

REGULAR MEETING

TUESDAY: February 2, 2016 at 7:00 P.M.

DOCKET

APPROVAL OF THE RECORDS OF NOVEMBER 3, 2015; NOVEMBER 4, 2015; NOVEMBER 10, 2015 AND NOVEMBER 17, 2015; DECEMBER 1, 2015; DECEMBER 15, 2015; AND DECEMBER 22, 2015; JANUARY 5, 2016 AND JANUARY 19, 2016. EXECUTIVE SESSION MINUTES OF SEPTEMBER 6, 2011 AND SEPTEMBER 27, 2011; JANUARY 17, 2012; FEBRUARY 7, 2012; APRIL 10, 2012; MAY 1, 2012; APRIL 16, 2013; AUGUST 20, 2013; DECEMBER 17, 2013; NOVEMBER 17, 2015; AND DECEMBER 15, 2015.

PUBLIC HEARING relative to the application for a new 2016 Class 2 license received from Best Buy Automotive and Tires, Inc., 931 Washington Street, Attleboro, MA for 4 customer parking spaces and 10 display spaces.

PUBLIC HEARING relative to on-street parking limitations on Sandalwood Drive be posted on the south side of the last corner, 20 feet before the corner and 20 feet after the corner. **(Continued from the Municipal Council Meeting held on January 19, 2016)**

PUBLIC HEARING relative to the following **LOAN ORDER:**

ORDERED: That Two Million, Six Hundred Seventy Thousand Dollars (\$2,670,000.00) is appropriated for the permitting, bidding, construction oversight and construction costs associated with the rehabilitation of the Oak Hill Water Storage Tank, located in Attleboro, Massachusetts (the "Project"), including the payment of all costs incidental or related thereto; that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow Two Million, Six Hundred Seventy Thousand Dollars (\$2,670,000.00) under Section 8(4) of Chapter 44 of the General Laws, or any other enabling authority; that the Mayor is authorized to contract for and expend any federal or state aid available for the Project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds or notes under this order; that the Mayor is authorized to take any other action necessary or convenient to carry out this Project; and that Seventy Thousand Dollars (\$70,000.00) of the amount appropriated shall be allocated to the costs of preparing, issuing and marketing any such borrowing, provided that any portion of such Seventy Thousand Dollars (\$70,000.00) not needed for such costs of issue shall be made available for Project costs. **(Continued from the Municipal Council Meeting held on January 19, 2016)**

ORDINANCES, ELECTIONS & LEGISLATIVE MATTERS

James J. DiLisio, Chairperson

1. The Mayor respectfully submits a communication from Election Office Manager Maryann Draine requesting Your Honorable Body to approve the re-location of the Ward 1 Polling location from Robert J. Coelho Middle School, 99 Brown Street to Saint Theresa's Parish Center, 18 Baltic Street. M.G.L. Chapter 54 Section 24 states the City Council must approve the designated polling place at least 20 days before an election. With the Presidential Primary on March 1, 2016, this vote must be passed before February 10, 2016.
2. For further study and recommendation, and to the full Council for enactment: That the Rules of Procedure of the Municipal Council be amended as follows: Section 6 – Requests for Legal opinions be amended to add "Councilor questions regarding Ethics issues are excluded from these rules, they may consult with the City Solicitor regarding Ethics issues at any time." (NB- Mr. Conti 1/19/16)
3. For further study and recommendation, and to the full Council for enactment: That the Rules of Procedure of the Municipal Council be amended as follows: 1) Section 8 – Rules of Order Section 2-8.2 be amended to read "The City Clerk shall be the Parliamentarian of the Council. The City Clerk shall interpret and instruct the Council under Section 2-8.1 of these Rules. The Presiding Officer shall apply all rules, but the Presiding Officer's application may be challenged by a Member raising a point of order, upon which the Presiding Officer shall accept the ruling of the City Clerk before continuing any further discussion." (NB-Mr. Conti 1/19/16)

