

**ATTLEBORO MUNICIPAL COUNCIL
DOCKET
OCTOBER 16, 2018**

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 SAFETY & EMERGENCY MANAGEMENT

Peter Blais, Chairperson

I respectfully submit a communication from Fire Chief Scott T. Lachance asking to enter into a contract with Comstar, a third-party ambulance billing company, for one (1) year with four (4) one (1) year renewals. In accordance to M.G.L. Chapter 30B, Section 12, subsection b, any contract exceeding 36 months, must be authorized by the local government body for procurement. I hereby request Your Honorable Body to approve this contract language. In addition, I request Your Honorable Body approve this request prior to the start date of this contract on November 1, 2018.

PUBLIC WORKS

Kate Jackson, Chairperson

I respectfully submit a communication from Superintendent of Public Works Michael Tyler regarding the need for funds for approximately 19 road trench and sidewalk repairs due to recent water breaks and other patchwork throughout the City. Therefore, I hereby request Your Honorable Body transfer \$23,546.25 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to the following:

\$3,465.00 to Account 14201000-553010 (Public Works – Street Maintenance)

\$20,081.25 to Account 14201000-530101 (Public Works – Professional Services)

Upon approval, the available balance in Reserve Fund for Transfer will be \$192,447.60.

I respectfully submit a communication from Director of Recreation Dennis Walsh regarding the need for funds to make the necessary repairs to the fire sprinkler system at the Bartek Center. Therefore, I hereby request Your Honorable Body transfer \$2,181.40 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16301000-524011 (Recreation – Maintenance of Buildings). Upon approval, the available balance in Reserve Fund for Transfer will be \$190,266.20.

A Communication dated September 6, 2018 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)

ZONING & LAND USE

Todd Kobus, Chairperson

Amend 17-2.1.3(A) Establishment of Industrial Zoning districts by inserting the following language at the end of the paragraph:

“and (c) compatible non-residential enterprises engaged in marijuana business including, but not limited to research, testing, growing, cultivating, manufacturing, processing, packaging, distributing and retail and wholesale sales of marijuana and marijuana-based related products.” (Mr. Kobus 9/14/18)

Amend 17-2.1.3(B) Establishment of Industrial Zoning Districts by inserting the following language at the end of the paragraph:

“and (f) compatible non-residential enterprises engaged in marijuana business including, but not limited to research, testing, growing, cultivating, manufacturing, processing, packaging, distributing and retail and wholesale sales of marijuana and marijuana-based related products.” (Mr. Kobus 9/14/18)

CAPITAL IMPROVEMENTS AND CITY DEVELOPMENT

Richard Conti, Chairperson

As you know, the Attleboro Redevelopment Authority (ARA) has an outstanding debt with the City which amounts to \$797,057.11 as of October 11, 2018. Of that amount, \$180,153.74 belongs to the Water Department and \$616,903.37 belongs to the General Fund. At its September 25, 2018 meeting, the ARA voted to repay the City this entire amount from a scheduled closing on the remaining 38.35-acre parcel in the Attleboro Industrial Business Park to the New England Sports Village. As the actual receipt of these funds was uncertain at the time the FY2019 budget was being prepared, they were not included as a funding source for the budget. However, it now appears that the ARA’s closing with NESV will become a reality on or before October 11, 2018, and I believe it is in the best interest of the City to be able to utilize these unanticipated funds for the immediate needs of the City. Moreover, and as you also know, the City is responsible for the cleanup costs associated with a municipal landfill located on the former Department of Public Works land off of Wall Street. These costs have been estimated at \$480,000.00.

Therefore, I am hereby requesting that Your Honorable Body approve a supplemental appropriation in the amount of \$480,000.00 to Fund 3553 (ARA DEP Cleanup), to be used as a funding source for the cleanup costs associated with a municipal landfill located off Wall Street.

I further request that Your Honorable Body approve a supplemental appropriation in the amount of \$136,903.37 (i.e., the \$616,903.37 owed to the General Fund minus the \$480,000.00) to Account 11241000-578300 (City Wide Reserve Fund for Transfer). Upon approval, the available balance in the Reserve Fund for Transfer will be \$327,169.57.

