

ATTLEBORO MUNICIPAL COUNCIL

REGULAR MEETING  
TUESDAY JUNE 19, 2018  
7:00 P.M.  
AGENDA

RECEIVED  
CITY OF ATTLEBORO  
CITY CLERK

2018 JUN 15 PM 3: 55

**APPROVAL OF THE RECORDS:** April 17, 2018, May 1, May 2 (including May 1, 2018), May 8, May 15, May 29 and June 5, 2018. Executive Sessions June 6, 2017, June 27, 2017 and April 10, 2018 and May 8, 2018.

**PUBLIC HEARING** relative to application of Cannatech Medicinals, INC, 1100 Innovation Way, Fall River, MA for a Special Permit pursuant to Section §17-9.0 SPECIAL PERMITS AND §17-10.15 REGISTERED MARIJUANA DISPENSARY USES, to operate a Registered Medical Marijuana Dispensary Center and a Medical Marijuana Cultivation Center, the subject premises being located at 220 O'Neil Blvd. more specifically Assessor's plat 46, Lot #56A & 58A, located in an Industrial Zoning District.

**PUBLIC HEARING** to authorize the Mayor to purchase, on behalf of the City, from the Chapter 7 Trustee of the Estate of the Highland Country Club of Attleboro, Mass., for the United States Bankruptcy Court For the District of Massachusetts, Eastern Division, for a purchase price \$3,021,000.66, certain land adjacent to the Frank R. Sweet Memorial Forest, on terms and conditions satisfactory to the Mayor; said land, together with the buildings thereon, being the land known as the Highland Country Club,

**PUBLIC HEARING** relative to a loan order for the purchase of land known as Highland Country Club located at 104 Mechanic Street, Attleboro for \$3,100,000.00 under Section 7(1) of Chapter 44 of Mass General laws.

**MAYOR'S COMMUNICATIONS AND OTHER COMMUNICATIONS**

**PUBLIC SAFETY & EMERGENCY MANAGEMENT**

- Transfer \$5,000 to Police Building Maintenance for repair to garage damaged by wind storm in March 2018. (5/22/18)
- Appropriate \$30,000.00 from (Fire – Salary) to (General Fund Continuing Appropriation Fire Sprinkler/Fire Alarm System). (4/6/5/18)
- 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**

- Transfer \$5,000.00 from (Public Works – Salary) to Account 14201000-521020 (Public Works – Lights and Power).(1/6/5/18)
- Transfer \$5,000.00 from (Public Works – Salary) to Account 14201000-521010 (Public Works – Heating). (2/6/5/18)
- Appropriate \$4,640.90 from (Wastewater Enterprise Fund - Retained Earnings) to (Wastewater Enterprise Fund – Water Meter Supplies). (10/6/5/18)
- Transfer \$5,126.00 form Account 16301000-511000 (Recreation – Salary & Wages) two accounts (6/5/18)
- Transfer \$21,043.00 from (Water Enterprise Fund – Treatment Chemicals) (Water Enterprise Fund – Boiler Replacement Repair). (16/6/5/18)
- Transfer \$16,000.00 Wastewater enterprise – chemicals to wastewater enterprise – earned time for an anticipated retirement before FY2019 (10/5/22/18)
- Transfer \$9,515.24 from Water Enterprise – Treatment chemicals to Water Enterprise – Boiler repair (5/22/18)
- 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 dated May 25, 2018 from Attorney John Jacobi requesting a Letter of Non-Opposition for the growing, cultivation, harvesting and processing of cannabis for medical marijuana at 76 Frank Mossberg Drive, Assessor's Map 145, Lot 1. (6/5/18)

- Notice of a Community Outreach Meeting by Ashli's Extracts, Inc., Ashli's Farm, Ashli's Inc. for the proposed Marijuana establishment for the processing and manufacturing of cannabis products at 76 Frank Mossberg Drive on June 12, 2018 at 6 P.M. at the Attleboro Elks Lodge, 887 South Main Street, Attleboro, Ma (6/5/18)
- Communication from Attorney Edward J. Casey requesting a letter of Non-opposition for Marijuana Cultivation, Marijuana Product Manufacturing and Marijuana Retailer at 527 Pleasant Street for Briarleaf. (6/5/18)
- Rezoning Petition from Laurel Knoll Land Trust, 503 Oak Hill Avenue, Attleboro, MA to rezone property located at 0 MacDonald Lane, Attleboro MA, said premises being Assessor's Plat #101; Assessor's Lot #9, to be rezoned from Single Residence-D to General Residence-C, said premises being 8.699 acres. (REFER TO THE PLANNING BOARD FOR STUDY AND RECOMMENDATION AND TO CALL FOR A JOINT PUBLIC HEARING JULY 17, 2018) (6/5/18)
- Communication June 4, 2018 from Attorney John Jacobi submitting a draft ordinance for Marijuana Businesses. (6/5/18)
- 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, (PH 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**

- Transfer \$45,000.00 from Account 12201000-511000 (Fire – Salary) to Account 12201000-587034 (Fire – SUV). (3/6/5/18)
- Donation of 30 light fixtures, with an estimated value of \$4,500.00 from Electrical Wholesalers
- Transfer \$4,200.00 from (Recreation – Salary & Wages) to (Recreation – Maintenance of Buildings)
- Loan Order (\$500,000.00) rehabilitation of the Dodgeville Pond Dam (Public Hearing May 15, 2018)