ZONING & LAND USE

Julie A. Hall, Chairperson

1. The Mayor respectfully submits a Grant of Easement from Massachusetts Electric Company (National Grid) that has been approved as to form by City Solicitor Robert Mangiaratti. This easement is necessary for power lines needed to accommodate the construction schedule of the Water Department storage and vehicle maintenance building at 1296 West Street. Therefore, the Mayor respectfully requests that Your Honorable Body accept this Grant of Easement. This easement requires a majority vote.
2. Rezoning petition relative to 144, 146, 150, 152 and 156 Pleasant street, Assessor's Plat #52, Lots 51, 51A, 52, 53 & 54 to change the current zoning of the property from Single Residence-B to General Business. **(Called for a Joint Public Hearing with the Planning Board on Tuesday: February 16, 2016 at 7:00 P.M.)**

LICENSES

Jeremy Denlea, Chairperson

1. Application for a new 2016 Class 2 license received from Best Buy Automotive and Tires, Inc., 931 Washington Street, Attleboro, MA for 4 customer parking spaces and 10 display spaces.

BUDGET & APPROPRIATIONS
Shannon M. Heagney, Chairperson

1. The Mayor respectfully submits a communication from City Auditor Deborah Gould regarding the amount due from the City to the School Department under a Memorandum of Understanding on the revenue sharing agreement for the Medicaid Reimbursement Program. Therefore, the Mayor respectfully requests Your Honorable Body appropriate \$171,788.28 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 13001000-551011 (School Appropriation - Medicaid) to fund the Municipal Sharing Agreement.

CITY PROPERTY & CLAIMS
Sara Lynn Reynolds, Chairperson

1. The roof at the Shang Building needs to be sealed in areas where screw heads have punctured the roof membrane. In addition to this repair, drain covers are needed on the roof at the Shang Building and at City Hall. Therefore, the Mayor respectfully requests Your Honorable Body transfer \$2,720.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11241000-524011 (City Wide – Maintenance of Buildings). Upon approval, the available balance in Reserve Fund for Transfer will be \$212,102.47.
2. The Mayor respectfully submits a communication from Superintendent of Park & Forestry regarding the need for funds to cover the cost for the National Grid invoices for the new Animal Shelter for the remainder of the FY2016. Therefore, the Mayor hereby requests Your Honorable Body transfer \$5,000.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 12921000-521020. Upon approval, the available balance in Reserve Fund for Transfer will be \$207,102.47.
3. The City has received an offer from the Fall River Diocese to purchase land on the easterly side of South Main Street in front of the Tilda B. Stone Recreational Area and pool. As this parking lot is vital to provide additional parking needs to that facility, the Mayor believes it is in the best interest of the City to purchase this parcel at the price of \$55,500.00. Please see the memo from City Solicitor Robert Mangiaratti that outlines the process required.

**PROPOSED VOTE FOR THE ACQUISITION OF
LAND ON SOUTH MAIN STREET ADJACENT TO
THE TILDA B. STONE RECREATIONAL AREA**

Voted: To authorize the Mayor to purchase on behalf of the City from the Roman Catholic Bishop of Fall River for a purchase price \$55,500.00 certain land to be used for public parking adjacent to the Tilda B. Stone Recreational area on terms and conditions satisfactory to the Mayor; said land is on the easterly side of South Main Street and is shown as Lots 20 and 56 on Assessors Plat 22 and contains approximately 10,782 square feet; and to appropriate for the purchase of such land \$55,500.00 from the Reserve Fund for Transfer.

Requires two-thirds vote in accordance with M.G.L. c. 40, § 14.

Additionally, the Mayor hereby requests Your Honorable Body appropriate \$55,500.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16301000-581010 (Recreation –

Land Purchase). Upon approval, the available balance in Reserve Fund for Transfer will be \$156,602.47.