In order to properly reflect this measure on the FY2019 tax recapitulation, it is necessary to vote this matter prior to submission of the FY2019 tax rate.

BUDGET AND APPROPRIATIONS

Jay DiLisio, Chairperson

Please be advised that the Final Cherry Sheet for FY2019 was amended after Your Honorable Body passed the FY2019 Budget. The final State and County Assessments are \$85,212.00 more than what was submitted during the budget process, and the new amount is \$5,420,911.00 (see chart below). I respectfully request Your Honorable Body to rescind the Intergovernmental State & County Charges in the amount of \$5,335,699.00 within Council Vote #29 of June 5, 2018, and replace it with the amounts listed below. This measure must be stated as part of the Recapitulation Sheet and in order to finalize the tax rate this must be voted by November 20th. After your vote, my administration will then add the corrected amount to our tax recapitulation sheet in setting the FY2019 tax rate without further appropriation.

19801000 STATE AND COUNTY ASSESSMENTS			

56	INTERGOVERNMENTAL		

19801000	562100	CNTY ASSMT	\$ 480,548.00
19801000	563900	MOSQTO CTL	\$ 94,473.00
19801000	564000	SE MA POLLUT	\$ 11,919.00
19801000	564600	MV PRK SUR	\$ 73,940.00
19801000	565000	SPEC ED	\$ 28,382.00
19801000	565100	SCH CHOICE	\$ 338,686.00
19801000	565200	CHARTR SCH	\$3,974,595.00
19801000	566300	G.A.T.R.A.	\$ 418,368.00
19801000	566350	MBTA	\$0.00
19801000	566600	ENRGY CNSV	\$0.00
19801000	569010	TAXES OTHER	\$0.00
	TOTAL	INTERGOVERNMENTAL	\$5,420,911.00

As you may recall, the FY2019 General Government budget included an estimated debt exclusion interest payment of \$30,000.00 for a portion of the short-term borrowings associated with the new high school project. Since then, a construction manager at-risk has

been chosen which has enabled the development of a more current cash-flow-needs assessment. The assessment ascertained that an additional \$10,000,000.00 should be borrowed to ensure adequate cash flow during the remainder of the “design development” phase and into the “construction documents” phase of the AHS project. Please note that the interest cost for this additional borrowing will be through the debt exclusion approved by the voters earlier this year.

Therefore, I hereby request Your Honorable Body to appropriate \$119,380.55 to Account 13001000-592515 (Debt Exclusion -Temporary Interest).

As you may recall, on February 15, 2018, Your Honorable Body approved a loan order of \$3,200,000.00 in order to fund the remaining phases of the HVAC rehabilitation at the Water Treatment Plant on West Street. Based upon the initial estimates from the City’s engineer, CDM-Smith, \$2,600,000.00 of that loan authorization was borrowed and the corresponding debt service was budgeted. Unfortunately, when the bids were opened on July 12, 2018, the lowest bid exceeded the original estimate, which now requires the Treasurer to borrow additional funds within the loan authorization. The debt service associated with this additional borrowing in FY2019 is \$3,128.05.

Therefore, I hereby request Your Honorable Body to transfer \$3,128.05 from Account 6100-578300 (Water Enterprise Fund – Reserve Fund for Transfer) to Account 6100-592510 (Water Enterprise Fund – Interest on Temp Borrowing).

As you may recall, Your Honorable Body approved a \$3,100,000.00 loan authorization (Vote #11 of June 26, 2018) in connection with the purchase of Highland County Club. The Treasurer has informed me that the debt service for this loan in FY2019 will be \$37,361.67. Moreover, a favorable response to an insurance Request For Proposals has yielded an available funding source for this payment in FY2019.

Therefore, I respectfully request Your Honorable Body to transfer \$37,361.67 from Account 11241000-574010 (Citywide – Insurance) to Account 17001000-592510 (Debt Service – Interest on temporary borrowing) to cover the FY2019 debt service payment for Highland Country Club.

I respectfully request Your Honorable Body 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.

