

ATTLEBORO MUNICIPAL COUNCIL

**REGULAR MEETING
TUESDAY AUGUST 14 AND 16, 2018
7:00 P.M.
AGENDA**

APPROVAL OF THE RECORDS: April 3, 2018, April 17, 2018, May 2 (including May 1, 2018), May 8, May 22, May 29, 2018, June 5 2018, June 26, 2018, July 17, 2018, July 19, 2018 and July 26, 2018. Executive Sessions June 6, 2017, June 27, 2017, April 10, 2018 and May 8, 2018.

AUGUST 14, 2018 PUBLIC HEARINGS:

CONTINUED FROM THE MEETING OF JUNE 5, 2018 PUBLIC HEARING relative to the 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.

CONTINUED FROM THE MEETING OF JULY 17, 2018 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 amending Chapter 3 of the Revised Ordinances of the City of Attleboro, Ch. 3, Building, S. 3-9 "Work Started Prior to Obtaining Permit".

PUBLIC HEARING relative to a Class II amended license application for Stateline Auto Brokers, Inc., of 1115 Washington Street, Attleboro to add an additional lot at 31 Chartier Street Attleboro, with 41 display spaces, 103 storage spaces and 8 employee parking spaces.

AUGUST 16, 2018 PUBLIC HEARINGS:

PUBLIC HEARING relative to the petition from NATIONAL GRID requesting permission to install new stub pole and anchor to increase the size of cable at West Street and South Avenue 222 feet southwest of the centerline on West Street and continuing in a Westerly direction.

PUBLIC HEARING relative to the petition from NATIONAL GRID requesting permission to install 1-3" PVC conduit to hand hole located on private property 130 feet East of the centerline at the intersection of County Street and Wall Street.

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

- A petition from National Grid for a new stub pole and anchor at the intersection of West St. and South Ave. (**Public Hearing August 16, 2018**) (7/17/18)
- A petition from National Grid to install PVC conduit to hand hole on private property at County Street and Wall Street for a new electrical service. (**Public Hearing August 16, 2018**) (7/17/18)

- A petition from National Grid to relocate Pole #8250 -50 feet south on Slater St. for the purpose of system upgrade. (No public hearing required to move pole) (7/17/18)
- 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

- A communication dated July 12, 2018 from Attorney Mary Feeney filing a letter of opposition to the application of Briarleaf, LLC for a Registered Marijuana Dispensary at 527 Pleasant Street. (7/17/18)
- A communication dated July 11, 2018 from Attorney Edward Casey requesting a continuance for the public hearing for Briarleaf, LLC for a Registered Marijuana Dispensary at 527 Pleasant St., Attleboro. (7/17/18)
- A communication dated July 10, 2018 from Health Agent Alan Perry with comments regarding the application for Cannatech, LLC at 220 O'Neal Boulevard for a Registered Marijuana Dispensary. (7/17/18)
- A communication July 3, 2018 from Wastewater Superintendent Hayes with comments for the application of Cannatech Medicinals, Inc. to operate an RMD and Cultivation Center at 220 O'Neal Blvd. (7/17/18)
- 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)
- 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

- Request for a new ordinance as it pertains to Smoking restrictions in cars with children in car seats (Public Hearing scheduled for September 18, 2018) (7/17/18)
- Request for amendments to ordinances 10 – 5 and 10- 14 as it pertains to Beagle Club Road (Public Hearing scheduled for September 18, 2018) (7/17/18)
- 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)

- 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

- 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

- A communication dated July 16, 2018 from Attorney Edward Casey filing an application to amend the Class 2 license for Stateline Auto Brokers, Inc., of 1115 Washington Street, Attleboro. (**Public Hearing August 14, 2018**)
- A communication dated July 12, 2018 from Zoning Enforcement Officer William McDonough regarding a violation for unregistered vehicles at 11 Horton Avenue.
- A communication dated July 11, 2018 from Zoning Enforcement Officer William McDonough regarding the suspension of the Class 2 License for Looney Tuned Auto Sales at 826 Washington St. Attleboro. (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 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

- 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

- Home Rule petition for city with House of Representatives Amendment Article 89 and MGL Ch. 43B to adopt Ordinance for a Senior Tax Program authorizing City to amend Ch. 169 of Acts of 2012 (House, 3815). (New Business – Mr. Conti 7/17/18)
- 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)
- 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 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:

To conduct a traffic study at the intersection of Bank Street Extension and Bridget Way to determine if a stop sign or any other deterrent could help alleviate speeding in this neighborhood." (Mr. Kobus – 6/29/2018)

(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.