4. The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding surplus items that the Water Department would like to declare surplus and hereby respectfully requests Your Honorable Body to declare the following as surplus and available for disposition:

<u>DESCRIPTION</u>	<u>SERIAL NO.</u>	<u>CONDITION</u>
Computer Table (keyboard tray broken)		Poor
APC Battery Backup	PB0229322278	No longer works
HP D2360 Printer	TH68516199	No longer works
Okidata Microline 184 Printer	52AY3123649K	No longer works

PERSONNEL & HUMAN SERVICES

Mark J. Cooper, Chairperson

1. As you may recall, the Mayor submitted a memorandum to Your Honorable Body on August 24, 2015 regarding the need to support the school district's need for two (2) additional teachers at the elementary level for this current fiscal year, and that an appropriation request would be forthcoming in the months ahead. Therefore, the Mayor respectfully submits a communication from Attleboro Public Schools Director of Finance Marc Furtado regarding the need for such funds for those two (2) specific unbudgeted teachers for the 2015-2016 academic year. The School Department had a need to hire two (2) teachers at the start of this school year due to excessive elementary school enrollments. The amount being requested is for the salary and benefits for two (2) teachers. Therefore, the Mayor respectfully requests Your Honorable Body appropriate \$103,335.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to the following Accounts:

\$57,411.00 to Account D2305010-511200 (Hill Roberts Class Teacher Professional Salary)
\$38,129.00 to Account E2305010-511-200 (Hyman Fine Class Teacher Professional Salary)
\$ 7,795.00 to Account A52000A0-517100 (Insurance Programs Admin and Claims Cost)
2. 2 communications to President Cook from Donald Allard, Paul Michaud, Joanne Troiano and Margaret, disabled residents of Gardner Terrace.

**AGENDA
REGULAR MEETING
TUESDAY: FEBRUARY 2, 2016 at 7:00 P.M.**

6:30 P.M.- ORDINANCES, ELECTIONS & LEGISLATIVE MATTERS COMMITTEE MEETING

APPROVAL OF THE RECORDS OF NOVEMBER 3, 2015; NOVEMBER 4, 2015; NOVEMBER 10, 2015 AND NOVEMBER 17, 2015; DECEMBER 1, 2015; DECEMBER 15, 2015; AND DECEMBER 22, 2015; JANUARY 5, 2016 AND JANUARY 19, 2016. EXECUTIVE SESSION MINUTES OF SEPTEMBER 6, 2011 AND SEPTEMBER 27, 2011; JANUARY 17, 2012; FEBRUARY 7, 2012; APRIL 10, 2012; MAY 1, 2012; APRIL 16, 2013; AUGUST 20, 2013; DECEMBER 17, 2013; NOVEMBER 17, 2015; AND DECEMBER 15, 2015.

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(Continued from the Municipal Council Meeting held on January 19, 2016)