#### **TRANSPORTATION & TRAFFIC**

- Traffic concerns in and around Willett Elementary School, including (but not limited to) the speed limit, pick-up and drop-off of students in this area. (New Business – Ms. Porreca and Mr. Kobus)
- Communication from Phyllis Carter of West Street addressing speed limit enforcement and alternatives (4/3/2018)
- 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)
- Communication dated February 26, 2018 from resident Diane Federico regarding the speed limit on County Street.
- 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 the parking options for Beagle Club Road and that restrictions up to and including NO PARKING. (NB: Mr. Cooper)

#### **BUDGET & APPROPRIATIONS**

- Appropriate \$50,259.98 from (General Fund - Reserve for Encumbrances) to a Special Education Teachers/Sub/Professional Salary
- Creation of Sidewalk Stabilization
- \$3,100,000.00 Loan order for the purchase of Highland Country Club located at 104 Mechanic Street (PH 6/19/18)

- Investigate acquiring 91.5(+/-) located at 104 Mechanic Street known as Highland Country Club (PH 6/19/18)
- Motion: Moved that in accordance with MGL Chapter 40, Section 5B the City shall establish the Sidewalk Stabilization Fund. (2/3 Vote Required)
- Transfer of Funds Previously Received for Sidewalks from Sidewalk Donation Fund 2033 to Sidewalk Stabilization Fund Sidewalk Revenue Dedication before July 1 of the fiscal year in which the dedication is to begin. (Copies in your packets) (2/5/29/18)
- Communication dated May 15, 2018 from Matt & Barrie Mooney, 22 Green Drive, Attleboro, MA in opposition to the sale of Highland Country Club. (6/5/18)
- Communication dated May 21, 2018 from Mary Whelan, 24 Hatch Road, Attleboro Ma relative to the sale of Highland Country Club. (6/5/18)
- Communication dated May 18, 2018 from Roy Belcher, President Attleboro Land Trust supporting the City's purchase of the Highland Country Club. (6/5/18)
- Communication dated May 23, 2018 from Dominca and Joe Ribero and Dorothy Terrasi, 87 Fairway Drive, Attleboro, MA in opposition to the sale of Highland Country Club to a developer. (6/5/18)
- Communication dated May 14, 2018 from Patricia and David Arcense, 31 Green Drive, Attleboro, MA in opposition to the sale of Highland Country Club to a developer and requesting the City Council vet all options to prevent a sale. (6/5/18)
- 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

- License application from Friends of Capron Park for one-day liquor license October 6, 2018 (PH 7/17/18)
- Communication dated May 14, 2018 from Roland Lemoi, 29 Longfellow Street, Pawtucket, RI relative to complains pertaining to Greco Auto Salvage, 83-85 Dickens Street. (6/5/18)
- Communication from Noelle D'Intino, Friends of Capron Park requesting a one day liquor license at the Capron Park Zoo on Saturday, October 6, 2018. (CALL FOR A PUBLIC HEARING ON TUESDAY, 17, 2018) (6/5/18)
- 2018 Class II Auto License application, dated May 22, 2018, from Omar Halabi of 4 Newton Street in Fairhaven, MA D/B/A Better Auto at 473 Washington Street to sell second hand motor vehicles for 4 Display spaces and 10 Customer Parking spaces (6/5/18) (Call for a Public Hearing on July 17, 2018)
- 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

- Donation of \$15.00 in a Stop & Shop gift certificate from the Ed Stanton to Veterans Department.
- Appropriate \$7,400.00 from (Undesignated Fund Balance/Free Cash-General Government) to (Police – Maintenance of Building).
- Donation of furniture with an estimated value of \$4,100.00 from Cardi's Furniture to Hill-Roberts to be used in the Teachers' Room.
- Public Works Department equipment declare as surplus
- Police Department firearms declare as surplus
- \$5,000 expenditure for Phase II of Tilda B. Stone Soccer field renovation project. (5/22/18)
- Donation of \$500 Stop & Shop gift certificate from Disabled American Vets chapter 91 (3/5/22/18)
- Crown Victoria vehicles for disposition from police department (5/1/18)

#### PERSONNEL & HUMAN SERVICES

- Communication dated May 17, 2018 from Council President Mark Cooper to City Clerk Stephen Withers relative to the letter of resignation from Councilor Julie Hall effective midnight September 3, 2018. (6/5/18)

- Communication from Personnel Director Owen Bebeau with additional information that was requested regarding the Exempt employees receiving the same increases as other groups.
- Appointment of Sean Quigley, 93 Parker Street, to fill an unexpired term on the Cultural Council. Term to expire February 2019. (8/6/5/18)
- Reappointments to the Conservation Commission Bruce Hagerman and Rose Miconi
- Transfer \$10.00 from (Park & Forestry – Heating) to (Park & Forestry – Membership). (12/6/5/18)
- Transfer \$11,409.00 from (City Wide – Reserve Fund Labor Negotiations) to two library accounts
- Reappointments to Municipal Building Commission (3) 5/22/18
- Michael Tyler Municipal Building commission
- Edward Porreca Municipal Building commission
- City Solicitor funds \$35,000 FY 2018 transfer.
- 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**

- Waive permitting process fees associated with small off-street parking off Beagle Club Road
- 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)
- 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: Repeal Moratorium on Recreational Marijuana. Move to delete Section 1 – 16 Moratoriums (adopted 1/116/18) in its entirety. (New Business – Mr. Kobus).

- To refer the following matter to the appropriate committee for study and recommendation: Accept MGL Regulating 3% Marijuana Sales Tax. Move to accept M.G.L. Chapter 64N, Sec. 3 as amended by Chapter 55 of the Acts of 2017. (New Business – 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.