

**ATTLEBORO MUNICIPAL COUNCIL
DOCKET
AUGUST 14 and 16, 2018**

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, June 19, 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.

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.

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.

PUBLIC SAFETY & EMERGENCY MANAGEMENT

Peter Blais, Chairperson

I respectfully submit a communication from Superintendent of Public Works Michael Tyler regarding the need for funds in previous year's salaries that are required to be paid to an employee who is owed a step increase. Therefore, I hereby request Your Honorable Body transfer \$244.32 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 14201000-514050 (Public Works – Previous Years Salaries). Upon approval, the available balance in Reserve Fund for Transfer will be \$394,255.68. **(Voted July 19, 2018)**

PUBLIC WORKS

Kate Jackson, Chairperson

1. Body accept this Grant of Easement as shown on a sketch entitled: “national grid; Sketch to Accompany Easement for Secondary Hand Hole; 80 County St, Attleboro, MA; dated 6/18/18; Designer: MSE; WR: 26235820.. This easement requires a majority vote. Please note that this is needed as soon as possible. **(Voted July 19, 2018)**
2. I respectfully submit a communication from Superintendent of Public Works Michael Tyler regarding the need for funds in previous years salaries that are required to be paid to an employee who is owed a step increase. Therefore, I hereby request Your Honorable Body transfer \$244.32 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 14201000-514050 (Public Works – Previous Years Salaries). Upon approval, the available balance in Reserve Fund for Transfer will be \$394,255.68. **(Voted July 19, 2018)**
3. I respectfully submit a communication from Solid Waste Administrator Jessica Singarella regarding the need for your approval to pay previous year bills in the amount of \$75.00 from Account 2211-546040 (Compost-Recycling Bins) and \$450.00 from Account 2211RDP (Recycling-Recycling Bins) for an overlooked recycling toter invoice from FY2018. A vote authorizing payment is needed to satisfy this debt. There is no transfer of funds needed to pay these bills, as there is sufficient funding in Fund 2211 and Fund 2211RDP **(Voted July 19, 2018)**
4. A petition dated June 21, 2018 from National Grid for a new stub pole and anchor to be located at the intersection of West St. and South Ave. **(Public Hearing August 16, 2018)**
5. A petition dated June 20, 2018 from National Grid to install 1-3” PVC conduit to hand hole located on private property at County Street and Wall Street for a new electrical service. **(Public Hearing August 16, 2018)**

6. A petition dated June 4, 2018 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)

ZONING & LAND USE

Todd Kobus, Chairperson

1. 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.
2. 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.
3. 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.
4. 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.

CAPITAL IMPROVEMENTS AND CITY DEVELOPMENT

Richard Conti, Chairperson

I respectfully submit a communication from Director of Recreation Dennis Walsh regarding the Community Development Block Grant for PY2018 (FY2019) for the Youth Center Program in the amount of approximately \$10,800.00. In accordance with Chapter 1, Section 12 of the Revised Ordinance of the City of Attleboro, I hereby request Your Honorable Body to approve the expenditure during FY2019 of this Community Development Block Grant and also approve any future grant amendments. **(Voted July 19, 2018)**

TRANSPORTATION & TRAFFIC

Heather Porreca, Chairperson

I respectfully submit a communication regarding amendments to the Revised Ordinances of the City of Attleboro. Therefore, I hereby request Your Honorable Body vote on the following Ordinance amendments:

Amend section 10-5.2(A) by deleting the following:

Beagle Club Road, easterly side, from 20 feet northerly of West Street to the Water Department/Emergency equipment access gate; (also see Section 10-5.15 Seasonally Prohibited on Certain Streets)

Beagle Club Road, westerly side, from the Water Department/Emergency equipment access gate southerly for a distance of 100 feet; (also see Section 10-5.15 Seasonally Prohibited on Certain Streets)

Amend section 10-5.2(A) by adding the following:

Beagle Club Road, westerly side.