ORDINANCES, ELECTIONS AND LEGISLATIVE MATTERS

- To approve the re-location of the Ward 1 Polling location from Robert J. Coelho Middle School, 99 Brown Street to Saint Theresa's Parish Center, 18 Baltic Street. M.G.L. Chapter 54 Section 24 states the City Council must approve the designated polling place at least 20 days before an election. With the Presidential Primary on March 1, 2016, this vote must be passed before February 10, 2016.
- For further study and recommendation, and to the full Council for enactment: That the Rules of Procedure of the Municipal Council be amended as follows: Section 6 – Requests for Legal opinions be amended to add "Councilor questions regarding Ethics issues are excluded from these rules, they may consult with the City Solicitor regarding Ethics issues at any time." (NB-Mr. Conti 1/19/16)
- For further study and recommendation, and to the full Council for enactment: That the Rules of Procedure of the Municipal Council be amended as follows: 1) Section 8 – Rules of Order Section 2-8.2 be amended to read "The City Clerk shall be the Parliamentarian of the Council. The City Clerk shall interpret and instruct the Council under Section 2-8.1 of these Rules. The Presiding Officer shall apply all rules, but the Presiding Officer's application may be challenged by a Member raising a point of order, upon which the Presiding Officer shall accept the ruling of the City Clerk before continuing any further discussion." (NB-Mr. Conti 1/19/16)
- Delete existing Section 9-46.2 under Section 9-46 Motor Vehicle Dealers of the Revised Ordinances of the City of Attleboro and insert new Section 9-46.2.
- To investigate the City Ordinances governing 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)
- Communication from John Murray, 17 Jenna Drive, in support of passive use of the Manchester Reservoir (Clifton Street side)
- Communication from Colin Blaney-Young former resident in support of passive use of Manchester Reservoir.
- Communication from Chris Castano, 831 West Street, in support of passive use of Manchester Reservoir.
- Information from Michael J. Crowley, 20 Beagle Club Road, and petition from residents.
- Amend Section 16-20 Restricted Use of Orr's Pond and Manchester Reservoir (Public Hearing October 21, 2014)
- To amend Section 9-11 Hackney Carriage (Taxi) by adding the following language to 9-11.7 (New Business—Mr. Thibodeau)
- Legal Opinion dated August 15, 2014 from Attorney Brandon H. Moss to Jeremy Denlea relative to the proposed amendment to the Hackney Carriage (Taxi) ordinance. (8/19/14)
- That another definition of the requirements for a class #2 Dealer License. (WHOLE SALE ONLY) (NB—Thibodeau & Denlea)

ZONING & LAND USE

- Rezoning petition relative to 144, 146, 150, 152 and 156 Pleasant street, Assessor's Plat #52, Lots 51, 51A, 52, 53 & 54 to change the current zoning of the property from Single Residence-B to General Business. (**Joint Public Hearing w/ Planning Board Scheduled for 2/16/16**)
- Accept a Grant of Easement from the Massachusetts Electric Company (National Grid) that is necessary for power lines needed to accommodate the construction schedule of the Water Department storage and vehicle maintenance building at 1296 West Street.

CAPITAL IMPROVEMENTS & CITY DEVELOPMENT

NO ITEMS PENDING

TRANSPORTATION & TRAFFIC

- For study and recommendation: Parking on Ellendale Road and referred to **Traffic Study Commission**. (12/15/15 NB-Mr. Cooper)
- For study and recommendation: On street parking limitations on Sandalwood Drive and referred to **Traffic Study Commission**. (New Business-Mr. Cooper 11/17/15) (**PH CONTINUED TO-2/2/16**)
- For study and recommendation: To install a "STOP" sign on Colts Way at its intersection with Kennedy Drive and referred to **Traffic Study Commission**. (New Business- Mr. Cook) (PH-1/19/16)
- To amend Section 10-5.11, Prohibited for Time Limited Parking by adding the following new section (f): No person shall park a vehicle between the hours of 6:00 A.M. though 7:00 A.M. and between the hours of 2:00 P.M. through 3:00 P.M. on any day except Saturday, Sunday and Legal Holidays, during the regular Bishop Feehan School Years, on the following streets or parts thereof; That prohibited for time limited no parking signs be posted on Harvard Street inbound (Easterly) from North Avenue on the South side of Harvard to the end of the street where it meets the Gate on Bishop Feehan Property. (Mr. Thibodeau) (9/1/15) (Public Hearing-9/15/15)
- To conduct a new study of the installation of traffic lights at the intersection of Park Street and Oak Hill Avenue and referred to **Traffic Study Commission**. (New Business—Mr. Thibodeau & Mr. Denlea)
- Application from the Attleboro Municipal Council, for the "Discontinuance Plan of a Portion of Harvard Street" Parcel A (880 Square Feet) being located on Assessor's Plat #90, 6B. (JOINT PUBLIC HEARING JANUARY 20, 2015)
- That the parking options for Beagle Club Road and that restrictions up to and including NO PARKING. (NB: Mr. Cooper)