I respectfully submit a communication from Director of Council on Aging Madeleine McNielly regarding an emergency funding request to cover salaries of employees paid under the Formula Grant and the SHINE Grant. As you are aware on June 28, 2018, Your Honorable Body approved the expenditure of both grants, however, the contracts for both grants have not been issued by the State. Therefore, I hereby request Your Honorable Body transfer \$ 10,500.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 15411000-511000 (Council on Aging – Salary). Upon approval, the

available balance in Reserve Fund for Transfer will be \$215,993.85. (Copies in your packets)

In accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro, I respectfully request Your Honorable Body to consider this as an **emergency measure**. (Voted 10/2/18)

CITY PROPERTY & CLAIMS

Sara Lynn Reynolds, Chairperson

I respectfully submit a communication from Director of Veterans’ Services Ken Badertscher regarding the donation of \$500.00 in Stop & Shop gift certificates from the Disabled American Veterans Chapter 91 of Attleboro. In accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body to accept these generous donations to the City of Attleboro.

I respectfully submit a communication from Legal Secretary Alison Wood regarding items that the Department of Public Works would like to declare surplus. Therefore, I hereby request Your Honorable Body to declare the following as surplus and available for disposition:

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>VIN#</u>	<u>CONDITION</u>
1997	GMC Jimmy	1GTCT18W9VK520499	Very Poor
Unknown (1994 purchased used)	Leeboy Road Roller	N/A	Inoperable

PERSONNEL AND HUMAN SERVICES

Diana Holmes, Chairperson

I respectfully submit for confirmation by Your Honorable Body the appointment of Deven McCurry, 741 County Street, Attleboro, to fill an expired term on the Attleboro Youth Commission. Term to expire February 2021.

For Your Information: The Historical Commission has appointed Rachel Killion, to fill an unexpired term. Term to expire February 2021. In addition, the Historical Commission has appointed Evelyn Silva as an Alternate Member, to fill an unexpired term. Term to expire February 2020. Council confirmation is not needed for these appointments.

ORDINANCES, ELECTIONS & LEGISLATIVE MATTERS

Diana Holmes, Vice-Chair

Preamble to “Plastic Waste Reduction Ordinance”

Whereas, plastic check-out bags have a significant impact on the marine and terrestrial environment, including but not limited to:

- 1) harming marine and terrestrial animals through ingestion and entanglement;
- 2) polluting and degrading the terrestrial and marine environments;
- 3) clogging storm drainage systems;
- 4) creating a burden for solid waste disposal and recycling facilities; and
- 5) requiring the use of non-renewable fossil-fuel in their composition.

Whereas, the municipal council received a presentation from the City Health Office and in said presentation it was made clear that these plastic check-out bags are causing multiple problems to our City-wide recycling efforts.

Whereas, studies have shown that even alternative “compostable” or “biodegradable” bags require very specific and controlled conditions in order to biodegrade, and have potentially negative environmental effects similar to conventional plastic bags. Such bags should therefore be subject to the same restrictions as conventional plastic check-out bags.

Whereas, the purpose of this ordinance is to protect the City’s natural beauty and irreplaceable natural resources by reducing the number of single-use plastic check-out bags that are distributed and used in the City of Attleboro and to promote the use of reusable bags.

Whereas, 81 municipalities in Massachusetts have adopted similar ordinances in recent years, Attleboro may be the 82 municipality.

City Solicitor Lauren Galvin has reviewed the proposed Ordinance and has approved it to form. Therefore, I hereby request Your Honorable Body to insert the following as proposed into Chapter 7 Health Department of the Revised Ordinances of the City of Attleboro:

This article has been created to reduce plastic waste by reducing the number of single-use bags used each year, and to see if the City Council will vote to amend the City’s ordinances to the extent necessary, as follows:

Add section 7-11

7-11.1 Definitions

The following words shall, unless the context clearly requires otherwise, have the following meanings: “Check-out bag” shall mean a bag provided by a store to a customer at the point of sale for transporting food or merchandise from the Establishment. Check-out bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store. “Department” shall mean the Attleboro Health Department. “Health

