ATTLEBORO MUNICIPAL COUNCIL

REGULAR MEETING

TUESDAY: OCTOBER 18, 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; AND OCTOBER 04, 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.

ZONING & LAND USE
Julie A. Hall, Chairperson

1. The Mayor respectfully submits a communication from Director of Planning and Development Gary Ayrassian in regards to the City's efforts in being designated a "Green Community" through the Massachusetts Department of Energy Resources. There are five criteria that a community must demonstrate compliance with in order to obtain designation as a "Green Community". Among the criteria is Criterion 1 whereby a municipality must allow by–right *Research and Development Facilities* in its Zoning Ordinance and that further, such facilities must accommodate both "alternative energy technologies" and "renewable energy technologies". City Solicitor Robert Mangiaratti reviewed the changes and approved them to form.

   Therefore, the Mayor hereby requests Your Honorable Body vote on the following amendments:

   Amend §17-3.4(#11) TABLE OF USE REGULATIONS – WHOLESALE, TRANSPORTATION, AND INDUSTRIAL by deleting "Establishments Devoted to Research and Development Activities" and inserting in place thereof "Research and Development Facilities", as follows:

   11. Research and Development Facilities

   Amend §17-11.2 DEFINITIONS by inserting the following definitions, alphabetically:

   Alternative Energy Technology: technology that uses, or enables the use of, energy generated in ways that do not deplete natural resources or create byproducts that are harmful to the environment, especially by avoiding the use of fossil fuels. Such technologies include combined heat and power as well as electric and hydrogen powered vehicles, including associated equipment and facilities, but do not include biomass power or gasification technologies.

Biomass Power: electricity or other forms of power developed from organic products – "fuel" – such as landfill waste, crop residues and plant material, or animal manure. Biomass fuels are converted into power or other fuel sources through combustion.

Renewable Energy Technology: technology that uses, or enables the use of, energy which can be obtained from natural resources that are not depleted when used. Such technologies include solar, wind, low impact hydro, ocean thermal, geothermal, fuel cells, and advanced biofuels.

Research and Development Facility: a facility used primarily for research, development, and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses. Such facilities include the research and development of renewable and alternative energy technologies, but do not include research and development of chemical and biological weaponry.

Furthermore, the Mayor hereby requests Your Honorable Body to hold a Public Hearing at the appropriate time on the above ordinance changes. **(Joint PH w/Planning Board Scheduled 11/01/16)**

2. The Mayor respectfully submits a communication from Director of Planning and Development Gary Ayrassian in regards to the City's efforts in being designated a "Green Community" through the Massachusetts Department of Energy Resources. As you are aware, there are five criteria that a community must demonstrate compliance with in order to obtain designation as a "Green Community". Among the criteria is Criterion 5 whereby a municipality must adopt the Board of Building Regulations and Standards' Stretch Code (780 CMR 115.AA), which is an Appendix to the Massachusetts State Building Code. The purpose of the Stretch Code is to provide a more energy efficient alternative to the Base Energy Code for new buildings. To date, 176 municipalities in the Commonwealth have adopted this Stretch Code. City Solicitor Robert Mangiaratti reviewed the changes and approved them to form.

Therefore, the Mayor hereby requests Your Honorable Body vote on the following amendments:

Amend §3 BUILDING of the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended, by inserting the following new section, as follows:

§3–13 STRETCH ENERGY CODE

§3–13.1 DEFINITIONS

International Energy Conservation Code (IECC): The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code for the establishment of minimum design and construction requirements for energy efficiency, and is updated from time to time.

Stretch Energy Code: Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 9th Edition Massachusetts State Building Code, as amended. The Stretch Energy Code is an appendix to the Massachusetts State Building Code, based on further amendments to

the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§3–13.2 PURPOSE

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant section of the building code for new buildings.

§3–13.3 STRETCH CODE ADOPTED

This Stretch Code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable. The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA including any future editions, amendments or modifications, is herein incorporated by reference into the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended. The Stretch Code is enforceable by the Inspector of Buildings or Building Commissioner.