- To install a “Stop” sign at the intersection of Essex Street and Guisti Drive. (New Business—Ms. Heagney)
- To amend Section 10-4.11, Isolated Stop Signs, or Section 10-4.16, Yield Signs as follows: on Lussier Avenue at the intersection of Mendon Road. (New Business—Mr. Thibodeau)(Public Hearing 6/17/14)
- East side of Scott Street at the end of the current parking restriction be reviewed to add distance. (NB—Mr. Thibodeau)
- That the end of Collins St, curved to intersects with Scott St, reviewed for parking restrictions (NB—Mr. Thibodeau) That “NO THROUGH TRUCKING” sign be posted on May Street. (NB—Mr. Thibodeau and Mr. Cooper)
- That Robert Street - “No thru Trucking Street”. (NB—Ms. Heagney)
- Amend Section 10-5.2 Prohibited on Certain Streets delete Section and insert under Section 105.2N Second Street, easterly side, from County Street to Cliff Street.
- Letter from the Morin family, residents of May Street, with concerns relative to May Street.

LICENSES

- Application for a new Class 2 license received from Best Buy Automotive and Tires, Inc., 931 Washington Street, Attleboro, MA for 4 customer parking spaces and 10 display spaces. **(PH-2/2/16)**
- Application from Liquid Environmental Solutions for an Amended Aboveground storage license adding an additional 10,000 gallons of Windshield Wiper Fluid to its Aboveground tank at 527 Pleasant Street, Attleboro, MA. (PH-1/19/16)

BUDGET & APPROPRIATIONS

- Appropriate \$171,788.28 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 13001000-551011 (School Appropriation - Medicaid) to fund the Municipal Sharing Agreement, the amount due from the City to the School Department under a Memorandum of Understanding on the revenue sharing agreement for the Medicaid Reimbursement Program.
- **LOAN ORDER:** \$2,670,000 for the permitting, bidding, construction oversight and construction costs associated with the rehabilitation of the Oak Hill Water Storage Tank. **(PH CONTINUED TO-2/2/16)**
- FYI from Mayor that City was not awarded PARC Grant for design and renovations of Angell Park located on Park Street.
- For study and recommendation: That the City of Attleboro adopt the local option under Massachusetts General Law Part 1, Title IX, Chapter 59 Section 5, Fifty-Fourth, and that the Attleboro minimum value of personal property subject to taxation shall be \$10,000 effective July 1, 2016. (New Business- 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 in the future. (NB—Mr. Kirby and Mr. Conti)
- To investigate/discuss the tax classification regarding the small business exemption. (New Business—Ms. Heagney)
- 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)
- That an ordinance be established requiring that all fees enacted by the city be reviewed on a bi-annual basis.
- Create and implement beginning in FY06, a Debt Policy.

CITY PROPERTY & CLAIMS

- Declare the following Water Department items as surplus and available for disposition: Computer Table (keyboard tray broken, poor condition); and a APC Battery Backup, HP D2360 Printer, and Okidata Microline 184 Printer (All no longer working).
- Authorize the Mayor to purchase on behalf of the City from the Roman Catholic Bishop of Fall River for \$55,500.00 approximately 10,782 square feet of land on the easterly side of South Main Street, shown as Lots 20 and 56 on Assessors Plat 22, to be used for public parking adjacent to the Tilda B. Stone Recreational area.
- Appropriate \$55,500.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16301000-581010 (Recreation – Land Purchase) to purchase land from the Roman Catholic Bishop of Fall River.
- Transfer \$2,720.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11241000-524011 (City Wide – Maintenance of Buildings) to repair the roof at the Shang Building and for drain covers on the roof of the Shang Building and City Hall.
- Transfer \$5,000.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 12921000-521020 to cover the cost for the National Grid invoices for the new Animal Shelter for the remainder of the FY2016.
- Declare the following Police Department items as surplus for trade-in or resale value and available for disposition: 2 2007 Suzuki Motorcycles (condition poor).
- Declare the following Recreation Department item as surplus and available for disposition: 1999 Chevy Expcut Minibus – Diesel (condition poor).
- Declare the following Water Department items as surplus and available for disposition: 260 Water Meters (condition used).
- Transfer \$5,000.00 from Account 16301000-511000 (Recreation – Salary & Wages) to Account 16301000-524011 (Recreation – Maintenance of Buildings) for ramp repairs at the Bartek Center.