Amend section 10-5.15 by deleting the following:

Section 10-5.15 Seasonally Prohibited on Certain Streets (adopted 2/6/18)

Parking upon the following streets or highway or parts thereof is hereby prohibited, during the dates described herein:

Beagle Club Road, both sides of the entire street, from June 1 through and including the day after Labor Day of each year.

Add Section 10-14 “Beagle Club Road” with the following text:

Add Section 10-14.1 “Beagle Club Road - Visitor Parking Permit”

- a. Residents of Beagle Club Road shall have one Beagle Club Road visitor parking permit issued to each house at no cost. Beagle Club Road visitor parking permits shall be obtained from the City Clerk. Replacement for the Beagle Club Road visitor parking permit shall be \$50.
- b. Beagle Club Road visitor parking permits will be constructed in accordance with the City’s specifications. The visitor parking permit shall contain: the home address of the resident; the word “visitor”; the City seal; a number to indicate which Beagle Club Road resident was issued the visitor permit; language that the visitor permit is issued for parking on Beagle Club Road only; instructions that the visitor permit must be placed on the dashboard facing upwards so that it may be inspected for validity; and language that the visitor permit is issued by the City of Attleboro and not valid for any other location. Visitor parking permit information shall be maintained by the City Clerk.
- c. Beagle Club Road visitor parking permits shall not be used for visitors to the Manchester Reservoir or Watershed area, unless accompanied by a Beagle Club resident. Violators shall be fined \$50 for the first offense, \$100 for the second offense, and \$250 for each subsequent offense.

Add Section 10-14.2 “Beagle Club Road – Temporary Visitor Parking Permit” with the following text:

- a. The City Clerk shall issue 24-hour temporary visitor parking permits to residents of Beagle Club Road, which shall be embossed with the City’s seal. The 24-hour visitor permit shall contain: the home address of the resident; the words “temporary 24-hour visitor permit”; the City seal; a number to indicate which Beagle Club Road resident was issued the 24-hour temporary visitor permit and recorded by the City Clerk; the date the 24-hour visitor permit is valid;

language that the 24-hour visitor permit is issued for parking on Beagle Club Road only; instructions that the 24-hour temporary visitor permit must be placed on the dashboard facing upwards so that it may be inspected for validity; and language that the 24-hour visitor permit is issued by the City of Attleboro and not valid for any other date or location.

- b. The cost for a 24-hour temporary parking permit fee shall be \$2 per permit, per day.
- c. Only residents of Beagle Club Road are permitted to apply for a 24-hour temporary visitor parking permit.
- d. Beagle Club Road residents found purchasing a 24-hour visitor permit for non-Beagle Club Road residents and releasing these permits to non-Beagle Club Road residents for use of Manchester Reservoir Watershed area shall be fined \$50 for the first offense, \$100 for the second offense, and \$250 for each subsequent offense.

Add Section 10-14.3 “Watershed Property Parking Spaces” with the following text:

- a. The City shall maintain 8 parking spaces on Watershed Property at the end of the Beagle Club Road, and this shall be known as the Beagle Club Road-Manchester Reservoir parking lot.
- b. Use of these 8 parking spaces in the Beagle Club Road-Manchester Reservoir parking lot will require a permit issued by the City Clerk. The Beagle Club Road-Manchester Reservoir parking lot permit may be issued to the owner of the vehicle in the form of a sticker that shall be attached to the inside of the vehicle on the lower left side of the windshield. The City Clerk shall record the name; address; phone number; email; vehicle model, make, color and year; and license plate number of the vehicle being issued a permit.
- c. The cost of a Beagle Club Road-Manchester Reservoir parking lot permit shall be \$10 for city residents, \$100 for non-city residents, and \$150 for out-of-state residents. This Beagle Club Road-Manchester Reservoir parking lot permit shall be valid for 1 year from January 1 until December 31.
- d. Failure to have a properly displayed Beagle Club Road-Manchester Reservoir parking lot permit shall result in the vehicle being ticketed and towed from the Beagle Club Road-Manchester Reservoir parking lot, and at a cost that will be borne by the owner of the vehicle.
- e. Vehicles with a Beagle Club Road-Manchester Reservoir parking lot permit sticker are not eligible to park on Beagle Club Road, unless also a visitor of a resident of Beagle Club Road and displays the Beagle Club Road visitor parking permit.
- f. These 8 parking spaces shall be open from dawn until dusk, year-round. Vehicles parked in the lot at the end of Beagle Club Road are not permitted to remain in one parking space for more than 3 hours.
- g. Beagle Club Road residents are not eligible to obtain a parking permit sticker for the Beagle Club Road-Manchester Reservoir parking lot.

