



ATTLEBORO MUNICIPAL COUNCIL
REGULAR MEETING
TUESDAY: OCTOBER 04, 2016 at 7:00 P.M.
DOCKET

APPROVAL OF THE RECORDS OF JUNE 21, 2016; AND JUNE 23, 2016; JULY 19, 2016 & JULY 21, 2016; AUGUST 16, 2016 & AUGUST 18, 2016; SEPTEMBER 6, 2016 & SEPTEMBER 20, 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 following matter:

Petition For Grant of Location For New Utility Pole, dated August 22, 2016, from Mobilitie, LLC, 925B Peachtree Street NE, Suite 710, Atlanta Georgia, 30309. The Petitioner proposes to install backhaul transport equipment on a proposed utility pole in the right of way located east of the intersection of PLEASANT STREET & PERRY AVENUE with electricity connection (Lat/Long: 41.951512, -71.271965).

ZONING & LAND USE
Julie A. Hall, Chairperson

1. On June 7, 2016, Your Honorable Body approved the acquisition of a conservation restriction on a parcel of land located on Wilmarth Street. The Attleboro Land Trust is now offering to donate to the City a conservation restriction on two additional contiguous parcels of land located on Wilmarth Street. Therefore, the Mayor respectfully requests Your Honorable Body, pursuant to MGL Ch. 184, §32 and MGL Ch. 40, §8C, approve the conservation restriction, more fully described in the document to the City of Attleboro and the Massachusetts Audubon Society, Inc, two parcels of land situated on the southerly side of Wilmarth Street in the City of Attleboro, Massachusetts, shown as lot 6 and lot 7 on that certain plan of land entitled “Land Owned by the Stephen K. Richardson Revocable Trust & the Thomas O. Richardson Trust in Attleboro, Massachusetts”, drawn by E. Otis Dyer, R.P.L.S., scale 1”=50’, dated December 3, 2015, and recorded at the Bristol North District Registry of Deeds in Plan Book 503, Page 17, and comprising approximately 60,323 square feet and 96,381 square feet, respectively.

LICENSE

Vice President Jeremy Denlea, Chairperson

1. Letter from Dick Oliver, Commander of the South Attleboro Post, No. 312, 437 Newport Avenue, South Attleboro, MA, requesting a one day solicitation permit for the Annual Poppy Drive, which will be held on Saturday November 5th from 7:30 am to 3 pm at various facilities in South Attleboro, with a rain date of November 19th.

BUDGET & APPROPRIATIONS

Shannon M. Heagney, Chairperson

1. That this Municipal Council create a City policy stating that Water and Wastewater Departments (Water and Wastewater Enterprise Accounts) will not charge the City of Attleboro school system for services provided and/or That this Municipal Council make a temporary policy change to not charge the Attleboro School Department for Water and Wastewater Usage Costs in 2017; with the possibility of doing so again in 2018 if the Water and Wastewater Enterprise Accounts show retained earnings. (New Business: Ms. Reynolds 09/20/16)

PUBLIC WORKS

Kate M. Jackson, Chairperson

1. The Mayor respectfully submits a communication from Superintendent of Parks & Forestry Aurelio Almeida regarding the need to replace six pin oak trees in the Memorial Walkway in Capron Park. Therefore, the Mayor hereby requests Your Honorable Body transfer \$2,700.00 from Account 11241000-578300 (Citywide – Reserve Fund for Transfer) to Account 16501000-543025 (Park & Forestry-Purchase of Trees). Upon approval the balance in the Reserve Fund for Transfer will be \$397,300.00.
2. 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>QUANTITY</u>	<u>DESCRIPTION</u>	<u>CONDITION</u>
200	Water Meters	Used

3. The Mayor respectfully submits a communication from Acting Water Superintendent Paul Kennedy regarding the need to transfer funds to pay a bill from FY2016. Therefore, the Mayor hereby requests Your Honorable Body transfer \$221.00 from Account 6100-521020 (Water Enterprise Fund – Lights and Power) to Account 6100-578020 (Water Enterprise Fund – Previous Years Bill).



ATTLEBORO MUNICIPAL COUNCIL
COMMITTEE & REGULAR MEETINGS

TUESDAY: OCTOBER 04, 2016

7:00 P.M.