Furthermore, the Mayor hereby requests Your Honorable Body to hold a Public Hearing at the appropriate time on the above ordinance changes. **(PH Scheduled 11/01/16)**

3. The Mayor respectfully submits a communication from City Solicitor Robert Mangiaratti regarding a Settlement Agreement to resolve a pending court case between the City of Attleboro Conservation Commission and W.B. Construction & Development Corporation. The Conservation Commission voted to declare that the land involved in this court case is no longer required for conservation purposes and that it should be made available for disposition. Therefore, the Mayor hereby requests your Honorable Body to adopt the following votes:

   1. Vote to transfer custody and control of the land shown as Lot 1 on Assessors Map 219 from the Conservation Commission to the Mayor for the purpose of making the land available for sale. (Requires two thirds vote)

   2. Vote to approve the Settlement Agreement dated September 21, 2016 described herein; and to authorize the Mayor, in accordance with the Settlement Agreement, to execute on behalf of the City a release deed without covenants conveying a certain parcel of landlocked land shown as Lot 1 on Assessors Map 219 (the "Subject Parcel') to W.B. Construction & Development Corp. (W. B. Construction). The Settlement Agreement would resolve the civil action pending in Bristol Superior Court Docket # 1673 CV 00262 (the "Court Case") between the City, acting through its Conservation Commission, and W.B. Construction. In the Court Case, the City alleged that W.B. Construction trespassed on the Subject Parcel, cut trees and altered the surface of the land without authority. The Commission also alleged that W.B. Construction violated the Stormwater Management Ordinance. W.B. Construction denied the allegations in the Court Case and asserted that the City did not have clear title to Subject Parcel. W.B. Construction also claimed that the suit was barred by the statute of limitations. Without conceding to the position of the other, both parties agreed to resolve their differences without further litigation. The main points of the Settlement Agreement are as follows:

      a. The City shall convey the Subject Parcel to W.B. Construction by way of a release deed

without covenants in consideration of $30,900.00 which is the assessed value of the Subject Parcel.

b. At the closing for the land conveyance, W.B. Construction shall also pay to the Attleboro Conservation Commission the sum of $14,597.88 as reimbursement for legal fees and consultant's fees incurred in connection with the Court Case, which funds shall be paid to the Commission's Notice of Intent Special Revenue Account # 2502.

c. At said closing, W.B. Construction shall also make a gift to the City in the amount of $134,502.12 pursuant to M.G.L. c. 44, § 53A to be used only for general conservation purposes in the City. The gift funds shall be expended only at the express written directions of the Conservation Commission with the approval of the Municipal Council and the Mayor.

d. After the City conveys the Subject Parcel and W.B. Construction makes the payments provided in the Settlement Agreement, the parties shall file a Joint Stipulation of Dismissal of the Court Case with prejudice.
(Requires two thirds vote)

LICENSE
Vice President Jeremy Denlea, Chairperson

1. 2016 Application to amend its license to store flammables, combustibles or explosives on land in buildings or structures from Cumberland Farms, Inc., 100 Crossing Boulevard, Framingham, MA 01702. Cumberland Farms proposes to install new underground storage tanks in conjunction with the redevelopment of its 220 Pleasant Street store/gas operation where it is licensed to store 38,000 gallons and would be requesting an amendment to store 40,000 gallons. **(PH Scheduled 11/01/16)**

TRANSPORTATION & TRAFFIC
Heather J. Porreca, Chairperson

1. Amend Section 10-4.16 (Yield Signs) of the Revised Ordinances of the City of Attleboro 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) (amended 11/16/99) 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 at Thacher Street. (NB: Mrs. Porreca & Mr. Cooper)

2. That Section 10-4.12 (Multi-Way Stop Signs) (amended 11/16/99) of the Revised Ordinances of the City of Attleboro be amended by adding the following in alphabetical order: O'Neill Boulevard and Dunham Street. (NB: Mrs. Porreca)

BUDGET & APPROPRIATIONS
Shannon M. Heagney, Chairperson

1. An Open Letter to the Attleboro Municipal Council, dated September 30, 2016, entitled "Why this Position," from Attleboro United members Mark Connors of 58 Stanley Street; Scott Domenici of 15 Seanna Road; John Hanrahan of 38 Falcon Drive; and Denise Preston of 121 West Street.

2. Letter to the Municipal Council from Attleboro School Committee Chairman Stephen K. Withers, Jr., dated October 2, 2016, regarding the Open Letter submitted to the Municipal Council entitled "Why this Position." The purpose of the Chairman's letter is to clarify the Open Letter's mischaracterizations of statements that he has made regarding potential savings to the School Department.

3. The Mayor respectfully submits a communication from Director of Finance Marc Furtado regarding FY2016 fiscal obligations that were not received in time to be processed in the normal FY2016 business cycle due to a difficult year end transition with key personnel in the Special Education and Student Services areas. Therefore, the Mayor hereby requests Your Honorable Body to authorize the School Department to pay these previous year school bills totaling $50,335.27 as identified in Mr. Furtado's communication.

