

**ATTLEBORO MUNICIPAL COUNCIL  
DOCKET  
SEPTEMBER 4, 2018**

APPROVAL OF THE RECORDS: May 22, 2018, May 29, 2018, June 5, 2018, July 17 and July 19, 2018, August 2, 2018, August 14, 2018 and August 16, 2018. Executive Sessions June 6, 2017, June 27, 2017, April 10, 2018 and May 8, 2018.

**PUBLIC SAFETY & EMERGENCY MANAGEMENT**

**Peter Blais, Chairperson**

The Mayor respectfully submits a communication from Chief of Police Kyle P. Heagney regarding a FY2019 911 Training Grant from the Executive Office of Public Safety and Security (EOPSS) – State 911 Department in the amount of approximately \$13,959.00. Please note that there is no matching requirement. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body approve expending of such funds and any future grant amendments. Monies from this grant must be expended no later than June 30, 2019. **(Voted August 16, 2018)**

**ZONING & LAND USE**

**Todd Kobus, Chairperson**

A communication from Attorney John Jacobi, III dated July 24, 2018 regarding a request for an amended letter of non-opposition for his client, the Leonard J. Irving Center at 76 Mossberg Drive, Attleboro **(Voted August 16, 2018)**

**TRANSPORTATION & TRAFFIC**

**Heather Porreca, Chairperson**

The Mayor respectfully submits a communication from Director of Budget and Administration Barry K. LaCasse regarding the receipt of a 2018 Community Mitigation Fund Transportation Planning Grant by the Massachusetts Gaming Commission in the amount of \$100,000.00. No match is required by the City. In accordance with Chapter 1, Section 12(B)(2)(b) of the Revised Ordinances of the City of Attleboro, the Mayor hereby requests Your Honorable Body to approve the expenditure of such funds as specified within the parameters of the grant and also approve any further grant amendments. **(Voted August 16, 2018)**

The Mayor respectfully submits a communication regarding amendments to the Revised Ordinances of the City of Attleboro. Therefore, the Mayor hereby requests 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. **7/17/18 (PH 9/18/18)**

## **BUDGET AND APPROPRIATIONS**

**Jay DiLisio, Chairperson**

The Mayor respectfully requests Your Honorable Body to transfer \$90.00 from Account 11241000-521005 (City Wide-Water) to Account 11241000-578020 (City Wide-Bills from Previous Years) in order to pay an FY2018 invoice to City of Attleboro. **(Voted August 16, 2018)**

The Mayor respectfully submits a communication from Director of Council on Aging Madeleine McNielly regarding the receipt of approximately \$13,020.00 through the Community Development Block Grant for FFY2018. No match is required by the City of Attleboro. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, the Mayor hereby requests Your Honorable Body to approve the expenditure of such funds and any further grant amendments by the Council on Aging to fund the Outreach/SHINE Counselor. **(Voted August 16, 2018)**

The Mayor respectfully submits a communication from Chief of Police Kyle P. Heagney regarding the need to replenish funds that were previously expended to pay an annual First Responder Stipend that was due the second pay week of July 2018. This expense was not budgeted for Fiscal 2019 since the Police contract was not settled at that time. An internal transfer was completed in order to fulfill this contractual obligation payment. Therefore, the Mayor hereby requests Your Honorable Body transfer \$36,000.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 12101000-511000 (Police – Salary). Upon approval, the available balance in Reserve Fund for Transfer will be \$358,255.68. **(Voted August 16, 2018)**

The Mayor respectfully submits a communication from Superintendent of Parks & Forestry Derek Corsi regarding the need to reimburse an employee for the cost of a license and medical card paid in FY18. Therefore, the Mayor hereby requests Your Honorable Body transfer \$155.00 from Account 16501000-519130 (Park – Allowance Licenses) to Account 16501000-514060 (Park – Prior Year License). **(Voted August 16, 2018)**

The Mayor respectfully submits a communication from Superintendent of Wastewater Thomas Hayes regarding the need to pay the balance of FY18 invoices from Rhode Island Analytical. Therefore, the Mayor hereby requests Your Honorable Body transfer \$811.00 from Account 6000-530114 (Wastewater Enterprise Fund – Laboratory Services) to Account 6000-578020 (Wastewater Enterprise Fund – Previous Years Bills). **(Voted August 16, 2018)**

## **LICENSES**

**Laura Dolan, Chairperson**

A communication dated August 10, 2018 from Massachusetts Office of Consumer Affairs and Business Regulation advising some Lemon Law Compliance issues for some Attleboro car dealers.

Communication from Rugelio Diaz of 41 W. Cole Street #2, Pawtucket, RI submitting an application for a Class II license at 537 Washington Street S. Attleboro for the purchase and sale of second hand vehicles. **(PH for September 18, 2018)**

A communication from the Disabled Veterans of America, Chapter 91 at 122 Park Street, Attleboro requesting a permit for the annual Forget-Me-Not drive at various locations in September. License **(Voted August 16, 2018)**

**CITY PROPERTY & CLAIMS**

**Sara Lynn Reynolds, Chairperson**

The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding a trailer that the Fire Department would like to declare surplus. Therefore, the Mayor hereby requests Your Honorable Body to declare the following as surplus for trade-in value and available for disposition: **(Voted August 16, 2018)**

**DESCRIPTION**

Home-made trailer (license plate #FIRE A166) approximately 40 years old

The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding copiers that the Attleboro Public Schools would like to declare surplus. Therefore, the Mayor hereby requests Your Honorable Body to declare the following as surplus and available for disposition: **(Voted August 16, 2018)**

Model	Serial No.	Copies Made
CANON IR 2870	SLG11379-11676795	159,960
CANON IR 5570	SLQ24471-11397051	1,403,524
CANON IR 3030	MUF03122-11487064	11,487,064
CANON IR 3300	MPH47770-11678179	531,035
CANON	MPH47784-11395520	999,925

IR 3300		
LANIER LD 270	M9385400013- 12585705	1,759,282
LANIER LD 270	M9385400034- 12585711	2,501,720
CANON IR 2230	THF02114-11487090	51,643
LANIER LD 270	M9385300577/12585728	2,591,619

**PERSONNEL AND HUMAN SERVICES**

**Diana Holmes, Chairperson**

The Mayor respectfully submits for confirmation by Your Honorable Body the appointment of Lewis Stevens to fill a three-year term of Zoo Director/Curator. Term to expire February 2021. Mr. Stevens was offered the position with the City of Attleboro on August 6, 2018, with a start date of September 10, 2018, under a temporary 90-day appointment in accordance with Section 3.3 (b) of the Attleboro Home Rule Charter. **(Voted August 16, 2018)**

**ORDINANCES, ELECTIONS & LEGISLATIVE MATTERS**

**Julie Hall, Chairperson**

The Mayor is 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. **7/17/18 (PH 9/18/18)**