

**ATTLEBORO MUNICIPAL COUNCIL
REGULAR MEETING
TUESDAY NOVEMBER 6, 2018
7:00 P.M.
AGENDA**

APPROVAL OF THE RECORDS: May 29, 2018, June 26, 2018, July 17, 2018, July 19, 2018, July 26, 2018, August 2, 2018, August 14, 2018, August 16, 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.

THERE ARE NO PUBLIC HEARINGS THIS EVENING DUE TO THE ELECTION.

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

- 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

- 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

- A communication dated October 11, 2018 from Wastewater Superintendent Hayes giving an opinion for the BCWC, LLC application for amendment at 34 Extension Street.
- A communication dated October 16, 2018 from Attorney Casey advising negotiations for Briarleaf, LLC RMD application with neighbors. Requesting to continue the hearing to November 20, 2018.
- 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)

TRANSPORTATION & TRAFFIC

- A communication dated October 15, 2018 from resident Leo Johnson expressing concern about “no trucks” sign on Tiffany and the heavy truck traffic building in County Square.
- A communication dated October 16, 2018 from the Transportation and Traffic Committee regarding the AHS Roadway Enabling Project.
- 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)
- 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

- Council President requests funds to increase support in the Council office to 15 hours monthly thru FY19. (4/10/16/18)
- Election Manger Perry requests funds for the cost of printing ballots for Municipal Council vacancy. (3/10/16/18)
- Transfer of FY2019 Local Cultural Council funds from the Mass. Council to the Attleboro Council. (2/10/16/18)
- 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

- Renewal Applications for 2019 Class I Auto Licenses from:
 - Just Trailers, Inc., 1863 County Street, Attleboro, MA for 12 Customer Parking Spaces and 7 Display Spaces
 - National Van Builders Inc., 70-84 Pine Street/7 Parker Street, Attleboro, MA for 8 Customer Parking and 45 Display Spaces
- Renewal Applications for 2019 Class II Auto Licenses from:
 - Automazed Inc, 883 Washington Street, Attleboro, MA for 7 Customer Parking Spaces and 34 Display Spaces
 - Blue & White Motors Inc., 1815 County Street, Attleboro, MA for 4 Customer Parking Spaces and 15 Display Spaces
 - Bristol County Auto Sales LLC, 227 Pine Street, Attleboro, MA for 10 Customer Parking Spaces and 10 Display Spaces
 - C & A Millennium Motors, Inc. at 1844 County Street, S. Attleboro, MA for 10 Customer parking Spaces and 8 Display Spaces.
 - Joe and Mary Inc/Gas Plus, 80 Pleasant Street, Attleboro, MA for 10 Customer Parking and 24 Display Spaces
 - Liberty Coach Inc., 78 Eddy Street, Attleboro, MA for 15 Customer Parking Spaces and 1 Display Spaces
 - North Main Street Auto Division of K & L Tire and Automotive Co., Inc. 44 North Main Street, Attleboro, MA for 17 Customer Parking Spaces and 1 Display Space.
- An application for an Automatic Amusement Device License for S. Attleboro Post 312, Inc. located at 437 Newport Avenue, for one pool table and one jukebox.

- 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

- Council President Mark Cooper requests funds to purchase new chairs for the Council Chambers and Admin Office for \$5,515.20. (5/10/16/18).

PERSONNEL & HUMAN SERVICES

- Chief of Police Heagney requests \$6,493.58 due to a September retirement of an employee. (6/10/16/18)
- City and Firefighters ratified a collective bargaining agreement for the period of July 1, 2017 through June 30, 2020 a number of transfers are needed to fund the various accounts. (8/10/16/18)
- \$6,292.67 is needed to pay FY18 overtime for the Fire Department EMS. Vote required but no transfer needed as there is sufficient funding in Fund 2610. (8/10/16/18)
- In September, Council voted to transfer funds for the executed memorandums of agreement with various bargaining units within the City but one account was left short \$850.00 (Police). (7/10/16/18)
- 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

- To differentiate between the positions of an executive and legislative city solicitor section 2-3 of the Ordinances of the City of Attleboro. (Ms. Holmes and Mr. Kobus 10/16/18)
- Addition of Ordinance for Speed Humps/Cushions, 10-4.18 (9/10/16/18)
- To amend section 11-14 under Chapter 11, Offenses of the Ordinances of Attleboro pertaining to Hunting and Firearms and replace. (Ms. Dolan and Mr. Kobus 10/16/18)
- Plastic waste reduction ordinance. (PH 11/20/18) (10/2/18)
- 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)
- 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:

Amend section 17, ZONING ORDINANCES of the Revised Ordinances of the City of Attleboro to change the Special Permit Granting authority for Marijuana Establishments from Special Permit Municipal Council (SMC) to Special Permit Zoning Board of Appeals (S). (Mr. Kobus 11/6/18)

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

Amend Section 10-4.6 Left Turn Prohibited: May Street to Newport Avenue: May Street traffic traveling --- bound prohibited from making a Left turn onto Newport Avenue Northbound unless otherwise directed by a public safety official. (Ms. Porreca 11/6/18) (If approved please refer to the Traffic Study Commission.)

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

Amend Section 10-4.15: Operation of Heavy Commercial Vehicles by adding May Street from Washington Street to Newport Avenue. (Ms. Porreca 11/6/18) (If approved, please refer to the Traffic Study Commission, the Administration and the DPW for submission to the State for approval).

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

Amend Section 10-4.6 Left Turn Prohibited: Greenfield Street to South Ave: Greenfield Street Traffic travelling ---- bound prohibited from making a left turn onto South Avenue Northbound unless otherwise directed by a public safety official. (Ms. Porreca 11/6/18)

(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.