Add Section 10-14.4 “Beagle Club Road Signage” with the following text:

- a. At the corner of Beagle Club Road at West Street, the City shall maintain a sign that indicates that a “parking permit is required beyond this point; violators will be ticketed and towed”.
- b. This ordinance and all permits contemplated hereunder shall become effective upon completion of the Beagle Club Road-Manchester Reservoir parking lot, as determined by the Mayor.

Furthermore, I hereby request Your Honorable Body to hold a Public Hearing at the appropriate time on the above ordinance changes. **(Public Hearing scheduled for September 18, 2018)**

BUDGET AND APPROPRIATIONS

Jay DiLisio, Chairperson

1. In accordance with Vote #43 taken by Your Honorable Body on June 19, 2018, I hereby request Your Honorable Body to appropriate \$179,820.98 from account 11241000-587350 (Reserve Fund For Labor Negotiations) to the following Salaries & Wages Accounts:

\$2,584.48 to Account 11111000-511000 (Department of Municipal Council-Salary & Wages)
\$15,438.39 to Account 11211000-511000 (Department of Mayor-Salary & Wages)
\$15,487.16 to Account 11331000-511000 (Department of Budget & Admin.-Salary & Wages)
\$7,733.44 to Account 11351000-511000 (Department of Auditor/Accounting-Salary & Wages)
\$6,584.75 to Account 11411000-511000 (Department of Assessor-Salary & Wages)
\$8,301.00 to Account 11451000-511000 (Department of City Treasurer-Salary & Wages)
\$7,659.43 to Account 11461000-511000 (Department of City Collector-Salary & Wages)
\$8,537.24 to Account 11521000-511000 (Department of Personnel-Salary & Wages)
\$5,794.00 to Account 11611000-511000 (Department of City Clerk-Salary & Wages)
\$2,569.84 to Account 11621000-511000 (Department of Election-Salary & Wages)
\$13,505.88 to Account 11751000-511000 (Department of Planning & Land Use-Salary & Wages)
\$13,576.40 to Account 12101000-511000 (Department of Police-Salary & Wages)
\$11,087.27 to Account 12201000-511000 (Department of Fire-Salary & Wages)
\$3,428.62 to Account 12401000-511000 (Department of Protective Inspection-Salary & Wages)
\$5,209.99 to Account 12921000-511000 (Department of Animal Control-Salary & Wages)
\$5,773.32 to Account 14201000-511000 (Department of Public Works-Salary & Wages)
\$13,379.45 to Account 15101000-511000 (Department of Health-Salary & Wages)
\$12,178.58 to Account 15411000-511000 (Department of Council on Aging-Salary & Wages)
\$2,948.63 to Account 15431000-511000 (Department of Veterans-Salary & Wages)
\$8,452.01 to Account 16101000-511000 (Department of Library-Salary & Wages)
\$5,947.46 to Account 16301000-511000 (Department of Recreation-Salary & Wages)
\$3,643.64 to Account 16501000-511000 (Department of Park and Forestry-Salary & Wages)
(Voted July 19, 2018)

2. In addition, I hereby request Your Honorable Body to transfer \$5,665.06 from Account 6100-587350 (Water Enterprise-Reserve Fund For Labor Negotiations) to Account 6100-511000 (Water Enterprise-Salary & Wages). **(Voted July 19, 2018)**
3. Finally, I hereby request Your Honorable Body to transfer \$13,225.32 from Account 6000-587350 (Wastewater Enterprise-Reserve Fund For Labor Negotiations) to Account 6000-511000 (Wastewater Enterprise-Salary & Wages). **(Voted July 19, 2018)**

