

**Municipal Council
REGULAR COUNCIL MEETING**

**March 21, 2023
Tuesday, 7:00 P.M.**

Councilors absent were Richard Conti and Ty Waterman.

President DiLisio asked the Council to join him to salute the flag.

The council voted unanimously to approve the records of March 7, 2023.

City Clerk Kate Jackson read the first public hearing notice:

PUBLIC HEARING: That a senior citizen municipal parking fee waiver program be created by amending Section 10-7.2 of the Revised Ordinances of the City of Attleboro as follows:
Renumbering existing Ordinance and adding:

b. Senior citizen municipal parking fee waiver

i. Parking in the North Main Street Parking Lot (Attleboro Library lot) shall be free for senior citizens who procure a sticker from the Attleboro Council on Aging and display same on their motor vehicle, provided, however, that the time limit restriction at that particular metered location shall be obeyed.

ii. To be eligible to participate in the program, the individual must be at least 65 years old and a current resident of the City of Attleboro. Each person so eligible shall each be entitled to one such sticker for motor vehicles registered to them with an Attleboro address. A sticker may also be issued for an automobile owned by an eligible spouse.

iii. Parking stickers may be placed on passenger vehicles only. No other class of motor vehicle is eligible.

iv. This section shall not take effect until July 1, 2023.

Speaking in favor was Library Director, Amy Rhilinger.

No one came to speak against and no one spoke neither for nor against. Chair Bennett closed the PH.

The next public hearing notice was read by Clerk Jackson.

PUBLIC HEARING: to discuss proposed amendments to the following ordinance:

Chapter 19 Stormwater Management of the Revised Ordinances of the City of Attleboro

1. Amend Chapter 19 Stormwater Management Ordinance of the Revised Ordinances of the City of Attleboro, as amended, by deleting in its entirety “Appendix E – Median Pollutant Removal for Approved Practices to Meet Water Quality Treatment Criteria”.
2. Amend §19–1.1, Purpose by inserting the language “in accordance with the City’s requirements for authorized coverage under the Municipal Separate Storm Sewer System (MS4) General Permit issued by the US Environmental Protection Agency (EPA)” at the end of the first sentence, as follows.

The purpose of this ordinance is to protect, maintain, and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of construction site stormwater runoff, post–construction stormwater

runoff, and illicit connections and discharges to the municipal storm drain system in accordance with the City's requirements for authorized coverage under the Municipal Separate Storm Sewer System (MS4) General Permit issued by the US Environmental Protection Agency (EPA). (All proposed amendments available at City Council Office during business hours)

Speaking in favor was Director of Planning and Development, Gary Ayrassian.

Speaking in favor was Environmental Planner and Conservation Agent, Nick Wyllie.

Speaking in favor was Attorney Jack Jacobi of 15 Prince Street.

No one came to speak against or neither for nor against.

After the explanations of the amendments and some questions, Chair Bennett asked the public hearing be continued to April 4, 2023 to get more information.

The third and final public hearing of the evening was read by Clerk Jackson.

PUBLIC HEARING: regarding a loan order for the following:

“ORDERED: that Two Million Dollars (\$2,000,000.00) is appropriated for the designing, permitting, bidding, construction oversight and construction costs associated with the remodeling, reconstructing and making of extraordinary repairs to the roof and windows at Willett Elementary School, located at 32 Watson Ave in Attleboro, MA, including the payment of all costs incidental or related thereto (the “Project”); that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow Two Million Dollars (\$2,000,000.00) under Section 7(1) of Chapter 44 of the General Laws, or any other enabling authority; that the Mayor is authorized to take any other action necessary or convenient to carry out this Project.”

Speaking in favor was Municipal Building Commissioner, Attorney Jack Jacobi of Prince Street.

No one came to speak against or neither for nor against. Vice Chair Kobus closed the PH.

The Council voted unanimously to recess in order to enter a Finance Committee meeting.

The Council was back in session at 7:39 after voting the Willett Loan out of Committee.

Committee of the Whole was called at 7:39.

Marion Wrightington of the Historical Commission came forward to read a letter from the Commission regarding using the old high school building at 135 County Street as City Hall.

The Council arose at 7:45 pm.

