

**uATTLEBORO MUNICIPAL COUNCIL
DOCKET
SEPTEMBER 5, 2023**

Records pending approval: July 18 and 20, August 15, 2023

Public Hearing: regarding an application from Paul R. Courtemanche 32 Andover Ave. requesting to keep on premise, more than one unregistered motor vehicle as is addressed in City of Attleboro Ordinances, Section 9-32.3.

LICENSE

Ty Waterman, Chairperson

PUBLIC WORKS

Laura Dolan, Chairperson

The Mayor respectfully submits a communication from Superintendent of Wastewater Thomas Hayes regarding the need for funds to pay a FY23 water bill that came in higher than expected. Therefore, the Mayor hereby requests Your Honorable Body transfer \$25.45 from Account 6000-578300 (Wastewater Enterprise Fund – Reserve Fund for Transfer) to Account 6000-578020 (Wastewater Enterprise Fund – Previous Years Bills).

The Mayor respectfully submits a communication from Superintendent of Parks & Forestry Derek Corsi regarding the need to reimburse an employee for the cost of a hoisting license and medical card paid in FY23. Therefore, the Mayor hereby requests Your Honorable Body transfer \$94.95 from Account 16501000-519130 (Park – Allowance Licenses) to Account 16501000-514060 (Park – Prior Year License).

The Mayor respectfully submits a communication from Superintendent of Public Works Michael Tyler regarding the need to reimburse an employee for the cost of a CDL license paid in FY23. Therefore, the Mayor hereby requests Your Honorable Body transfer \$92.50 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 14201000-578020 (Public Works – Previous Years Bills).

The Mayor respectfully submits a communication from Superintendent of Park & Forestry Derek Corsi regarding the need to pay five FY23 invoices. One invoice in the amount of \$49.74 to Apple Photo Booth, Inc, two invoices in the amount of \$340.00 each to Bamboo Bob LLC and two invoices in the amounts of \$38.16 and \$9.99 to W.B. Mason. A vote authorizing payment is needed to satisfy this debt. There is no transfer of funds needed to pay these bills, as there is sufficient funding in Fund 2607.

The Mayor respectfully submits a communication from Superintendent of Park & Forestry Derek Corsi regarding the need for funds to repair the 2007 Ford F-150(AC-2) for Animal Control. Therefore, the Mayor hereby requests Your Honorable Body transfer \$1,800.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 12921000-524230 (Animal Control – Maintenance of Vehicles).

The Mayor respectfully submits a communication from Superintendent of Public Works Michael Tyler regarding the need to reimburse an employee for the cost of a hoisting license paid in FY23. Therefore, the Mayor hereby requests Your Honorable Body transfer \$525.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 14201000-578020 (Public Works – Previous Years Bills).

The Mayor respectfully submits a Certificate of Donation for temporary and permanent easements from the City of Attleboro to the Town of Mansfield as set forth in the attached Certificate of Donation and Exhibit A that have been approved as to form by City Solicitor Peter Mello. The Town of Mansfield requested these easements to facilitate the reconstruction of the Balcom Street Bridge over Wading River and related roadway improvements in Mansfield, MA. Pursuant to Chapter 79 of the Massachusetts General Laws, the Town of Mansfield voted on June 7, 2023 to take these easements for the above stated purposes. Because of the mutually beneficial nature of the improvements, a donation of the easements is appropriate. Therefore, the Mayor respectfully requests that Your Honorable Body approve the Certificate of Donation for these temporary and permanent easements as further described and shown on the attached Order of Taking and supporting exhibits. In addition, the Mayor respectfully requests Your Honorable Body vote on this at your next available meeting, so the Town of Mansfield can meet the DOT deadline requirements. This requires a majority vote.

The Town of Mansfield is working with the MASS DOT on the Balcom Street Bridge improvement project and is anticipating millions of dollars funding from Mass Dot and the Federal Highway Administration. Because of the mutually beneficial nature of this project, and to minimize any potential unnecessary delays, I respectfully request that your Honorable Body consider this an **emergency measure** in accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro.

On February 7, 2023, your Honorable Body voted (9-0) to accept an easement from Henry J. Perry and Sharon A. Perry for construction of a public sidewalk on the front of their property at 536 Read Street. In conjunction with that vote, the Council also voted (9-0) to approve a request to appropriate \$5000.

