

**ATTLEBORO MUNICIPAL COUNCIL
DOCKET
AUGUST 18, 2015**

APPROVAL OF THE RECORDS OF JULY 21 AND JULY 23, 2015: EXECUTIVE SESSION MINUTES OF SEPTEMBER 6 AND SEPTEMBER 27, 2011, JANUARY 17, 2012 AND FEBRUARY 7, APRIL 10, 2012, MAY 1, 2012, APRIL 16, AUGUST 20, DECEMBER 17, 2013.

Continued from the meeting of July 21, 2015: **PUBLIC HEARING** relative to the application for a 2015 New Class 2 Auto License 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 the application for a new 2015 Class 2 Auto License from David Montengro d/b/a Old School Auto Sales, 187 Cumberland Avenue, Attleboro, MA for 16 Display Spaces and 4 Customer Parking Spaces

PUBLIC HEARING relative to the 2015 renewal application to waive Section 11-15.1 to serve alcoholic beverages or wine on City Property from the Friends of Capron Park Zoo, c/o Brian Hatch, 201 County Street, Attleboro, MA on Saturday, September 12, 2015 at the Capron Park Zoo from 7 P.M. to 10 P.M.

PUBLIC HEARING relative to the 2015 renewal application to waive Section 11-15.1 to serve alcoholic beverages or wine at outside tables on the sidewalk in front of the restaurant from Sangria's, 59 Park Street, Attleboro, MA.

LICENSES

Ronald Churchill, Chairperson

1. New application for a 2015 Class 2 Auto License from David Montengro d/b/a Old School Auto Sales, 187 Cumberland Avenue, Attleboro, MA for 16 Display Spaces and 4 Customer Parking Spaces (Public Hearing on Tuesday, August 18, 2015) (7/21/15)
2. 2015 Renewal application to waive Section 11-15.1 to serve alcoholic beverages or wine on City Property from the Friends of Capron Park Zoo, c/o Brian Hatch, 201 County Street, Attleboro, MA on Saturday, September 12, 2015 at the Capron Park Zoo from 7 P.M. to 10 P.M. (Public Hearing on Tuesday, August 18, 2015) (7/21/15)
3. 2015 Renewal application to waive Section 11-15.1 to serve alcoholic beverages or wine at outside tables on the sidewalk in front of the restaurant from Sangria's, 59 Park Street, Attleboro, MA (Public Hearing on Tuesday, August 18, 2015) (7/21/15)
4. Communication from Attorney Roger Ferris to Ronald Churchill representing Mona Moukhaiber, previous license holder for Best Buy Automotive, 931 Washington Street, Attleboro, MA in opposition to the new license for Best Buy Automotive & Tire, Inc. (7/21/15)

5. Communication (Letter of reference) from Matthew Cote, 32 Russell Tennant Drive, Attleboro MA in support of Jason St. Jean's application for a Hawker's and Peddler's License. (7/21/15)

CAPITAL IMPROVEMENTS AND CITY DEVELOPMENT

Richard Conti, Chairperson

1. The Mayor respectfully submits a communication from City Auditor Deborah Gould regarding a current review of available funds in the General Government Capital Projects Fund Group Fund 3512. The available amount in Fund 3512 is \$4,237.50 the remainder of an equipment loan authorization from December 3, 2009. In an effort to close the fund, the City Auditor spoke with Budget and Administration Director Barry LaCasse who identified a need for additional funds at the concession stand project. City Treasurer Ethel Sandbach confirmed that this project meets the economic life criteria for these restricted funds. Therefore, the Mayor hereby requests Your Honorable Body to transfer \$4,237.50 from Account 3512-599000 (Equipment Loan Other Financing Uses) to Account 3417-499000 (AHS Athletic Complex – Other Financing Sources). (Copies in your packet) (14/7/21/15)

