ATTLEBORO MUNICIPAL COUNCIL

COMMITTEE MEETINGS

TUESDAY: OCTOBER 25, 2016
7:00 P.M.

AGENDA

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)**
- 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

- Approve the following 2017 Renewal Class I License applications from:

  -Priority Automotive, LLC d/b/a Cerrone Chevrolet, Buick, GMC Truck, 103 Washington Street, Attleboro, MA for 84 customer parking spaces and 288 display spaces

  -Just Trailers, Inc., 1863 County Street, Attleboro, MA for 12 customer parking spaces and 7 display spaces
- Approve the 2017 Renewal Class II License applications from:

  -Automazed, Inc., 885 & 923 Washington Street, Attleboro, MA for 7 customer parking spaces and 34 display spaces at 885 Washington Street and for 7 customer and 33 display spaces at 923 Washington Street

  -Seekonk Gas & Repair, Inc. d/b/a 123 Mobil, 300 County Street, Attleboro, MA for 4 customer parking spaces and 9 display spaces

  -Liberty Coach Inc., 78 Eddy Street, Attleboro, MA for 15 customer parking spaces and 1 display space

  -North Main Street Auto div. of K & L Tire and Automotive, Co., Inc., 44 North Main Street, Attleboro, MA 02703 for 17 customer parking spaces and 1 display space

  -100 Percent Auto Wholesalers LP, 21 Washington Street, Attleboro, MA for 10 customer parking spaces and 48 display spaces

  -Joe and Mary Inc. d/b/a Gas Plus, 80 Pleasant Street, Attleboro, MA for 10 customer parking spaces and 24 display spaces

  -Robert J. Pedro d/b/a B & C Auto Service, 21 South Avenue, Attleboro, MA for 5 customer parking spaces and 5 display spaces

  -Jeff Millette Auto Center, Inc. d/b/a JMAC, 30 Mann Street, Attleboro, MA for 4 customer parking spaces and 23 display spaces

  -South Attleboro Auto Sales, Inc., 411 Washington Street, Attleboro, MA for 10 customer parking spaces and 30 display spaces

  -Preowned Factory, Inc., 957 Washington Street, Attleboro, MA for 12 customer parking spaces and 58 display spaces

  -Tri Town Auto Sales, 1850 County Street, Attleboro, MA for 4 customer parking spaces and 6 display spaces
- Approve the following 2017 Renewal Class III License application from Tri Town Auto Sales, 1850 County Street, Attleboro, MA for 4 customer parking spaces and 6 display spaces
- Letter from Attorney David C. Manoogian, dated October 13, 2016, regarding the insurance certificate for his client Priority Automotive, LLC d/b/a Cerronne Chevrolet, Buick, GMC Truck's Class I License Renewal Application. Attorney Manoogian states in his letter that the prior insurance certificate indicated that Priority's Workers' Compensation policy expired on November 8, 2016 and that the certificate enclosed with his letter confirms the renewal of that policy through November 8, 2017
- 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

- Setting the tax classification so that the necessary votes can be taken to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2017. **(PH Scheduled for 11/15/2016)**
- Transfer $1,191.28 from 3530-599000 (EOEEA Land Grant – Other Financing Uses) to Account 8455G4-499000 (Attleboro Stabilization Fund – Other Financing Sources) to close Fund 3530 EOEEA Grant.
- Approve a supplemental appropriation in the amount of $250,000.00 to Account A2325010-511200 (School Department – Teacher/Sub/Professional Salary).
- Email from Laurie Brasil, of 131 Richardson Avenue, dated October 04, 2016, stating that she is against the funding for the Constituent Services Administrator being reinstated.
- 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.
- 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 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 Police Department items as surplus and available for disposition:

Model #	Serial #	Condition
Armor Express	1110244571	Expired
Armor Express	1110244574	Expired
Armor Express	1110103713	Expired
Armor Express	1110103714	Expired
Armor Express	1110244573	Expired
Armor Express	1110103715	Expired
Armor Express	1010255140	Expired
Armor Express	1010202867	Expired
Armor Express	1010202866	Expired
Armor Express	1010255142	Expired
Armor Express	1010202862	Expired
Armor Express	1010202850	Expired
Armor Express	1010202844	Expired
Armor Express	1010202846	Expired
Armor Express	1010202860	Expired
Armor Express	1010202847	Expired
Armor Express	1010255143	Expired
Armor Express	1010202857	Expired
Armor Express	1010202861	Expired
Armor Express	1010202869	Expired
Armor Express	1010202852	Expired
Armor Express	1010255144	Expired
Armor Express	1010255123	Expired
Armor Express	1010255137	Expired
Armor Express	1010202868	Expired
Armor Express	1010255142	Expired
Armor Express	1010202855	Expired
Armor Express	1010202864	Expired
Armor Express	1010202865	Expired
Armor Express	1010202843	Expired
Armor Express	1010255141	Expired
Armor Express	1010202848	Expired
Armor Express	1010202856	Expired
Armor Express	1010255138	Expired
Armor Express	1010202849	Expired
Armor Express	1010202853	Expired
Armor Express	1010202854	Expired
Armor Express	1010202845	Expired
Armor Express	1010050262	Expired
Second Chance	110105586	Expired
Second Chance	110103715	Expired

- Declare the following Water Department items as surplus for trade-in value and available for disposition:

YEAR	MAKE/MODEL	VIN #	MILES	CONDITION
2002	Ford Ranger	1FTYR10U82TA62944	115,000	Poor

2004	John Deere Lawn Tractor/L100	GXL100A134223	Poor

- 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 $20,800.47 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to the following accounts:
  -$20,100.47 to Account 11611000-511000 (Clerk – Salary and Wage)
  -$700.00 to Account 11611000-514030 (Clerk – Longevity)
- Transfer $7,575.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to the following accounts for previous years and current year longevity payments at the Department of Public Works:
  -$6,625.00 to Account 14201000-514035 (Public Works – Prior Year Longevity)
  -$950.00 to Account 14201000-514030 (Public Works – Longevity)
- Confirm the appointment of Laurie Drucker, 2 Constitution Avenue, to fill an unexpired term on the Cultural Council. Term to expire February 2017.
- 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 $16,000.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 14201000-521020 (Public Works – Lights & Power) to cover the cost for the National Grid invoices for the new DPW facility for the remainder of the FY2017.
- 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

- 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.

(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.