

**ATTLEBORO MUNICIPAL COUNCIL
REGULAR MEETING
TUESDAY SEPTEMBER 18, 2018
7:00 P.M.
AGENDA**

APPROVAL OF THE RECORDS: May 29, 2018, June 5, 2018, June 26, 2018, July 17, 2018, July 19, 2018, , July 26, 2018 August 14, 2018, August 15, 2018 and September 4, 2018. Executive Sessions June 6, 2017, June 27, 2017, April 10, 2018 and May 8, 2018.

CONTINUED PUBLIC HEARING relative to the 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,

PUBLIC HEARING relative to a Class II license application for Landmark Auto Sales, Inc. of 537 Washington Street, Attleboro to sell second hand vehicles with 3 customer parking spaces and 15 display spaces.

PUBLIC HEARING relative to amending sections of Chapter 10 of the Revised Ordinances of the City of Attleboro, Ch. 10, Motor Vehicles and Parking, as it pertains to Beagle Club Road.

PUBLIC HEARING relative to adding a section to Chapter 10, Motor Vehicles and Parking, of the Revised Ordinances of the City of Attleboro. The addition of section 15, would address smoking restrictions in motor vehicles with children in car seats.

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 requesting \$5,670.00 to repair Elgin sweeper from DPW. (6/9/4/18)
- Communication from National Grid for pushbrace poll #6555 First and Grove Streets (PH OCTOBER 2, 2018) (9/4/18)
- Expenditure request for the Sustainable Materials Recovery Grant from DEP \$49,000.00 to recycling. (4/9/4/18)
- 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

- Request for a Public Hearing to accept the plan for Rathbun Willard Drive and Brennan public ways (12/9/4/18)
- Communication from Casey Law presenting four cases regarding rezoning amendments. (9/14/18)
- Communication from Andrews Engineering providing alternative plans for 0 Macdonald Lane, Laurel Knolls. (9/4/18)
- 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)
- 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)

- 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)
- 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)

CAPITAL IMPROVEMENTS & CITY DEVELOPMENT

- Request to waive permit and application fees related to the construction of new AHS (PH 10-2-18) (11/9/4/18)
- Shang Building HVAC replacement request for \$37,030.00. (7/9/4/18)

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)
- 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)
- 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

- Request for reimbursement of \$19.99 for a Fire Dept. employee for uniform replacement from previous year. (1/9/4/18)
- Request for \$802.85 for Solid Waste department to pay a previous year bill. (2/9/4/18)
- Request from Retirement Board to cover expense of an employee during military deployment. (4/9/4/18)
- 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 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

- Request to surplus and declare available for disposition a Ricoh Color Printer. (9/9/4/18)
- Request to surplus and declare available for disposition equipment from the Water department. (10/9/4/18)

PERSONNEL & HUMAN SERVICES

- Transfer request to fund collective bargaining agreements for several city unions totaling \$206,572.05. (8/9/4/18)
- Communication from the Council on Disabilities regarding the adoption of an MGL to become a Commission. (9/4/18)
- 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)
- 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)
- 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: None

NEW BUSINESS:

I move to refer the following matter to the appropriate committee for study and recommendation:

That the City of Attleboro create an Elderly and Disabled Taxation Aid Fund. Monies collected in this fund will be available to eligible elderly and/or disabled taxpayer of low income to assist them in paying their real estate taxes. All donations to this fund will be tax deductible and will be in addition to your tax bill. This will be a voluntary contribution with all monies to be managed by the Collector’s Office or the office most appropriate as designated by the administration. (Kobus 9-18)

I move to refer the following matter to the appropriate committee for study and recommendation:

That the City of Attleboro create a local property tax freeze program that will bar property tax increases for certain seniors and other eligible populations who are on a fixed income and most affected by an increase in property taxes. For older Americans in particular those living on a fixed incomes, an increase in property tax can be a concern because of being priced out of their homes. (Kobus 9-18)

(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.