BUDGET AND APPROPRIATIONS

Brian Kirby, Chairperson

1. The Mayor respectfully submits a communication from Chief Assessor Stanley Nacewicz regarding the need for funds to provide assessment and maintenance work for FY2016. Therefore, the Mayor hereby requests Your Honorable Body appropriate \$24,600.00 from Account 11241000-578300 (City Wide-Reserve Fund for Transfer) to Account 11411000-595010 (Assessor-Revaluation). Upon approval, the balance in Reserve Fund for Transfer will be \$375,400.00. (Copies in your packet) (2/7/21/15)
2. Certificate of Vote from the Attleboro Planning Board voting in the affirmative (8 Yeas, 0 Nays, 1 absent) to recommend approval of the Loan Order of Four Million, Three Hundred Fifty Thousand Dollars (\$4,350,000.00) is appropriated for the construction of a Water Department equipment and maintenance facility. (7/21/15)
3. The Mayor respectfully submits a communication from City Auditor Deborah Gould regarding the need to close Fund 2503 – Sale of City Property Fund. This fund was created by Ordinance in May 1971 for the sale of tangible city owned personal property. Subsequently, the Ordinance was amended several times and now is consistent with Massachusetts General Law which does not provide for the segregation of funds for the Sale of City Owned Property. Thus With the exception of the money generated by the sale of surplus police vehicles and vehicle related equipment that the Honorable Municipal Council has authorized to be deposited into the revolving fund under MGL Chapter 44 Section 53E1/2, revenue generated through the sale of City Owned Property is a general fund receipt. As such, the revenue would be a general fund receipt and incorporated into the local receipts for budgeting purposes and the establishment of the City's tax rate. Again, these funds cannot be segregated in a separate fund and shall be treated as general fund receipts. The disposition of assets for the Water and Wastewater Enterprise Funds were tracked separately within Fund 2503. Revenue generated from the

sale of tangible property associated with the Water and Wastewater Enterprise funds will be deposited in the respective enterprise fund. Therefore, the Mayor hereby requests Your Honorable Body to close Fund 2503 Sale of City Property as follows: (Copies in your packet)

Transfer \$41,871.30 from Account 2503-599000 (Sale of City Property – Other Financing Uses) to the following accounts:

- \$22,999.46 to Account 10004-499000 (General Fund – Other Financing Sources) (These funds will be reported on the FY16 Recap and are therefore available for supplemental appropriation)
 - \$ 1,461.00 to Account 60004-499000 (Wastewater Enterprise Fund – Other Financing Sources)
 - \$17,410.84 to account 61004-499000 (Water Enterprise Fund – Other Financing Sources) (6/7/21/15)
4. The Mayor respectfully submits a communication from Fire Chief Scott T. Lachance regarding the need for funds for the replacement of the septic system at the Brigg's Corner Fire Station. The septic system at the Brigg's Corner Fire Station is approximately sixty (60) years old and has begun to fail. Replacement of this septic system was included in the FY2016 Capital Improvements Program for the Fire Department as a Priority 1 project. As you are aware, the City's Health Agent Alan Perry was checking the references on the lowest bidder, as the repairs need to be done by a qualified and reputable installer. The references have been verified and confirmed that they are capable of completing the required work for this project. Therefore, the Mayor hereby requests Your Honorable Body to approve a supplemental appropriation in the amount of \$18,350.00 to Account 12201000-584015 (Fire – Septic Replacement) (Copies in your packets) (7/7/21/15)
5. The Mayor respectfully submits a communication from City Auditor Deborah Gould regarding unused funds for completed projects. As you are aware, these funds cannot be utilized for any other purpose without authorization from Your Honorable Body. Therefore, the following is submitted for your consideration: (Copies in your packet)
- There remains \$121.80 in Account 1100420-524029 these funds are the balance of an appropriation of the Municipal Council on June 17, 2014 for the purpose of trench repairs throughout the City. The original source of funding for the project was the general fund budget; therefore the funds are not restricted. Therefore, the Mayor hereby requests Your Honorable Body to transfer \$121.80 from Account 1100420-524029 (Continuing Appropriation Fund DPW – Street Repair to Account 1100-599000 (Continuing Appropriation Fund – Other Financing Uses) and to further transfer \$121.80 from Account 1100-599000 (Continuing Appropriation Fund – Other Financing Uses) to Account 10004-499000 (General Fund Other Financing Sources); this action would close the project to the general fund.
 - There remains \$1,790.00 in account 1100210-582510 these funds are the balance of an appropriation of the Municipal Council on July 17, 2014 for the replacement of

the showers at the Attleboro Police Station. This project is complete. The original source of funding for this project was a general fund supplemental appropriation; therefore the funds are not restricted. Therefore, the Mayor hereby requests Your Honorable Body to transfer \$1,790.00 from Account 1100210 – 582510 (Continuing Appropriation Fund – Police Renovations) to Account 1100-599000 (Continuing Appropriation Fund – Other Financing Uses) and to further transfer the \$1,790 from Account 1100-599000 (Continuing Appropriation Fund – Other Financing Uses) to Account 10004-499000 (General Fund Other Financing Sources); this action would close the project to the general fund.