Clerk Jackson then read the **Mayor's Communication**

March 21, 2023

Dear Municipal Councilors:

1. The City of Attleboro has been notified of its FY2024 apportionment for the “Chapter 90” local transportation aid in the amount of \$1,204,645.61. Therefore, I respectfully request Your Honorable Body to authorize the expenditure of \$1,204,645.61, and any other future grant amendments, into Fund 3108 (Chapter 90 Projects) for the purpose of funding Chapter 90 eligible

projects as approved by the Massachusetts Department of Transportation (MassDOT). (Copies in your packets)

2. I respectfully submit a communication from Director of Planning and Development Gary Ayrassian and hereby request Your Honorable Body to hold a public hearing on April 4, 2023 relative to the Administration's: (PH April 4, 2023)

- Program Year 2023 CDBG Entitlement Budget, for the period of July 1, 2023 through June 30, 2024
- Program Year 2023 Annual Action Plan
- Authorization to submit said Program Year 2023 CDBG Entitlement and Program Year 2023 Annual Action plan to the U.S. Department of Housing and Urban Development on or before May 15, 2023.

3. I hereby request your honorable body to schedule a public hearing pursuant to §16-2.2 of the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended, to layout a portion of Hillcrest Avenue as a public way (length of 225 feet, from STA 10+00 to STA 13+25) and accept said way and any related drainage, water or sewer facilities or easements, all as shown on a plan and profile entitled "STREET ACCEPTANCE PLAN (HILLCREST AVENUE EXTENSION), ATTLEBORO MASSACHUSETTS", dated December 15, 2021 and revised through April 25, 2022, prepared by Joyce E. Hastings, R.P.L.S. and Daniel R. Campbell, R.P.E., which plan and profile have been deemed satisfactory to the Superintendent of Public Works. Enclosed please find the necessary documents. (PH April 18, 2023)

4. I hereby request your honorable body to schedule a public hearing pursuant to §16-2.2 of the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended, to layout a portion of Hillcrest Avenue as a public way (length of 125 feet, from STA 13+25 to STA 14+50) and accept said way and any related drainage, water or sewer facilities or easements, all as shown on a plan and profile entitled "STREET ACCEPTANCE PLAN (HILLCREST AVENUE EXTENSION II), ATTLEBORO, MASSACHUSETTS", dated December 16, 2021 and revised through April 25, 2022, prepared by Joyce E. Hastings, R.P.L.S. and Daniel R. Campbell, R.P.E., which plan and profile have been deemed satisfactory to the Superintendent of Public Works. Enclosed please find the necessary documents. (PH April 18, 2023)

5. I respectfully submit a communication from Director of Planning & Development Gary Ayrassian regarding the donation of six (6) Acer Rubrum (Red Maple) trees valued at approximately \$215 each, for a total of \$1,290.00 from developer Mr. Fred Bottomley. In accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body accept these generous donations to the City of Attleboro.

6. I respectfully submit a communication from Attleboro Public Schools Director of Finance Marc Furtado regarding the following FY22 fiscal obligations that were not received in time to be processed in the normal FY22 business cycle:

NAME OF VENDOR	AMOUNT	DEPT	Reason
RICK'S MUSICAL INSTRUMENTS	\$458.00	COELHO	No PO was encumbered
RICK'S MUSICAL INSTRUMENTS	\$60.00	COELHO	No PO was encumbered
RICK'S MUSICAL INSTRUMENTS	\$67.89	COELHO	No PO was encumbered
HENRY SCHEIN	\$255.00	CTE	FY22 PO was closed prematurely

HENRY SCHEIN	\$833.75	CTE	FY22	PO	was	closed
premaurely						
UMASS MEDICAL	\$3,182.60	SPED	FY22	PO	wasn't	encumbered
for enough						
TOTAL	4,857.24					

Therefore, I hereby request Your Honorable Body to authorize the School Department to pay these previous year school bills totaling \$4,857.24 as identified in Mr. Furtado’s communication.

7. For Your Information: I would like to inform Your Honorable Body that I have extended the appointment of Recreation Director Dennis Walsh Acting Director of Council on Aging for an additional 90 days.

