can be limited on County Street. (New Business – Ms. Porreca)) referred to the Traffic Study Commission (4/3/18)
- 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) (3/20/18)
- 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) (3/20/18)
- 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)
- 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

- The Mayor respectfully submits to Your Honorable Body the City of Attleboro’s General Government Annual Budget for Fiscal Year 2019. (1/5/8/18) (PUBLIC HEARING MAY 29, 2018)
- Revolving Funds outlined under Chapter 20 of the Revised Ordinances of the City of Attleboro for Fiscal Year 2019:
- Solid waste fee of \$23.91 per unit to be credited to Fund #2604 Residential Special Waste Disposal for Fiscal Year 2019.
- Appropriate \$5,669.00 from Fund 2500 (Receipts Reserved for Appropriation-Title V Reserve Fund) to the General Fund to provide program funding for FY2019. (4/5/8/18)
- Water and Wastewater Enterprise Budgets for Fiscal Year 2019. PUBLIC HEARINGS MAY 29, 2018)
- Appropriate \$245,000.00 from (Water Enterprise Fund - Retained Earnings) to fund the FY2019 Water Enterprise Budget.
- Appropriate \$109,504.27 from (Wastewater Enterprise Fund - Retained Earnings) to fund the Wastewater Betterment’s Share of debt in the FY2019 Budget. (9/5/8/18)
- Transfer \$774,259.34 from Fund 6100 (Water Enterprise Fund) to the General Government Fund to fund the indirect cost for FY2019.
- Transfer \$603,687.92 from Fund 6000 (Wastewater Enterprise Fund) to the General Government Fund to provide funding for the indirect cost for FY2019 budget.
- Appropriate \$748,850.28 from Fund 8455 (Stabilization Fund) to the FY2019 General Government Budget.(11/5/8/18)
- Appropriate \$43,275.30 from (Undesignated Fund Balance/Free Cash-General Government) to (Collector-Interest). (7/5/1/18)
- Communication from resident Steve Hosmer regarding the cost of building a new high school in Fall River.
- 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)
- 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)

LICENSE

- Communication from Attorney Edward Casey to Laura Dolan, Chairperson of the License Committee relative to Stateline Auto Brokers, Inc. 1115 Washington Street, Attleboro, MA. (5/1/18)
- Communication from Zoning Enforcement Officer regarding Looney Tuned Auto Sales.
- 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

- Transfer \$31,864.30 from (City Wide – Reserve Fund for Transfer) to (City Wide – Street Lights). Upon approval, the available balance in Reserve Fund for Transfer will be \$99,193.79. (2/5/18)
- Donation of a MakerBot Replicator 5th Generation 3-D Printer valued at \$1,350.00 from Michael VanHamel

PERSONNEL & HUMAN SERVICES

- Recreation Program Director from a Grade to a Grade 5 on the Exempt Classification Plan.
- Thomas Hayes, 27 Sagamore Road, Attleboro, Ma to fill a three year term of Superintendent of Wastewater. Term to expire February 2021
- To elect Virginia Stuart, 101 South Avenue, Attleboro, as Administrative Assistant to the Municipal Council for a term of two years. Term to end February 2020. (New Business—Mr. Cooper and Ms. Porreca) (5/1/18)
- Communication from City Auditor Deborah Gould regarding Disclosure by Non-Elected Municipal Employee form (4-3-18)
- 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) (3/20/18)

ORDINANCES, ELECTIONS AND LEGISLATIVE MATTERS

- Communication from Marian Wrightington relative to the demolition of the carriage house at 17 Peck Street, Attleboro, MA
- 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:

NEW BUSINESS:

- To refer the following matter to the appropriate committee for study and recommendation: Resolution of the Attleboro Municipal Council to support the Town of Rehoboth's by-laws Restricting adverse effects of natural gas compressor stations (New Business—Ms. Holmes and Ms. Dolan)
- To refer the following matter to the appropriate committee for study and recommendation: 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. (New Business – Ms. Porreca and Mr. Kobus)

(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.