- There remains \$22.80 in Fund 3418 – AHS Apprentice Café these funds are the balance of an appropriation of the Municipal Council on December 10, 2013. The original source of these funds was free cash; therefore the funds are not restricted. Therefore, the Mayor hereby requests Your Honorable Body to transfer \$22.80 from Account (3418-599000 Apprentice Café – Other Financing Uses) to Account 10004-499000 (General Fund Other Financing Sources); this action would close the fund to the general fund. (13/7/21/15)

PUBLIC WORKS

Peter Blais, Chairperson

1. As you may recall, in a letter dated October 23, 2014, City Solicitor Robert Mangiaratti recommended that the City accept title to four drainage areas in the Meadowsweet Farms subdivision. Mr. Mangiaratti has worked with the original developer and homeowners' association to obtain a deed for these drainage areas and has secured signatures from all parties who have an interest. Therefore, the Mayor hereby requests Your Honorable Body to accept the release deed from Allen Homes Limited Partnership and the Trustees of Meadowsweet Farms Trust for the land shown as Lots 1K, 1L, 1M and 59 on Assessors Map 171 pursuant to M.G.L. c 60, § 77C. This deed would be accepted in lieu of foreclosure of the tax title accounts now pending. (Copies in your packets) (4/7/21/15)
2. The Mayor respectfully submits a communication from Acting Water Superintendent Paul Kennedy regarding paying a previous year's bill in the amount of \$190.00 for a new employee's physical examination. Therefore, the Mayor hereby requests Your Honorable Body to transfer \$190.00 from Account 6100-530101 (Water – Professional Services) to Account 6100-578020 (Water – Previous Years Bills). (Copies in your packets) (10/7/21/15)

PUBLIC SAFETY & EMERGENCY MANAGEMENT

Mark Cooper, Chairperson

1. The Mayor respectfully submits a communication from Chief of Police Kyle P. Heagney regarding a FY2016, 911 Training Grant, from the Executive Office of Public Safety and Security (EOPSS) in the amount of approximately \$19,486. Please note that there is no matching requirement. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, the Mayor hereby requests Your Honorable Body approve expending of such funds and any future grant amendments. Monies from this grant must be expended no later than June 30, 2016. (Copies in your packets) (5/7/21/15)

CITY PROPERTY & CLAIMS

Heather Porreca, Chairperson

1. The Mayor respectfully submits a communication from Library Director Joan Pilkington-Smyth regarding a Grant from the National Endowment for the Arts to the City of Attleboro for the Community-wide Big Read Program of approximately \$10,000.00. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, the Mayor hereby requests Your Honorable Body approve the expenditure of such funds and any other future grant amendments to support the Big Read Program activities as authorized by the granting authority. Details of the program will be announced to the public in July. (Copies in your packets) (3/7/21/15)
2. The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding surplus items that the Council on Aging would like to declare surplus and hereby respectfully request Your Honorable Body to declare the following as surplus and available for disposition: (Copies in your packets)

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>CONDITION</u>
4	Red Cloth Guest Chairs	Good to Fair
1	Vinyl Loveseat	Good
1	Rose Colored Rocker	Good
2	Desk Chairs (#1 red & #1 black)	Fair
6	Blue Cloth Guest Chairs	Good to Fair
1	Circular Dining Table	Broken (9/7/21/15)

PERSONNEL AND HUMAN SERVICES

Shannon Heagney, Chairperson

As you may recall from earlier this year, Your Honorable Body approved the expenditure of a Sustainable Materials Recovery Program Municipal Grant, awarded by the Massachusetts Department of Environmental Protection (MassDEP) for a Waste Reduction Enforcement Coordinator. In order to properly account for and fund the City’s portion for the two part time coordinators (19 hours per week) in the Health Department, the Mayor hereby requests Your Honorable Body to approve a supplemental appropriation in the amount of \$7,640.00 to Account 15101000-599150 Health Department Transfer to Waste Reduction Coordinator Grant, and to further authorize the Auditor’s Office to complete the required accounting transactions to account for this grant. (8/7/21/15)

