

## ATTLEBORO MUNICIPAL COUNCIL

### REGULAR MEETING TUESDAY JULY 17 AND 19, 2018 7:00 P.M. AGENDA

**APPROVAL OF THE RECORDS:** April 17, 2018, May 1, May 2 (including May 1, 2018), May 8, May 15, May 29, June 5, and June 26, 2018. Executive Sessions June 6, 2017, June 27, 2017 and April 10, 2018 and May 8, 2018.

**CONTINUED FROM THE MEETING OF JUNE 5, 2018 PUBLIC HEARING** relative to application of **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, to operate a Registered Medical Marijuana Dispensary Center and a Medical Marijuana Cultivation Center, the subject premises being located at 527 Pleasant Street, more specifically Assessor's plat 225, Lot #5, located in an Industrial Zoning District.

**JOINT PUBLIC HEARING** relative to the City adopting an ordinance governing the operation of non-medical Marijuana Establishments as defined under MGL Chapter 94G, Section 1. by amending certain sections and subsections of Chapter 17 – Zoning of the Revised Ordinances of the City of Attleboro as follows: §17-3.4 Table of Use Regulations, §17-8.6 FEE SCHEDULE, §17-10.15 REGISTERED MARIJUANA DISPENSARY USES, §17-11.2 DEFINITIONS (new definitions) and any other sections relative to the proposed use.

**JOINT PUBLIC HEARING** relative to the 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.

**PUBLIC HEARING** relative to a one-day liquor license request from the Friends of Capron Park at the Capron Park Zoo on Saturday, October 6, 2018.

**PUBLIC HEARING** relative to the 2018 Class II Auto License application from Omar Halabi of 4 Newton Street Parking Spaces and 10 Customer Parking Spaces. in Fairhaven, MA D/B/A Better Auto at 473 Washington Street for 4 Display

**PUBLIC HEARING** relative to the Class II amended license application from New England Automax, Inc., 800 Washington Street Attleboro, MA for 10 Customer Parking Spaces and 100 Display Spaces.

### **MAYOR'S COMMUNICATIONS AND OTHER COMMUNICATIONS**

#### **PUBLIC SAFETY & EMERGENCY MANAGEMENT**

- 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**

- Communication dated June 11, 2018 from Acting Water Superintendent Kourtney Wunschel with the Water Department's annual Cross Connection Control Plan. (6/19/18)
- 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**

- To Repeal Moratorium on Recreational Marijuana. Move to delete Section 1 – 16 Moratoriums (adopted 1/11/6/18) in its entirety. (New Business – Mr. Kobus)(6/19/18)
- Communication from Wastewater Superintendent with comments submitted for Briarleaf, LLC for an RMD. (6/19/18)

- Communication dated June 12, 2018 from Director of Planning, with comments submitted for Briarleaf. (6/19/18)
- 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)
- 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**

### **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**

- Communication Tamposi Brothers Holdings, LLC suggesting a partnership with the City for the HCC Purchase. (6/19/18)
- 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**

### **PERSONNEL & HUMAN SERVICES**

- Request for the appointment of Kourtney Wunschel to fill a three-year term of Superintendent of Water Charter. (7/6/19/18)
- 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 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)
- 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 Leafletting 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 Article3 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 the City of Attleboro submit a Home Rule petition in the Massachusetts House of Representatives under Amendment Article 89 and Massachusetts General Law Ch. 43B of 1966 for the adoption of the following Ordinance on a Senior Tax Program if approved by a 2/3 vote of the Municipal Council following a public hearing. The approved Ordinance will then be submitted by the House, on motion from our State Legislator, for a Bill authorizing the City to amend Ch. 169 of the Acts of 2012 (House, No. 3815). (Copies in your packets) (New Business – Mr. Conti 7/17/18)

(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.