

**ATTLEBORO MUNICIPAL COUNCIL
REGULAR MEETING
TUESDAY OCTOBER 16, 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, September 4, 2018 September 18, 2018 and October 2, 2018. Executive Sessions June 6, 2017, June 27, 2017, April 10, 2018 and May 8, 2018.

PUBLIC HEARING relative to the request to waive permit and application fees for the proposed construction of a parking lot on Beagle Club Road. Information is available for viewing at City Hall.

PUBLIC HEARING relative to the request from National Grid and Verizon to install a new pole, (#1807) and two anchors for service at 105 Simpson Avenue.

PUBLIC HEARING relative to an amendment to the RMD Special Permit for BCWC, LLC at 34 Extension Street requesting to revise the location of the granted RMD within the same building

PUBLIC HEARING relative to the erection of a “Stop” sign at Bank Street Extension and Bridget Way.

PUBLIC HEARING relative to amending Section 10-4.15(1) of the Revised Ordinances by deleting “Tiffany Street, from South Avenue to County Street” and replace it with “Tiffany Street, from Commerce Way to County Street”.

Continued 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.

Continued 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.

Continued 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.

PUBLIC SAFETY & EMERGENCY MANAGEMENT

- Request from Fire chief for third party ambulance billing contract. (10/2/18)
- 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 from DPW for \$23,546.25 to pay for 19 road trench and sidewalk repairs (10/2/16)
- Communication from Recreation Director for funds to repair Bartek Center fire sprinkler system. (10/2/18)
- A Pole request from National Grid and Verizon requesting to install a new pole, (#1807) and two anchors for service at 105 Simpson Avenue. (Public Hearing on October 16, 2018)
- 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

- Amend 17-2.1.3(A) Establishment of Industrial Zoning Districts (10/2/18)
- Amend 17-2.1.3(B) Establishment of Industrial Zoning Districts (Mr. Kobus 10/2/18)
- Request for a Public Hearing to accept the plan for Rathbun Willard Drive and Brennan public ways (12/9/4/18) (10/2/18)
- 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)

- 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)
- 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)
- 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)
- BCWC, LLC of 34 Extension Street Attleboro, requesting a Special Permit to revise the location of the granted RMD within the same building. (9/18/18) (PUBLIC HEARING ON 10/16/18)
- A Communication from Attorney Mary Feeney regarding Briarleaf, LLC application for an Registered Marijuana Dispensary.(9/18/18)

CAPITAL IMPROVEMENTS & CITY DEVELOPMENT

- Request to waive permit and application fees related to the construction of new AHS (PH 10-16-18) (11/9/4/18)
- Request for a supplemental appropriation in the amount of \$480,000.00 (ARA DEP Cleanup), off Wall Street. (10/2/18)

TRANSPORTATION & TRAFFIC

- Request to study the need for a “Stop” sign at Bank Street Extension and Bridget Way. (PH 10-16-18) (9/18/18)
- Request to amend Section 10-4.15(1) of the Revised Ordinances by deleting “Tiffany Street, from South Avenue to County Street” and replace it with “Tiffany Street, from Commerce Way to County Street”. (PH 10-16-18) (9/18/18)
- 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) (PH 10/16/18)
- 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)
- 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

- Rescind the State & County Charges of \$5,335,699.00 within Council Vote #29 of June 5 and replace. (10/2/18)
- HVAC rehabilitation at the Water Treatment Plant on West Street additional monies needed. (10/2/18)
- In connection with the purchase of Highland County Club, debt services additional monies needed \$37,361.67. (10/2/18)
- Body to appropriate \$119,380.55 to Account 13001000-592515 for HS project borrowing (Debt Exclusion -Temp Interest).
- To hold a public hearing on Tuesday, November 13, 2018 (**special meeting**) for the purpose of setting the tax classification so that the necessary votes can be taken to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2019.
- 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

- Class II application from Landmark Auto Sales, Rugelio Diaz of Pawtucket for 537 Washington St. second hand cars (9/4/18)
- Public hearing for Nov 20, 2018 Looney Tuned Class II license hearing regarding non-compliance. (10/9/18)
- 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)

CITY PROPERTY & CLAIMS

- Stop & Shop gift card donation from American Veterans Chapter 91 in amount of \$500.00_(10/2/18)
- Surplus equipment from DPW for disposition – GMC Jimmy and Leeboy Road roller (10/2/18)

PERSONNEL & HUMAN SERVICES

- Confirmation submission for Deven McCurry of County Street to fill an Attleboro Youth Commission term. (10/2/18)
- 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

- Plastic waste reduction ordinance. (PH 11/20/18) (10/2/18)
- Strike the May 2018 submission of revised “Hawkers and Peddlers from the docket. (10/9/18)
- Request to waive fees for Beagle Club Road proposed parking lot (CALL FOR PUBLIC HEARING 10-16-18)
- 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 Hawkets 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)
- Create an Elderly and Disabled Taxation Aid Fund. (New Business-Mr. Kobus (9/18/18)
- 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 (New Business-Mr. Kobus) (9/18/18)

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:

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

To differentiate between the positions of an executive city solicitor and a legislative city solicitor by amending section 2-3 of the Revised Ordinances of the City of Attleboro. (Ms. Holmes and Mr. Kobus 10/16/18)

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

To amend section 11-14 under Chapter 11, Offenses of the Revised Ordinances of the City of Attleboro as it pertains to Hunting and Firearms and replace. (Ms. Dolan and Mr. Kobus 10/16/18)

(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.