**ATTLEBORO MUNICIPAL COUNCIL
AGENDA
REGULAR MEETING AND COMMITTEE MEETINGS
TUESDAY, AUGUST 18, 2015**

APPROVAL OF THE RECORDS OF JULY 21 AND JULY 23, 2015: EXECUTIVE SESSION MINUTES OF SEPTEMBER 6 AND SEPTEMBER 27, 2011, JANUARY 17, 2012 AND FEBRUARY 7, APRIL 10, 2012, MAY 1, 2012, APRIL 16, AUGUST 20, DECEMBER 17, 2013.

Continued from the meeting of July 21, 2015: **PUBLIC HEARING** relative to the application for a 2015 New Class 2 Auto License 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 the application for a new 2015 Class 2 Auto License from David Montengro d/b/a Old School Auto Sales, 187 Cumberland Avenue, Attleboro, MA for 16 Display Spaces and 4 Customer Parking Spaces

PUBLIC HEARING relative to the 2015 renewal application to waive Section 11-15.1 to serve alcoholic beverages or wine on City Property from the Friends of Capron Park Zoo, c/o Brian Hatch, 201 County Street, Attleboro, MA on Saturday, September 12, 2015 at the Capron Park Zoo from 7 P.M. to 10 P.M.

PUBLIC HEARING relative to the 2015 renewal application to waive Section 11-15.1 to serve alcoholic beverages or wine at outside tables on the sidewalk in front of the restaurant from Sangria's, 59 Park Street, Attleboro, MA.

MAYOR'S COMMUNICATION AND OTHER COMMUNICATIONS

ORDINANCES, ELECTIONS AND LEGISLATIVE MATTERS

- At the request of Attleboro departmental personnel and constituents a city-wide sidewalk snow removal ordinance. (New Business—Ms. Porreca)
- That the Director of Emergency Management and the Emergency Management Advisory Council develop and implement a solution to the city wide problem of removing snow or other obstacles inhibiting pedestrians from safely utilizing developed and undeveloped sidewalks adjoining existing roadways and or roadways that otherwise will exist when accepted. (New Business—Mr. Thibodeau)
- 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)
- To review and update Ordinances the description and duties of the Personnel Board. (New Business - Ms. Reynolds)
- That another definition of the requirements for a class #2 Dealer License (WHOLE SALE ONLY) (NB—Thibodeau &Denlea)

LICENSES

- Communication from Attorney Roger Ferris to Ronald Churchill representing Mona Moukhaiber, previous license holder for Best Buy Automotive, 931 Washington Street, Attleboro, MA in opposition to the new license for Best Buy Automotive & Tire, Inc.
- Communication (Letter of reference) from Matthew Cote, 32 Russell Tennant Drive, Attleboro MA in support of Jason St. Jean's application for a Hawker's and Peddler's License
- Application for a new 2015 Class 2 Auto License from David Montengro d/b/a Old School Auto Sales, 187 Cumberland Avenue, Attleboro, MA for 16 Display Spaces and 4 Customer Parking Spaces (PUBLIC HEARING 8/18/15)
- Renewal Application to waive Section 11-15.1 to serve alcoholic beverages or wine on City Property from the Friends of Capron Park Zoo, c/o Brian Hatch, 201 County Street, Attleboro, MA on Saturday, September 12, 2015 at the Capron Park Zoo from 7 P.M. to 10 P.M. (PUBLIC HEARING 8/18/15)
- Renewal application to waive Section 11-15.1 to serve alcoholic beverages or wine at outside tables on the sidewalk in front of the restaurant from Sangria's, 59 Park Street, Attleboro, MA. (PUBLIC HEARING 8/18/15)
- 2015 New Class 2 Auto License from Best Buy Automotive and Tires, Inc., 931 Washington Street, (PH- 8/21/15)
- Complaint from Patricia Savasta, 30 Observatory Road, Warwick, RI against Looney Tuned Auto Sales, 826 Washington
 - Communication from Mona Mopukhaiber from Best Buy Automotive, Inc, 931 Washington Street, closing business on 5/22
 - Application for a 2015 New Hawker's and Peddler's License from Jason St. Jean, 7 Washington Drive, Johnston, RI 02919
 - Communication from Renee Lumb requesting that the License Committee hold her Hawker's and Peddler's License
 - 2015 Hawkers & Peddlers License from Renee Lumb, 62 Sycamore Avenue, Attleboro to sell food, novelties and beverages.