8. I respectfully submit a communication from Elections Office Manager Leslie Veiga regarding a request for funds to rent a high-speed tabulator to process Vote by Mail ballots at the Presidential Primary in March of 2024. Because the tabulator is available on a first come basis, the Elections Office needs to enter into a rental agreement as soon as possible. Therefore, I hereby request Your Honorable Body transfer \$5,100.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11621000-527014 (Elections – Rental High-Speed Tabulator).

9. I respectfully submit a communication from Elections Office Manager Leslie Veiga regarding a request for funds to cover the cost of a special election. Although the date has not yet been selected by the City Council, we are able to estimate the following expenses to cover costs associated with the anticipated Special Municipal Election. Additionally, any unspent funds from the Special Election on February 28, 2023 will be used for the upcoming special election.

Therefore, I hereby request Your Honorable Body appropriate \$30,440.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to the following accounts for the purpose of one or more Special Municipal Elections in fiscal 2023:

11621000-511500	Salaries Elections	\$16,380.00
11621000-530910	Printing & Reproduction	\$5,000.00
11621000-530101	Professional Services	\$3,500.00
11621000-531020	Police at Polls	\$4,700.00
11621000-542020	Supplies – Elections Equipment	\$860.00

10. I respectfully submit a communication from Chief of Police Kyle P. Heagney regarding a request for funds to pay Field Training Officers (FTO) Stipends per the police union contract. Therefore, I hereby request Your Honorable Body appropriate \$24,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 12101000-515040 (Police – Professional Training).

11. I respectfully submit a communication from Chief of Police Kyle P. Heagney regarding a request for overtime funds due to 26 patrol officer vacancies. Therefore, I hereby request Your Honorable Body appropriate \$80,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 12101000-513000 (Police – Overtime).

12. I respectfully submit a communication from Fire Chief Scott T. Lachance regarding the receipt of an Emergency Management Performance Grant (EMPG) from the Massachusetts Emergency Management Agency (MEMA) in the amount of \$20,150.00. These funds may be utilized for Emergency Management related activities and equipment procurement. The funds

provided through this grant will be utilized to add portable computers to the front-line apparatus to integrate real-time with incident management software. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body approve expending of such funds and any future grant amendments

13. On March 7, 2023, Your Honorable Body voted to appropriate \$24,000.00 from Account 6100-578300 (Water Enterprise Fund – Reserve for Transfer). This funding request should have been sent to transfer the funds not appropriate. Additionally, this funding request should have been for \$31,000.00. Therefore, I hereby request Your Honorable Body rescind Vote #6 on March 7, 2023.

14. I respectfully submit a communication from Superintendent of Water Kourtney Allen regarding the need for funds for Health Insurance. A review of the health insurance accounts reveal that additional funding will be required to cover the anticipated expenses for the remainder of FY2023. Therefore, I hereby request Your Honorable Body transfer \$31,000 from Account 6100-578300 (Water Enterprise Fund – Reserve Fund for Transfer) to the following:

\$20,000.00 to Account 6100-517120 (Water Enterprise Fund – Health Insurance HMO)
\$11,000.00 to Account 6100-517125 (Water Enterprise Fund – HMO 500)

15. On December 7, 2021, Your Honorable Body voted to approve funds for the Water and Wastewater Departments to purchase a new Ford T250 Transit Van. After Council approval, the Water Department confirmed pricing for the van in January 2022, and ordered the van in early February 2022, as soon as the purchase order was issued. The van arrived to the vendor on December 1, 2022. The vendor informed the Water Department that the van was available for delivery but that the price for the van had increased to \$48,952.45, an increase of \$11,636.15. Therefore, I hereby request Your Honorable Body appropriate \$6,981.69 from Account 6100-359000 (Water Enterprise Fund - Retained Earnings) to Account 6100-587046 (Water Enterprise Fund -Van Purchase) and appropriate \$4,654.46 from Account 6000-359000 (Wastewater Enterprise - Retained Earnings) to Account 6000-587046 Wastewater Enterprise Fund - Van Purchase). Additionally, I respectfully request approval of funds on or before April 18, 2023, as the vendor may not be able to hold the current price any longer.

16. I respectfully submit for confirmation by Your Honorable Body the appointment of Melinda J. Kwart, 384 South Main Street, as a member of the Planning Board to fill an unexpired term. Term to expire February 2026.