During the months since the votes, the City has been unable to complete the transaction with the Perrys because their lender refused to issue the necessary releases for the land in question. It is important to note that throughout this period both the City and the Perrys remained committed to fairly resolving the matter so as to accomplish the intended purpose of constructing a public sidewalk.

After much discussion between Mr. Perry, his attorney, and the City Solicitor, it was mutually agreed upon that the most appropriate way to move forward was a “friendly taking” via eminent domain. Accordingly, a new survey of the Perry’s property was completed and the area needed for the construction of the sidewalk was slightly expanded as the original square footage was incorrect.

Therefore, the Mayor respectfully requests your Honorable Body rescind vote #13 dated February 7, 2023.

Furthermore, the Mayor respectfully requests your Honorable Body adopt an Order of Taking under the provisions of Massachusetts General Laws Chapter 40, Section 14, Massachusetts General Laws Chapter 79, and under all other applicable authority, for the construction and public use of a sidewalk thereon, a fee simple interest in the area of land shown on the plan entitled “Easement Plan of Land, Prepared for the City of Attleboro Read St Attleboro Mass.”, #536 Read Street, Assessors Map 76, Lot 474C, dated October 3, 2022, (Rev. July 6, 2023) prepared by E. Otis Dyer, R.P.L.S.

FINANCE COMMITTEE

Richard Conti, Chairperson

The Mayor respectfully requests Your Honorable Body transfer \$85.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11241000-578020 (City Wide -Bills Previous Years) in order to pay an FY23 invoice to PTS Providers. (Payphone at police station)

As you know, Attleboro is a recipient of opioid settlement funds from the Commonwealth’s settlements with various opioid manufacturers and distributors. Over the course of the next 15 years, it is projected that the city will receive approximately \$3,129,874 in opioid abatement funds. The state has strictly limited the use of these funds to supplement and strengthen resources for prevention, harm reduction, treatment, and recovery. As required by the Department of Health and Social Services, the Mayor recently convened a community input meeting with local stakeholders, including representatives from Sturdy Health, Manet Community Health Center, Attleboro Public Schools, the Health Department, and area treatment centers to discuss how the settlement funds could best be utilized. The city also conducted a survey to solicit feedback from residents about the impact of the opioid crisis on their lives. The information gathered from the community input meeting and survey will directly inform our abatement strategies and expenditures. After discussions with City Auditor Deb Gould as to current guidance about accounting for these funds, it seems most appropriate that the city create a special purpose Opioid Settlement Stabilization Fund to which receipts from the Massachusetts State-Subdivision for Statewide Opioid Settlement Funds shall be deposited. These funds shall be used to supplement and strengthen resources available to communities and families for substance use disorder prevention, harm reduction, treatment, and recovery or to take any other action relative thereto. Disbursement of said funds would be made at the request of the Mayor, and by vote of the Municipal Council.

Thus, in accordance with Massachusetts General Law Ch. 40, sec.5B, the Mayor hereby requests Your Honorable Body establish Fund 8508 Opioid Settlement Stabilization Fund and that 100% of Opioid Settlement Funds be deposited into this fund. Funds may be expended for all purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Abuse Bureau of the Commonwealth’s Office of Health and Human Services Department and consistent

with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds.

Please note that after the fund is created and the Accounting Office has closed the books on FY23, a separate request will be made to move the balance of funds previously received into the new Opioid Settlement Stabilization Fund. Further, a third request will be made to move a portion of the Certified Free Cash in FY24 to the fund.

The Mayor respectfully requests Your Honorable Body transfer \$200.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11241000-578020 (City Wide -Bills Previous Years) in order to pay the balance of an FY23 invoice to Atlantic Elevator South Co., Inc.