- Transfer \$11,166.00 from 11241000-521020 (City Wide – Lights & Power) to Account 11241000-587385 (City Wide – Retro Fit Lights).
- That the Municipal Council supports a proposal of the Attleboro Police Department to designate an area near Police Station with electronic surveillance for residents to engage in the exchange of goods from Internet transactions of any similar means. (12/15/15 NB- Ms. Porreca)
- To review, discuss and consider reducing the dollar amount in Sections 2-12 and Sections 2-13.
- To investigate relocating the Hebronville Plaque from Dolores Cotnoir Gaudreas. (NB—Ms. Heagney)

PERSONNEL & HUMAN SERVICES

- Appropriate \$103,335.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to the following Accounts: \$57,411.00 to Account D2305010-511200 (Hill Roberts Class Teacher Professional Salary); \$38,129.00 to Account E2305010-511-200 (Hyman Fine Class Teacher Professional Salary); and \$7,795.00 to Account A52000A0-517100 (Insurance Programs Admin and Claims Cost) to support the school district’s need for two (2) additional teachers at the elementary level for this current fiscal year
- 2 communications to President Cook from Donald Allard, Paul Michaud, Joanne Troiano and Margaret, disabled residents of Gardner Terrace.
- 5 Communications received from Attleboro citizens regarding the status of a proposed ordinance concerning the bullying of elderly and disabled residents (2 dated December 4th, 1 dated December 5th, 1 dated December 7th and 1 dated December 15th).
- Communication from Attleboro citizens regarding the status of a proposed ordinance concerning bullying of elderly and disabled residents.
- That the Council continues to investigate the anti-bullying issue and further discussions with the Council on Human Rights. (New Business—Ms. Heagney) (3/3/15)
- Amend the Personnel Rules and Regulations Article XVIII Reimbursement for Education Courses.
- Amend Section 13-6 Personnel Rules and Regulations to receive compensation to advance their education shall be obligated to reimburse the City if they terminate their employment.

PUBLIC WORKS

- To solve drainage problems in and around 86 Dexter Street. (New Business- Mr. Denlea)
- That a street be named in honor of former State Representative Stephen J. Karol. (12/19/00)

PUBLIC SAFETY & EMERGENCY MANAGEMENT

- Communication from Robert Truitt, South Attleboro Assembly of God, 1052 Newport Avenue, South Attleboro, MA relative to the increase in Fire Department inspection fees.
- Brenda Haskell at the Committee of the Whole relative to hunting on private property. (10/7/14)
- Communications from D Spatcher, 959 Pleasant Street, and J Palermo, 857 Pleasant Street, -hunting safety.
- Communication from Linda Chilson, 175 Pike Avenue, relative to hunting safety violations. (2/5/13)

NEW BUSINESS

- Refer the following matter to the appropriate Committee for further study and recommendation:
That Jones Street and Lee Street be accepted and, once accepted, that these two streets be put on the priority list for paving. (Ms. Jackson & Mr. Denlea)
- Refer the following matter to the appropriate Committee for further study and recommendation:
That Section 10-4.11 Isolated Stop Signs of the Revised Ordinances of the City of Attleboro is hereby amended by inserting the following in alphabetical order: Southeast drivers on Camp Street at Arnold Street. (Ms. Heagney)

(Disclaimer-This agenda has been prepared in good faith based on topics that the Municipal Council anticipates being discussed at its meeting). Agenda prepared by Ken Owens from the Office of the Municipal Council.