4. The Mayor respectfully submits a communication from City Auditor Deborah Gould requesting a supplemental appropriation to restore the funding to the salary line of the City Council Budget.

   As you are aware, Your Honorable Body voted to decrease line item Account 11111000-511000 (City Council Personnel Services-Salary) of FY2017 General Government Budget by $11,534.00, thereby decreasing the salaries of Vice-President Denlea, Mrs. Porreca and Ms. Reynolds $4,635.00 collectively, or by 20% each, and Mr. Cooper's salary by $6,899.00.

   Additionally, you are aware; information was requested from the City Solicitor relative to the above-mentioned vote of the Council. Given the opinion of the City Solicitor, Councilors Porreca, Cooper and Reynolds would prefer to receive the full compensation and subsequently donate funds. Council Denlea would like his reduction in the budget to remain and understands that the funds reduced from the budget and his pay revert to the general fund. With that said, the Mayor will honor the intent and will request Your Honorable Body to appropriate Councilor Denlea's salary reduction of $1,545.40 to the School Department.

   Therefore, the Mayor hereby requests Your Honorable Body approve a supplemental appropriation of $9,988.60 to Account 11111000-511000 (City Council – Salary) to reinstate the salaries of Councilors Cooper, Porreca and Reynolds as well as approve a supplemental appropriation of $1,545.40 to Account A2325010-511200 (School Department – Teacher/Sub/Professional Salary).

CITY PROPERTY & CLAIMS
Sara Lynn Reynolds, Chairperson

1. As you are aware on August 16, 2016, a communication was sent to Your Honorable Body to approve a supplemental appropriation of $3,027.00 to Account 14201000-524013 (Public Works – Maintenance of Traffic Lights). Due to a recent discussion regarding the supplemental appropriation funding source, the Mayor rather hereby requests Your Honorable Body transfer $3,027.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 14201000-524013 (Public Works – Maintenance of Traffic Lights). Upon approval, the available balance in Reserve Fund for Transfer will be $338,311.58.

2. The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding surplus items that the Attleboro Public Schools would like to declare surplus. Therefore, the Mayor hereby requests Your Honorable Body to declare the following as surplus for trade-in or resale value and available for disposition:

YEAR	MAKE/MODEL	VIN #	CONDITION
2003	Kia Sedona	KNDUP131136469252	Unserviceable
2000	Ford Ecoline	1FTNE24L4YHA04492	Unsafe/non-drivable

3. The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding surplus items that the Attleboro Public Library would like to declare surplus. Therefore, the Mayor hereby requests Your Honorable Body to declare the following as surplus and available for disposition:

QUANTITY	DESCRIPTION	CONDITION
3 sets	Two sided shelving units with end caps section	Good

PERSONNEL & HUMAN SERVICES
Mark J. Cooper, Chairperson

1. The Mayor respectfully submits for confirmation by Your Honorable Body the appointment of Mary Ellen Murphy, 7 Aster Lane, to fill an unexpired term on the Council on Aging Board of Directors. Term to expire February 2019.

2. The Mayor respectfully submits a communication from Park & Forestry Administrative Clerk Terry Conti informing my office of the need for funds to make a payment for unused sick time and annual leave time upon the retirement of Superintendent of Park & Forestry Aurelio Almeida effective December 31, 2016. Therefore, the Mayor hereby requests Your Honorable Body transfer $31,314.56 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16501000-515075 (Park & Forestry – Earned Time Payment). Upon approval, the available balance in Reserve fund for Transfer will be $341,338.58.

PUBLIC SAFETY & EMERGENCY MANAGEMENT
Peter Blais, Chairperson

1. The Mayor respectfully submits a communication from Fire Chief Scott T. Lachance regarding the need for funds for uniforms and medical examinations. In order to expedite the conclusion of the hiring process of five firefighter/paramedics, internal funding transfers were utilized towards the expense of necessary medical examinations and the expense of required uniforms. Therefore, the Mayor hereby requests Your Honorable Body transfer $10,000.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to the following:

   $5,000.00 to Account 12201000-521020 (Fire – Lights & Power)
   $5,000.00 to Account 12201000-548020 (Fire – Tires & Batteries)

   Upon approval, the available balance in Reserve Fund for Transfer will be $387,300.00.