The Mayor respectfully submits a communication from Director of Budget & Administration Mason Lord regarding funding for the Police Department Roof and envelope repairs along with a request for permit fee waivers. As you are aware, on December 20, 2022, the Honorable Municipal Council voted to appropriate \$240,000 from 1000-359000 to Fund 3574 for repairs to the Police Department Headquarters roof. Since that time, the scope of work has increased and the necessary roofing and building envelope repairs will cost more than the original appropriation. Per a memo from the City Auditor, dated August 14, 2023, the Fire Department Roof Project is complete and all liabilities have been paid leaving \$65,784.40 unexpended. The funds could be utilized towards the Police Roof Project, following a vote of the Honorable Municipal Council. Per an additional memo from the City Auditor, dated August 14, 2023, the Route 123 Thacher St and Rathbun Willard Drive Project is complete and all liabilities have been paid leaving \$167,916.46 unexpended. The funds could be utilized towards the Police Roof Project, following a vote of the Honorable Municipal Council. With these funds, and an additional transfer from the City-Wide Reserve for Capital, we can fund the additional construction costs for this project without the need for a bond.

Therefore, the Mayor hereby requests Your Honorable Body make the following transfers totaling \$331,700.86, to provide partial funding for the Police Station Roof Project:

- \$167,916.46 from 3541-599000 (Rt123/Thacher/Rathbun – Other Financing Uses) to 3574-499000 (Police Roof – Other Financing Sources)
- \$65,784.40 from 3558-599000 (Fire Department Roofs – Other Financing Uses) to 3574-499000 (Police Roof – Other Financing Sources)
- \$98,000 from account 11241000-578380 (City Wide - Reserve for Capital) to account 11241000-599300 (City Wide -Transfer to Capital Fund) and to further transfer \$98,000 to Fund 3574-499000 (Police Roof – Other Financing Sources)

Additionally, the Mayor hereby requests Your Honorable Body waive all portions of applicable building permit fees, which can be waived for this project. Therefore, I respectfully request that the following fees be waived:

- Building Permit (100%)

- Mechanical (100%)
- Sheet Metal (100%)
- Electric (35%, general fund)
- Plumbing (35%, general fund)
- Gas (35%, general fund)

As the project is scheduled to go out to bid for construction in September and construction planned for October, the Mayor is also requesting that the required public hearing for the waiving of the fees, be held as soon as possible.

TRAFFIC AND TRANSPORTATION COMMITTEE

Kelly Bennett, Chairperson

IT & INFRASTRUCTURE COMMITTEE

Todd Kobus, Chairperson

The Mayor respectfully requests Your Honorable Body transfer \$99.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11241000-578020 (City Wide -Bills Previous Years) in order to pay an FY23 invoice to Visual Edge IT.

ZONING AND LAND USE

Diana Holmes, Chairperson

The Mayor respectfully submits a communication from Director of Planning and Development Gary Ayrassian recommending that the City accept a land donation from Brian Cave, President of Cave Corporation to fulfill conditions of an approved subdivision entitled “Dale Court Extension”. Therefore, the Mayor hereby requests Your Honorable Body accept “Parcel A” containing 4.6± acres (200,429 square feet) of real estate for “open space” purposes in perpetuity and place under the stewardship of the Conservation Commission. It should be noted that real estate taxes are current through the end of fiscal year 2023.

CITY PROPERTY AND CLAIMS

Sara – Lynn Reynolds, Chairperson

The Mayor respectfully requests Your Honorable Body accept the donation of two large indoor plants with a value of \$100.00 from the Level Acres Farms. In accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, the Mayor hereby requests Your Honorable Body to accept these generous donations to the City of Attleboro.

The Mayor respectfully submits a communication from Superintendent of Park & Forestry Derek Corsi regarding the donation of an 8’X4’ pressure treated bridge along with two accompanying signs and park bench with an estimated value of \$3,000 from Sherri Dumont and family. The bridge would allow community members to have a place to visit their

beloved fur friends that have passed on. These items will be installed in a nice secluded section of Highland Park. In accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, the Mayor hereby requests Your Honorable Body to accept these generous donations to the City of Attleboro.

The Mayor respectfully submits a communication from Director of Council on Aging Kelly Lee regarding the need to pay an FY23 invoice to U-Haul in the amount of \$56.66. A vote authorizing payment is needed to satisfy this debt. There is no transfer of funds needed to pay this bill, as there is sufficient funding in Fund 2320.

