

**ATTLEBORO MUNICIPAL COUNCIL
REGULAR MEETING
TUESDAY OCTOBER 2, 2018
7:00 P.M.
AGENDA (Amended)***

PUBLIC HEARING relative to the petition from NATIONAL GRID requesting permission to install a pushbrace pole at the corner of First and Grove Streets, Pole #6555.

PUBLIC HEARING relative to the proposed layout of Rathbun Willard Drive and Brennan Way as public ways and accept said ways and any related drainage, water or sewer facilities or easements pursuant to MGL c. 82 s. 2 and 16-2.1 of the Revised Ordinances of the City of Attleboro.

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.

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 and September 18, 2018. Executive Sessions June 6, 2017, June 27, 2017, April 10, 2018 and May 8, 2018.

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 from National Grid for pushbrace poll #6555 First and Grove Streets (PH OCTOBER 2, 2018) (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) (10/2/18)
- Communication from Casey Law presenting four cases regarding rezoning amendments. (9/14/18)
- 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 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)
- 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)

- 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)
- Transfer \$18,200.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 14201000-530101 (Public Works – Professional Services). (4/9/18/18)

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)
- 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”. (PUBLIC HEARING ON OCTOBER 18, 2018)

BUDGET & APPROPRIATIONS

- 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)
- Two previous year’s bills totaling \$148.70 to *MWI Animal Health* and one previous year’s bill in the amount of \$793.68 to *Education Development Corporation* (2/9/18/18)
- Authorize the School Department to pay these previous year school bills totaling \$3,864.52 as identified in Mr. Furtado’s communication. (9/9/18/18)

LICENSE

- A communication dated July 16, 2018 from Attorney Edward Casey filing an application to amend the Class 2 license for Staline 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 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.
- Communication dated September 1, 2018 from the American Legion Post 312 of South Attleboro for their annual Poppy drive to be held November 3, 2018 at various facilities in South Attleboro.(9/18/18)

- Communication dated September 13, 2018 from the owners of Stateline Auto Brokers, Inc. regarding their pending Class II amendment application. (9/18/18)

CITY PROPERTY & CLAIMS

- Communication to declare Fire Department trailer as surplus. (8/14/18)
- Donation of \$1,000.00 in Stop & Shop gift certificates from the Attleboro Elks Lodge #1014. (6/9/18/18)
- Donation of Lap top, scanner and hard drive from an anonymous donor with an estimated value of \$800.00 to Historical Commission (8/9/18/18)
- Declare the Fire Department equipment as surplus for trade-in value and available for disposition: Home-made trailer (license plate #FIRE A166) approximately 40 years old

PERSONNEL & HUMAN SERVICES

- 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)
- Transfer \$27,640.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 12101000-530100 (Police – Uniform Cleaning). (3/9/18/18) Transfer \$12,432.32 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 15101000-515075 (Health – Earned Time). (7/9/18/18)

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)
- Transfer \$2,600.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11621000-524270 (Elections – Maintenance Contracts). Upon approval, the available balance in Reserve Fund for Transfer will be \$238,926.17. (Copies in your packets) (5/9/18/18)
- **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 **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)

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

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)

(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.