4. On June 26, 2018, Your Honorable Body voted to appropriate \$110,000.00 from 8505-599000 (E Rate Stabilization Fund - Other Financing Uses) to Fund 2701-499000 (E Rate IT Fund- Other Financing Sources) in order to engineer, build and utilize a Wi-Fi network that will be installed at the high school. Included in the communication from Attleboro Public Schools Director of Finance Marc Furtado was the request to appropriate an additional \$70,000.00 that was inadvertently omitted. Therefore, I hereby request Your Honorable Body appropriate \$70,000.00 from 8505-599000 (E Rate Stabilization Fund - Other Financing Uses) to Fund 2701-499000 (E Rate IT Fund- Other Financing Sources) **(Voted July 19, 2018)**
5. I respectfully submit a communication from Chief Assessor Stanley Nacewicz regarding the need for funds for the work necessary to complete the Fiscal Year 2019 Maintenance and Interim Adjustment of Real Property. Therefore, I hereby request Your Honorable Body transfer \$5,500.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11411000-595010 (Assessors – Revaluation). Upon approval, the available balance in Reserve Fund for Transfer will be \$394,500.00. **(Voted July 19, 2018)**

LICENSES

Laura Dolan, Chairperson

1. 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)**
2. A communication dated July 12, 2018 from Zoning Enforcement Officer William McDonough regarding a violation for unregistered vehicles at 11 Horton Avenue.
3. 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.

PERSONNEL AND HUMAN SERVICES

Diana Holmes, Chairperson

1. I respectfully submit a communication from Building Commissioner William McDonough regarding the need to appoint an additional Alternate Electrical Inspection to aide in the unexpected staffing issues with the Electrical Inspector and the limited availability of the two Alternate Inspectors on short notice. Therefore, I respectfully submit for confirmation by Your Honorable Body the appointment of Edward Porreca, Jr., to fill an unexpired term as Alternate Electrical Inspector. Term to expire February 2019. **(Voted July 17, 2018)**

ORDINANCES, ELECTIONS & LEGISLATIVE MATTERS

Julie Hall, Chairperson

I am submitting this ordinance to your Honorable Body. The consequences of second-hand smoke are well established and undisputed. The consequences of second-hand smoke is exacerbated in confined spaces. This ordinance seeks to ban smoking in a vehicle when a child is in a car seat. While many jurisdictions ban smoking in a car when passengers are under 18, 14, 13, and 7, this ordinance seeks a ban using a car seat because it is an easily observable measure for a police officer to determine if the ordinance is being violated. Much like our texting and driving laws, this is one that is enforced when an individual is observed in violation. Several cities and states throughout the United States have implemented this type of ban, and countries throughout the world, even including the Middle East have implemented this type of ban. This is an issue that has broad support and would protect developing little lungs.

Add Section 10-15 “Smoking Restrictions on Motor Vehicles with Children in Car Seats” with the following text:

Section 10-15.1 No person or persons shall be allowed to smoke, as defined in Section 22, Chapter 270 of the General Laws, in a motor vehicle in which a child is required by the provisions of this chapter and/or section seven AA of chapter ninety to be secured by a child passenger restraint.

Section 10-15.2 An operator or passenger of a motor vehicle who violates the provisions of this section shall be subject to a fine of \$100, which shall be deposited into the City’s general fund.

Section 10-15.3 The provisions of this section shall be enforced by law enforcement agencies. A law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of this section. For a period of 90 days following the effective date of this act, any law enforcement official who stops a motorist solely because of a violation of this section shall not issue a citation but shall issue a verbal or written warning.

Section 10-15.4 A person who receives a citation for a violation of any of the provisions of this section may contest such citation pursuant to section three of chapter ninety C. A violation of this section shall not be deemed to be a conviction of a moving violation of the motor vehicle laws for the purpose of determining surcharges on motor vehicle premiums pursuant to section one hundred and thirteen B of chapter one hundred and seventy-five.

Furthermore, I hereby request Your Honorable Body to hold a Public Hearing at the appropriate time on the above ordinance changes. **(Public hearing called for September 18, 2018)**