2. The Mayor respectfully submits a communication from Fire Chief Scott T. Lachance regarding the need for funds for the installation of a new UHF transmitter and one (1) vehicle repeater. As part of the Fire Department FY2017 Capital Improvements Program, the request was made to upgrade Fire Department and Police Department Public Safety Radio Frequency Infrastructure. This capital project is presently identified in the City of Attleboro Capital Improvements Program for FY2017-2021 as a project with an estimated cost of approximately $500,000.00. However, this request is for an alternative plan that will address part of this issue in a timely manner. Therefore, the Mayor hereby requests Your Honorable Body transfer $14,619.86 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 12201000-584053 (Fire – Communication System). Upon approval, the available balance in Reserve Fund for Transfer will be $372,680.14.

ATTLEBORO MUNICIPAL COUNCIL

REGULAR MEETING

TUESDAY: OCTOBER 18, 2016
7:00 P.M.

AGENDA

APPROVAL OF THE RECORDS OF JUNE 21, 2016; AND JUNE 23, 2016; JULY 19, 2016 & JULY 21, 2016; AND OCTOBER 04, 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.

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

- **Amend §17-3.4(#11) TABLE OF USE REGULATIONS – WHOLESALE, TRANSPORTATION, AND INDUSTRIAL by deleting "Establishments Devoted to Research and Development Activities" and inserting in place thereof "Research and Development Facilities", as follows:**
  11. Research and Development Facilities
  Amend §17-11.2 DEFINITIONS by inserting the following definitions, alphabetically:
  Alternative Energy Technology: technology that uses, or enables the use of, energy generated in ways that do not deplete natural resources or create byproducts that are harmful to the environment, especially by avoiding the use of fossil fuels. Such technologies include combined heat and power as well as electric and hydrogen powered vehicles, including associated equipment and facilities, but do not include biomass power or gasification technologies.
  Biomass Power: electricity or other forms of power developed from organic products – "fuel" – such as landfill waste, crop residues and plant material, or animal manure. Biomass fuels are converted into power or other fuel sources through combustion.

Renewable Energy Technology: technology that uses, or enables the use of, energy which can be obtained from natural resources that are not depleted when used. Such technologies include solar, wind, low impact hydro, ocean thermal, geothermal, fuel cells, and advanced biofuels.

Research and Development Facility: a facility used primarily for research, development, and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses. Such facilities include the research and development of renewable and alternative energy technologies, but do not include research and development of chemical and biological weaponry.

(Joint PH w/Planning Board 10/01/16)

- **Amend §3 BUILDING of the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended, by inserting the following new section, as follows:**

  §3–13 STRETCH ENERGY CODE

  §3–13.1 DEFINITIONS

  International Energy Conservation Code (IECC): The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code for the establishment of minimum design and construction requirements for energy efficiency, and is updated from time to time.

  Stretch Energy Code: Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 9th Edition Massachusetts State Building Code, as amended. The Stretch Energy Code is an appendix to the Massachusetts State Building Code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

  §3–13.2 PURPOSE

  The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant section of the building code for new buildings.

  §3–13.3 STRETCH CODE ADOPTED

  This Stretch Code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable. The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA including any future editions, amendments or modifications, is herein incorporated by reference into the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended. The Stretch Code is enforceable by the Inspector of Buildings or Building Commissioner. **(Joint PH w/Planning Board 10/01/16)**

- Adopt the following votes:

  1. Vote to transfer custody and control of the land shown as Lot 1 on Assessors Map 219 from the Conservation Commission to the Mayor for the purpose of making the land available for sale. (Requires two thirds vote)
  2. Vote to approve the Settlement Agreement dated September 21, 2016 described herein; and to authorize the Mayor, in accordance with the Settlement Agreement, to execute on behalf of the City a release deed without covenants conveying a certain parcel of landlocked land shown as Lot 1 on Assessors Map 219 (the "Subject Parcel') to W.B. Construction & Development Corp. (W. B. Construction). The Settlement Agreement would resolve the civil action pending in Bristol Superior Court Docket # 1673 CV 00262 (the "Court Case") between the City, acting through its Conservation Commission, and W.B. Construction. In the Court Case, the City alleged that W.B. Construction trespassed on the Subject Parcel, cut trees and altered the surface of the land without authority. The Commission also alleged that W.B. Construction violated the Stormwater Management Ordinance. W.B. Construction denied the allegations in the Court Case and asserted that the City did not have clear title to Subject Parcel. W.B. Construction also claimed that the suit was barred by the statute of limitations. Without conceding to the position of the other, both parties agreed to resolve their differences without further litigation. The main points of the Settlement Agreement are as follows:

  a. The City shall convey the Subject Parcel to W.B. Construction by way of a release deed without covenants in consideration of $30,900.00 which is the assessed value of the Subject Parcel.
  b. At the closing for the land conveyance, W.B. Construction shall also pay to the Attleboro Conservation Commission the sum of $14,597.88 as reimbursement for legal fees and consultant's fees incurred in connection with the Court Case, which funds shall be paid to the Commission's Notice of Intent Special Revenue Account # 2502.
  c. At said closing, W.B. Construction shall also make a gift to the City in the amount of $134,502.12 pursuant to M.G.L. c. 44, § 53A to be used only for general conservation purposes in the City. The gift funds shall be expended only at the express written directions of the Conservation Commission with the approval of the Municipal Council and the Mayor.
  d. After the City conveys the Subject Parcel and W.B. Construction makes the payments provided in the Settlement Agreement, the parties shall file a Joint Stipulation of Dismissal of the Court Case with prejudice.

- 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

- Amend Section 10-4.16 (Yield Signs) of the Revised Ordinances of the City of Attleboro 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) (amended 11/16/99) 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. (10/04/16 NB: Mrs. Porreca & Mr. Cooper) (Also Referred to the TSC)
- That Section 10-4.12 (Multi-Way Stop Signs) (amended 11/16/99) of the Revised Ordinances of the City of Attleboro be amended by adding the following in alphabetical order: O'Neill Boulevard and Dunham Street. (10/04/16 NB: Mrs. Porreca) (Also Referred to the TSC)
- 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)**
- 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

- 2016 Application to amend its license to store flammables, combustibles or explosives on land in buildings or structures from Cumberland Farms, Inc., 100 Crossing Boulevard, Framingham, MA 01702. Cumberland Farms proposes to install new underground storage tanks in conjunction with the redevelopment of its 220 Pleasant Street store/gas operation where it is licensed to store 38,000 gallons and would be requesting an amendment to store 40,000 gallons. **(PH Scheduled 10/01/16)**
- 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

- An Open Letter to the Attleboro Municipal Council, dated September 30, 2016, entitled "Why this Position," from Attleboro United members Mark Connors of 58 Stanley Street; Scott Domenici of 15 Seanna Road; John Hanrahan of 38 Falcon Drive; and Denise Preston of 121 West Street.
- Letter to the Municipal Council from Attleboro School Committee Chairman Stephen K. Withers, Jr., dated October 2, 2016, regarding the Open Letter submitted to the Municipal Council entitled "Why this Position." The purpose of the Chairman's letter is to clarify the Open Letter's mischaracterizations of statements that he has made regarding potential savings to the School Department.
- Authorize the School Department to pay FY2016 previous year school bills totaling $50,335.27.
- Approve a supplemental appropriation of $9,988.60 to Account 11111000-511000 (City Council – Salary) to reinstate the salaries of Councilors Cooper, Porreca and Reynolds as well as approve a supplemental appropriation of $1,545.40 to Account A2325010-511200 (School Department – Teacher/Sub/Professional Salary).
- 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. (New Business: 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

- Declare the following Attleboro Public School items as surplus for trade-in or resale value and available for disposition:

YEAR	MAKE/MODEL	VIN #	CONDITION
2003	Kia Sedona	KNDUP131136469252	Unserviceable
2000	Ford Ecoline	1FTNE24L4YHA04492	Unsafe/non-drivable

- Declare the following Attleboro Public Library items as surplus and available for disposition:

QUANTITY	DESCRIPTION	CONDITION
3 sets	Two sided shelving units with end caps section	Good

- Transfer $3,027.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 14201000-524013 (Public Works – Maintenance of Traffic 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- 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

- Transfer $31,314.56 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16501000-515075 (Park & Forestry – Earned Time Payment) to make a payment for unused sick time and annual leave time upon the retirement of Superintendent of Park & Forestry Aurelio Almeida effective December 31, 2016.
- The appointment of Mary Ellen Murphy, 7 Aster Lane, to fill an unexpired term on the Council on Aging Board of Directors. Term to expire February 2019.
- 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

- 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 held on 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

- Transfer $10,000.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to the following:
  $5,000.00 to Account 12201000-521020 (Fire – Lights & Power)
  $5,000.00 to Account 12201000-548020 (Fire – Tires & Batteries)
- Transfer $14,619.86 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 12201000-584053 (Fire – Communication System) for the installation of a new UHF transmitter and one (1) vehicle repeater.
- 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