Additionally, to pay an FY23 invoice to Atlantic Elevator in the amount of \$5,000. A vote authorizing payment is needed to satisfy this debt. There is no transfer of funds needed to pay this bill, as there is sufficient funding in Fund 2212.

PERSONNEL, VETERANS AND HUMAN SERVICES COMMITTEE

Michael Angelo, Chairperson

The Mayor respectfully submits for confirmation by Your Honorable Body the appointment of Leo Johnson, 45 Phillips Street, as a Constable to fill an expired term. Term to expire February 2024.

The Mayor respectfully submits a communication from Personnel Director Lynn Davine requesting proposed changes to the Personnel Rules and Regulations for Exempt Employees, Article XVI, Uniform and Clothing Allowances and adding Article XXII, Stipends. Therefore, the Mayor hereby requests Your Honorable Body approve the following changes:

Article XVI Uniform and Clothing Allowance Section 2

Add Assistant Recreation Director

Add to payment eligibility: If an employee is in a position that is included on the list, and then is promoted to another position on this list, the allowance should be made upon approval of the change.

Article XXII, Stipends

Section 1. Each Outreach Worker/Case Manager that possess a Licensed Certified Social Worker (LCSW) certification shall be paid an annual stipend of two thousand, five hundred dollars (\$2500) in addition to their regular compensation. New employees will not be eligible for this payment until completion of one year of service. (PH required)

ORDINANCES, ELECTIONS & LEGISLATIVE MATTERS

Jonathan Tavares, Chairperson

The Mayor respectfully submits a communication from City Treasurer Laura Gignac regarding the property on Read Street Assessor Map 25 Lots 13 and 14 which contains approximately 43,223 square feet of vacant land and is assessed at \$9,300.00. The Assessor records reflect the owner of the property as the City of Attleboro.

A title examination was done on this parcel by Attorney Douglas Brunner on December 23, 2022 per the request of our tax title Attorney Michael Siddall and another title examination was done recently by Attorney James M. Cassidy. Both attorneys provided documentation proving that the parcel was taken against the incorrect owner's names. The property was taken by the City of Attleboro in the names of Joseph and Faleda Arnold incorrectly on October 4, 1960. It should have been taken in the name of Walter L. Kelley the proper owner of the parcel.

Therefore, the Mayor hereby requests Your Honorable Body to execute the vote and release deed conveying all of the City's right, title and interest in the property known as Read Street (Assessor Map 25, Lots 13 and 14) to the heirs of Walter L. Kelley. Upon completion of the vote and release deed the executed documents need to be returned to the Treasurer's Office to be recorded at the Registry of Deeds. **(PH required)**

PUBLIC SAFETY

Peter Blais, Chairperson

The Mayor respectfully submits a communication from Personnel Director Lynn Davine and Director of Budget & Administration Mason Lord regarding the executed memorandum of agreement with the Attleboro Firefighters, Local 848, I.A.F.F., for the period of July 1, 2023 through June 30, 2026. Therefore, the Mayor hereby requests Your Honorable Body transfer \$434,000.00 from Account 11241000-578350 (City Wide - Reserve Fund Labor Neg):

\$150,000 to 12201000-513000 (Fire - Overtime)

\$30,000 to 12201000-514010 (Fire - College Credits)

\$60,000 to 12201000-514020 (Fire - Night Differential)

\$180,000 to 12201000-514045 (Fire - Certification Differential)

\$14,000 to 12201000-558310 (Fire - Uniforms)

Additionally, the Mayor hereby requests Your Honorable Body approve to increase the previously approved (Council Vote #8, 6/6/23) expenditure limit for Revolving Fund #2610 Fire Ambulances from \$1,300,000.00 to \$1,500,000.00.

The City of Attleboro and the Attleboro Firefighters Local 848, I.A.F.F., recently settled a three-year contract agreement to be in effect July 1, 2023 to June 30, 2026. In order to comport with the good faith expectations established during negotiations that the contract would be voted on by the Council in August, the Mayor respectfully requests that your Honorable Body consider this **an emergency measure** in accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro.

SPECIAL COMMITTEE ON SENIOR TAX

Richard Conti, Chairperson

SPECIAL COMMITTEE ON CLASSIFICATION AND COMPENSATION

Michael Angelo, Chairperson