AGENDA

6:30 P.M. Public Works Committee Meeting
6:35 P.M. Zoning & Land Use Committee Meeting
6:40 P.M. Transportation & Traffic Committee

APPROVAL OF THE RECORDS OF JUNE 21, 2016; AND JUNE 23, 2016; JULY 19, 2016 & JULY 21, 2016; AUGUST 16, 2016 & AUGUST 18, 2016; SEPTEMBER 6, 2016 & SEPTEMBER 20, 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 following matter:

Petition For Grant of Location For New Utility Pole, dated August 22, 2016, from Mobilitie, LLC, 925B Peachtree Street NE, Suite 710, Atlanta Georgia, 30309. The Petitioner proposes to install backhaul transport equipment on a proposed utility pole in the right of way located east of the intersection of PLEASANT STREET & PERRY AVENUE with electricity connection (Lat/Long: 41.951512, -71.271965).

ORDINANCES, ELECTIONS AND LEGISLATIVE MATTERS

- To the appropriate Committee for further study and recommendation: That Section 5-1.2 of the Revised Ordinances of the City of Attleboro, Powers and Duties (Amended 4/3/08), be amended by deleting that section in its entirety and replacing it with the following: The Board of Assessors shall assess taxes and estimate the value of property for the purpose of taxation. The Board of Assessors shall have all the powers and duties now or from time to time vested by General Law or Special Act in Board of Assessors. The Chief Assessor under the administrative direction of the Mayor, not to include assessing of property, shall be the administrative head of the Assessors' Department and shall assist the Board of Assessors in estimating the value of real and personal estate and in the performances of such other duties as the Assessors require. (NB: Mr. Cooper- 08/16/16)
- Amendment of Section 9-43 of the Licenses and Permits Ordinance by deleting the last sentence that states, "All late fees collected under this provision shall be reserved for the Animal Shelter Building Fund, subject to further appropriation."
(PH held & closed on 03/15/16)
- 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

- Approve the conservation restriction, more fully described in the document to the City of Attleboro and the Massachusetts Audubon Society, Inc, two parcels of land situated on the southerly side of Wilmarth Street in the City of Attleboro, Massachusetts, shown as lot 6 and lot 7 on that certain plan of land entitled “Land Owned by the Stephen K. Richardson Revocable Trust & the Thomas O. Richardson Trust in Attleboro, Massachusetts”, drawn by E. Otis Dyer, R.P.L.S., scale 1”=50’, dated December 3, 2015, and recorded at the Bristol North District Registry of Deeds in Plan Book 503, Page 17, and comprising approximately 60,323 square feet and 96,381 square feet, respectively.
- For further review and recommendation: All Building Permits for construction and alterations in the Transit Oriented Development (TOD) include an impact fee of one hundredth of one percent (0.01%) of the building permit stated improvement value to be placed in a Fund for the maintenance and repair of TOD common ground capital improvements. Said Fee and Fund shall meet all Federal and State law requirements and shall benefit the residents of the TOD. (NB: Mr. Conti-08/18/16)
(Also Referred to the Planning & Land Use Department on 09/06/16)

CAPITAL IMPROVEMENTS & CITY DEVELOPMENT

NO ITEMS

TRANSPORTATION & TRAFFIC

- Request from a constituent to install a stop sign at Edgewood Avenue and Magnolia Street that is not included in City Ordinance Section 10-4.11, Isolated Stop Signs and 10-4.12, Multi-Way Stop Signs. **(Referred to the TSC)**
- For study and recommendation: To install a “STOP” sign on Colts Way at its intersection with Kennedy Drive. (NB-Mr. Cook) (PH-1/19/16) (Also referred to **Traffic Study Commission**)
- 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 held on 2/2/16)**
- 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)
- 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.

LICENSE

- Letter from Dick Oliver, Commander of the South Attleboro Post, No. 312, 437 Newport Avenue, South Attleboro, MA, requesting a one day solicitation permit for the Annual Poppy Drive, which will be held on Saturday November 5th from 7:30 am to 3 pm at various facilities in South Attleboro, with a rain date of November 19th.
- Complaint from Pasquale Passi, 11 Summer St. APT. D, North Attleboro, MA about Old School Auto, located at 187 Cumberland Avenue, Attleboro, MA.

BUDGET & APPROPRIATIONS

- That this Municipal Council create a City policy stating that Water and Wastewater Departments (Water and Wastewater Enterprise Accounts) will not charge the City of Attleboro school system for services provided and/or That this Municipal Council make a temporary policy change to not charge the Attleboro School Department for Water and Wastewater Usage Costs in 2017; with the possibility of doing so again in 2018 if the Water and Wastewater Enterprise Account show retained earnings. (Sponsor: Ms. Reynolds. Co-Sponsors: Vice-President Denlea, Mr. Conti, Mrs. Porreca & Mr. Cooper)
- Approve a supplemental appropriation in the amount of \$60,866.17 to Account 13001000-511110 (Education – Salaries) for Crossing Guards.