17. I respectfully submit a communication from Acting Personnel Director Beth Fokin regarding the acceptance of a Memorandum of Agreement (MOA) between the City and Local #1144 Laborers, (Union) relative to snow program participation bonus effective 2022-2023 winter season. Therefore, I hereby request Your Honorable Body approve the MOA for the 2022-2023 winter season. Additionally, I hereby request Your Honorable Body appropriate \$54,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 14231000-519921 (Snow/Ice Removal – Snow Participation).

Also, an amendment is needed due to the addition of the Deputy Building Inspector and Solid Waste Manager to the Rules and Regulation for Exempt Employees, Section XVI Clothing Allowance. Therefore, I hereby request Your Honorable Body to amend Article XVI – Uniform and Clothing Allowances as described in the Personnel Rules and Regulations for Exempt Employees to add the Deputy Building Inspector and Solid Waste Manager. Funding is not required in FY23.

Sincerely, Cathleen DeSimone, Mayor

Clerk Jackson then read the Clerk's Communication:
Tuesday March 21, 2023

We have received a new Class II license application from Attleboro Shell Auto Sales, LLC. 182 Pleasant St. For 19 customer parking spaces and 10 display spaces. (PH April 4, 2023)

We have received the Special Election Calendar from the Election Commissioners.

We have received from the Planning Board the Certificate of Vote to recommend that the Municipal Council accept the enclosed list of 66 streets as public ways – a combined length of 42,290.61 + feet, 8.01+ miles.

We have received from the Planning Board a Certificate of Vote to recommend to the Municipal Council to adopt the following proposed amendments to the Zoning Ordinance, specifically S 17-3.5 Table of Accessory Use Regulations, S 17-4.5 Accessory Structures, and S 17-11.2 Definitions of the Zoning Ordinance.

We received from the Planning Board a Certificate of Vote to recommend to the Municipal Council that the Loan Order, in the amount of Two Million Dollars, (\$2,000,000.00), to remodel, reconstruct, and make extraordinary repairs to the roof and windows at Willett Elementary School is consistent with Section VI(J) Municipal Facilities, Goal 16, Policy 1 and with Section VI(K) School System, Goal 17, Policy 5 of the City's Comprehensive Plan.

The Council entered the **Committee of the Whole**.

Chair Jack Jacobi of the Municipal Building Commission came forward to explain the time frame and imperative reason for the Willet Roof loan order in the Mayor's communication.
The Council arose from Committee of the Whole at 7:33 pm

Acting President Todd Kobus then asked for **Committee Reports**.

Councilor Dolan, of the **License Committee** requested a meeting at the next appropriate time.

Chair Dolan of the **Public Works Committee** brought the following votes forward:

Voted 7 yeas – 0 nays (Conti, Waterman absent) to transfer \$2,500.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 12921000-524230 (Animal Control – Maintenance of Vehicles) to repair the 2014 Ford - F350.

Voted 7 yeas – 0 nays (Conti, Waterman absent) to transfer \$8,042.92 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16301000-585012 (Recreation – New Playground Equipment) to purchase a replacement seat and rope for the Brigg's Playground zip line and saucer.

Chair Bennett of the **Traffic** Committee called for a meeting at the next available time.

Chair Bennett of Ordinances **Elections** and Legislative Matters brought the following forward:

Voted 7 yeas – 0 nays (Conti, Waterman absent) to hold a special election on June 6, 2023 to fill the unexpired At-Large Councilor position vacated by Cathleen DeSimone, in accordance with the Revised Ordinances of the City of Attleboro as amended.

Vice Chair Kobus of the **Finance Committee**, brought forward the following votes:

Voted 7 yeas – 0 nays (Conti, Waterman absent) to approve the following loan order:

“ORDERED: that Two Million Dollars (\$2,000,000.00) is appropriated for the designing, permitting, bidding, construction oversight and construction costs associated with the remodeling, reconstructing and making of extraordinary repairs to the roof and windows at Willett Elementary School, located at 32 Watson Ave in Attleboro, MA, including the payment of all costs incidental or related thereto (the “Project”); that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow Two Million Dollars (\$2,000,000.00) under Section 7(1) of Chapter 44 of the General Laws, or any other enabling authority; that the Mayor is authorized to take any other action necessary or convenient to carry out this Project.”