Officer” shall mean the Health Officer for the City of Attleboro’s Health Department or his/her designee. “Recyclable paper bag” shall mean a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word “recyclable” or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag. “Reusable Check-out bag” shall mean a sewn bag with stitched handles that is specifically designed for multiple reuse and that: can carry 25 pounds over a distance of 300 feet; is machine washable; is either (a) made of thick cloth, fabric or other durable materials (such as cotton or linen); or (b) made of durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is generally considered a food-grade material that is more than 4 mils thick. “Retail Establishment” shall mean any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses. “Single-use carryout bag” shall mean a bag made of plastic, paper, or other material that is provided by a store to a customer at the point of sale and that is not a recycled paper bag or a reusable grocery bag. A single-use carryout bag does not include the following: (i) a paper bag provided by a pharmacy to a customer purchasing a prescription medication; (ii) a bag used to protect items from damaging or contaminating other purchased items placed in a recycled paper bag or a reusable grocery bag; (iii) a bag provided to contain an unwrapped food item; or (iv) a non-handled bag that is designed to be placed over articles of clothing on a hanger. “Thin-Film, Single-Use Plastic Check-Out Bags” shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low-density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness.

7-11.2 Regulated Conduct:

No Retail Establishment in the City of Attleboro shall provide Thin-Film, Single-Use Plastic Check-Out Bags to customers, except as provided in Section 7-11.3. If a Retail Establishment provides or sells Check-Out Bags to customers, the bags must be one of the following: Recyclable paper bag or Reusable Check-Out bag. Retail Establishments with a floor area equal to or exceeding 3,500 square feet or with at least two (2) locations under the same name within the City of Attleboro that total 3,500 square feet or more, that make available Thin-Film, Single-Use Plastic Check-Out Bags, with or without handles, that are exempt from the provisions of 7-11.3 (a) of this ordinance, are required to provide for in-store collection and proper recycling of: Thin-Film, Single-Use Plastic Check-Out Bags. Retail Establishments with a floor area less than 3,500 square feet that make available Thin-Film, Single-Use Plastic Check-Out Bags, with or without handles, exempt from the provisions of Section 7-11.3 of this ordinance, are required to provide for in-store collection and proper recycling of: Thin-Film, Single-Use Plastic Check-Out Bags. In-store collection locations must be prominently displayed and easily accessible.

7-11.3 Exemptions: Thin-film plastic bags typically without handles, which are used to contain produce, meat, bulk foods, wet items, dry cleaning are not prohibited under this ordinance.

7-11.4 Enforcement:

The Health Officer and the City of Attleboro Health Department shall have the authority to administer and enforce this ordinance. For the first violation, the enforcing authority, upon a determination that a violation has occurred, shall issue a written warning notice to the establishment specifying the violation. The following penalties shall apply: A fine of \$50 shall apply for the first violation following the issuance of a written warning notice. A fine of \$100 shall apply for the second violation and each additional violation of this by-law after the issuance of a written warning notice. Fines shall be cumulative and each day on which a violation occurs shall constitute a separate offense. Alleged violations shall be subject to non-criminal disposition process, pursuant to M.G.L. c. 40, §.21d.

7-11.5 Regulations:

The Health Officer or his/her designee may promulgate guidelines and regulations consistent with the enforcement of this chapter.

7-11.6 Effective Date:

This ordinance shall take effect on and after July 1, 2019 for Retail Establishments with a floor area equal to or exceeding 3,500 square feet or with at least two (2) locations under the same name within the City of Attleboro that total 3,500 square feet or more. For Retail Establishments with a floor area less than 3,500 square feet, the Health Officer or his/her designee may exempt a Retail Establishment from the requirements of this section for a period of up to six (6) months upon a finding by the Health Officer or his/her designee that (1) the requirements of this section would cause undue hardship; or (2) a Retail Establishment requires additional time in order to draw down an existing inventory of thin-film, single-use check-out plastic bags.

7-11.7 Severability:

If any provision of this ordinance is declared invalid or unenforceable, the other provisions shall not be affected thereby. (PH 11/20/18)