- Approve a supplemental appropriation for FY17 of \$50,465.88 to Account 11211000-511000 (Office of the Mayor – Salary) to fund the position of Constituent Services Administrator.
- Letter dated June 30, 2016, containing a check in the amount of \$1,000.00, from Denise Preston, 121 West Street, Attleboro, MA, to be used as a gift to the City of Attleboro to be directed toward providing funding to the salary within the Mayor’s Department in order to re-instate the Constituent Services Administrator position. Ms. Preston as asked that her gift be returned to her if the Constituent Services position is not re-instated.
- Letter dated July 19, 2016, from Irene Kozdrowski, 30 Carleton Street, South Attleboro, MA asking the Municipal Council to fund the Constituent Services position held by Scott Folan.
- Letter from Joseph P. Harney, 68 Beagle Club Road, Attleboro, MA asking the Municipal Council to reinstate Scott Folan’s Constituent Services position.
- 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 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

- Approve a supplemental appropriation of \$3,027.00 to Account 14201000-524013 (Public Works – Maintenance of Traffic Lights) to repair City property that was damaged by a motorist at the intersection of Pleasant and Emory Streets. The total repair cost is \$8,027.00 but the driver’s insurance company will only pay \$5,000.00, which leaves a remaining balance of \$3,027.00 needed to facilitate the repairs.
- 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- Mrs. 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

- To the appropriate Committee for further study and recommendation: That Section 13-6 of the Revised Ordinances of the City of Attleboro relative to the Personnel Rules and Regulations for employees not covered by Collective Bargaining Agreements (Exempt Employees) be reviewed, and that revisions, updates or changes be made as appropriate. (NB- Mr. Cooper 08/16/16)
- Two (2) letters from Paul Michaud, Joanne Troiano, Donald Allard, and “Margaret” to President Cook, dated February 8th and 11th, 2016 regarding the Anti-bullying Ordinance.
- 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

- Transfer \$2,700.00 from Account 11241000-578300 (Citywide – Reserve Fund for Transfer) to Account 16501000-543025 (Park & Forestry-Purchase of Trees) to replace six pin oak trees in the Memorial Walkway in Capron Park.
- Declare the following Water Department items as surplus and available for disposition:

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>CONDITION</u>
200	Water Meters	Used
- Transfer \$221.00 from Account 6100-521020 (Water Enterprise Fund – Lights and Power) to Account 6100-578020 (Water Enterprise Fund – Previous Years Bill) to pay a Water Department bill from FY2016 .
- Petition For Grant of Location For A New Utility Pole, dated August 22, 2016, from Mobilitie, LLC, 925B Peachtree Street NE, Suite 710, Atlanta Georgia, 30309. The Petitioner proposes to install backhaul transport equipment on a proposed utility pole in the right of way located east of the intersection of PLEASANT STREET & PERRY AVENUE with electricity connection (Lat/Long: 41.951512, -71.271965). **(PH Scheduled for 10/04/16)**
- That Jones Street and Lee Street be accepted as a City street. (NB-Mr. Denlea and Ms. Jackson 02/02/16)

- That a street be named in honor of former State Representative Stephen J. Karol. (12/19/00)

PUBLIC SAFETY & EMERGENCY MANAGEMENT

- Letter from Ellie Sugar, 11 Manchester Street, Attleboro MA regarding the increasing installation and use of outdoor fire pits by individuals on their properties in Attleboro.

OLD BUSINESS

NONE

NEW BUSINESS

- Amend Section 10-4.16 (Yield Signs) Adopted 6/26/01 (amended 6/24/14) by deleting the following line: “Northbound drivers on Snell Street at Thacher Street at Thacher Street”; and Amend Section 10-4.12 (Multi-Way Stop Signs) of the Revised Ordinances of the City of Attleboro be amended by adding the following in alphabetical order: Northbound drivers on Snell Street at Thacher Street (Mrs. Porreca)
- Amend Section 10-4.12 (Multi-Way Stop Signs) of the Revised Ordinances of the City of Attleboro by adding the following in alphabetical order: O’Neill Boulevard and Dunham Street. (Mrs. Porreca)

(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 Ken Owens from the Office of the Municipal Council.