Voted 7 yeas – 0 nays (Conti, Waterman absent) to appropriate \$25,000 from 1000-359000 (General Fund – Undesignated Fund Balance) to Fund 3433 Willett Roof Project **and** further to transfer \$125,000 from 3568-599000 (COA Feasibility Study– Other Financing Uses) to 3433-499000 (Willett Roof Project – Other Finance Sources).

Chair Kobus of the IT & Infrastructure Committee asked for a meeting at the next appropriate time.

Chair Dolan of the **Zoning and Land Use Committee** requested a meeting at the next appropriate time.

Chair Reynolds of the **City Property and Claims** Committee brought forth the following:

Voted 7 yeas – 0 nays (Conti, Waterman absent) to accept the donation of fifteen (15) 2022 Massachusetts Criminal Law text books and six (6) 2022 Massachusetts Criminal Procedure text books from Commonwealth Police Legacy Inc., with an approximate value of \$1,680.00 to the Attleboro Police Department.

Voted 7 yeas – 0 nays (Conti, Waterman absent) to declare the following COA printers as surplus and available for disposition:

PRINTER	CONDITION
HP Office Jet 4690	Inoperable
HP Jet Pro 6978	Inoperable
HP Desk Jet 1112	Inoperable

Voted 7 yeas – 0 nays (Conti, Waterman absent) to declare the following COA furniture as surplus and available for disposition:

Chair #1	Qty of 1	Wood Frame - Maroon Cushioning
Chair #3	Qty of 18	Metal Frame - Blue Padding
Chair #4	Qty of 4	Wood Frame - Blue Cushioning
Desk	Qty of 1	Metal Frame - Wood Top - 2 Drawer

Voted 7 yeas – 0 nays (Conti, Waterman absent) to declare the following Recreation Vehicle as surplus and available for disposition:

MAKE/MODEL	MILEAGE	VIN#	CONDITION
2003 Ford Ranger	105,637	1FTZR11E53TA32734	Very Poor

Voted 7 yeas – 0 nays (Conti, Waterman absent) to declare the following Park and Forestry vehicles/equipment as surplus and available for disposition:

QTY.	DESCRIPTION	MODEL	SERIAL/ VIN NO.	CONDITION
1	Hot Dog Cart	N/A	1C9BT0716TH376006	Fair
1	2003 GMC Sierra	1500	1GTEK14V33E215004	Very Poor
1	2008 Ford F-350	Super Duty	1FTWF31538EA07883	Junk
1	Kubota Mower	ZD21	1324-3321	Frame Only
1	Kubota Snow Blower	F2400	9533719	Poor

Voted unanimously to strike the July 19, 2022 request to transfer \$100,000 from Account 11241000-578380 (City Wide – Reserve for Capital) to Account 11241000-599300 (City Wide – Transfer to Capital Fund) and to further transfer that \$100,000 from Account 11241000-599300 (City Wide – Transfer to Capital Fund) to Account 3572 – 499600 (Highland Pavilion – Transfer from General Fund).

Additionally, to strike the request for an appropriation of \$800,000 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Fund 3572 (Highland Pavilion).

Voted 7 yeas – 0 nays (Conti, Waterman absent) to declare the Academy Building located at 28 Sanford Street, specifically Plat 31, Lot 19C, as surplus and available for disposition.

Chair Angelo of the **Personnel, Veterans and Human Services** Committee asked for a meeting at the next available time.

Chair Blais, of the **Public Safety Committee**, brought forward the following votes:

Voted 7 yeas – 0 nays (Conti, Waterman absent) to transfer \$1,750.00 from Account 13001000-519110 (Education – Allowance Clothing) to Account 13001000-558310 (Education – Uniforms) for new crossing guard’s uniforms.

Councilor Angelo read the following:

That the following new business be referred to the Personnel Committee :

Vote to confirm the appointment of Mayor Cathleen Desimone as a representative of the city, on the Sturdy Memorial Hospital Board of Managers to fill an unexpired term. Term to expire December 2023.

The council voted unanimously to adjourn at 8:17 PM.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____

(DATE)

City Clerk/Clerk of the Council