- Refer to the appropriate Committee for further study and recommendation:
  That the Municipal Council's approval of a supplemental appropriation on September 6, 2016 for $199.60 to Account 16101000-532010 (Public Library – Tuition & Books) to pay for tuition and books for a Library employee who has been approved to take courses for the Fall 2016 semester and who is eligible for reimbursement according to contract agreement, Article XXI, Section 1 be changed from a supplemental appropriation to a transfer from the Reserve Fund for Transfer so that the $199.60 can be transferred, upon the approval of the Mayor, to Account A2325010-51120 (School Department – Teacher/Sub/Professional Salary) which was the intent of those who voted in support of the FY2017 budget cuts. **(Ms. Reynolds & Mr. Conti)**
- Refer to the appropriate Committee for further study and recommendation:
  That the Municipal Council's approval of a supplemental appropriation on August 18, 2016 for $47,865.00 to the following accounts to pay for permanent street repairs to 3 temporary patches due to water breaks throughout the City resulting in just under 10,000 square feet of roadway and the associated costs for Police Details:
  $40,345.00 to Account 14201000-553010 (Public Works – Street Maintenance Supplies)
  $7,520.00 to Account 14201000-530101 (Public Works – Professional Services)
  be changed from a supplemental appropriation to a transfer from the Reserve Fund for Transfer so that the $47,865.00 can be transferred, upon the approval of the Mayor, to Account A2325010-51120 (School Department – Teacher/Sub/Professional Salary) which was the intent of those who voted in support of the FY2017 budget cuts. **(Ms. Reynolds & Mr. Conti)**
- Refer to the appropriate Committee for further study and recommendation:
  That the Municipal Council's approval of a supplemental appropriation on August 18, 2016 for $21,730.00 to Account 12101000-524011 (Police – Maintenance of Buildings) for the Police Department to have the prisoner cell door glass and locks inspected and make any necessary repairs to maintain security and functionality be changed from a supplemental appropriation to a transfer from the Reserve Fund for Transfer so that the $21,730.00 can be transferred, upon the approval of the Mayor, to Account A2325010-51120 (School Department – Teacher/Sub/Professional Salary) which was the intent of those who voted in support of the FY2017 budget cuts. **(Ms. Reynolds & Mr. Conti)**
- Refer to the appropriate Committee for further study and recommendation:
  That the Municipal Council's approval of a supplemental appropriation on August 18, 2016 for $25,000.00 to Account 12101000-524230 (Police – Maintenance of Vehicles) to cover the costs associated with vehicle repairs performed by an outside mechanic while the Police Department mechanic is out of work for an extended period of time be changed from a supplemental appropriation to a transfer from the Reserve Fund for Transfer so that the $25,000.00 can be transferred, upon the approval of the Mayor, to Account A2325010-51120 (School Department – Teacher/Sub/Professional Salary) which was the intent of those who voted in support of the FY2017 budget cuts. **(Ms. Reynolds & Mr. Conti)**

- Refer to the appropriate Committee for further study and recommendation:
  That the Municipal Council's approval of a supplemental appropriation on September 20, 2016 for $8,879.42 to Account 11621000-511000 (Elections – Salary) to cover the reduction of force in the Elections Office that was planned for July 1, 2016 that was extended to November 28, 2016 be changed from a supplemental appropriation to a transfer from the Reserve Fund for Transfer so that the $8,879.42 can be transferred, upon the approval of the Mayor, to Account A2325010-51120 (School Department – Teacher/Sub/Professional Salary) which was the intent of those who voted in support of the FY2017 budget cuts. **(Ms. Reynolds & Mr. Conti)**
- Refer to the appropriate Committee for further study and recommendation:
  To create a new City policy regarding the prorated billing of water rates (and other city rates if applicable).
  Currently, water rates are determined by the time of billing, which leaves some City households paying a higher rate for a greater amount of time than others. Rather, the most equitable method of billing would be to prorate the water bills for FY18.
  When setting next year's water rate, suggested language would include: "The new water rates established hereunder, to be effective July 1, 2017, shall be prorated with respect to any billing period which includes months prior to July 1, 2017."
  Please see the Memo from City Auditor Deb Gould dated October 11, 2016 and entitled Water Enterprise Billing Rates.
  (Vice-President Denlea, Ms. Reynolds & Mr. Conti)

(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.