**ATTLEBORO MUNICIPAL COUNCIL
AGENDA
REGULAR MEETING AND COMMITTEE MEETINGS
TUESDAY, AUGUST 18, 2015**

CAPTITAL IMPROVEMENTS AND CITY DEVELOPMENT

ZONING & LAND USE

BUDGET & APPROPRIATIONS

- 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.

PUBLIC WORKS

- To solve drainage problems in and around 86 Dexter Street. (New Business- Mr. Denlea)
- Resolve drainage problem on Sullivan Street alleyway behind Mon Kou Restaurant.(New Business—Mr. Thibodeau)
- That a street be named in honor of former State Representative Stephen J. Karol (12/19/00)

TRANSPORTATION & TRAFFIC

- Draft of the Memorandum of Agreement with the City and Bishop Feehan
- Communication from Attorney Edward Casey relative to Bishop Feehan High School and Harvard Street. (6/2/15)
- Recommendation from the Planning Board requesting the Municipal Council to request Bishop Feehan High School to prepare and submit a full and comprehensive traffic study
- Memorandum to the Planning Board from relative to the Discontinuance of a portion of Harvard Street.
- Communication from Karla Bassler, 18 Old Farm Lane, Attleboro, MA relative to the Discontinuance of a portion of Harvard Street. (two-week time period allowed for information to be submitted-ends today)
- Communication from City Solicitor Robert Mangiaratti relative to the Harvard Street layouts.
- Communication from McMahon Transportation Engineers & Planners relative to Bishop Feehan High School: Proposed Alternatives Summary.
- 2 Communications in favor of the Discontinuance of Harvard Street
- 21 Communications in opposition of the Discontinuance of Harvard Street
- 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)
- Harvard Street. Vote to submit the application and engineering plan for the Discontinuance of a portion of Harvard Street (Old Business—Mr. Thibodeau)
- 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)
- Opinion from City Solicitor Robert Mangiaratti relative to Harvard Street Access to Bishop Feehan High School.
- 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)
- To install a traffic light at the intersection of Rathbun Willard Drive and Thacher Street (New Business—Mr. Cooper)
- That following streets under Section 10-4.15 Operation of Heavy Commercial Vehicles be retested by the DPW resubmitted for approval from MassHighway District 5 for acceptance: Belair Avenue, Branch Street, Brown Street, Collins Street, Clayton Street, Newport Avenue (North Attleboro Town Line to intersection at West Street), Orr Street, Read Street (West Street County Street), Riverside Avenue/Ellis Street, Roadway A, Robinson Avenue, Sixth Street, from County Street to Robert Street, Wolfenden Street, from County Street to Robert Street (NB—Mr. Thibodeau)
- 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 Street 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.

**ATTLEBORO MUNICIPAL COUNCIL
AGENDA
REGULAR MEETING AND COMMITTEE MEETINGS
TUESDAY, AUGUST 18, 2015**

PUBLIC SAFETY & EMERGENCY MANAGEMENT

- 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)

CITY PROPERTY & CLAIMS

- School Department items as surplus for trade-in or resale value and available for disposition
- 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

- That the Council continue 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.

OLD BUSINESS:

NEW BUSINESS:

- (New Business—Mr. Thibodeau & Mr. Denlea) I move to refer the following matter to the appropriate committee for study and recommendation: To conduct a new study of the installation of traffic lights at the intersection of Park Street and Oak Hill Avenue.
- (New Business—Mr. Denlea and Mr. Cook): I move to refer the following matter to the appropriate committee for study and recommendation: 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—Ms. Heagney) I move to refer the following matter to the appropriate committee for study and recommendation: To install a “Stop” sign at Hebron Avenue and Bliss Avenue.

(Disclaimer-This agenda has been prepared in good faith based on topics that the council anticipates being discussed at its' meeting) Agenda prepared by Linda Alger, Administrative Assistant to the Council