

**Municipal Council
SPECIAL MEETING – IN PERSON**

**April 26, 2022
Tuesday, 7:00 P.M.**

Councilors were present except for Councilor Bennett and Councilor Reynolds.

The Council stood for a salute to the flag.

City Clerk Kate Jackson read the Special Meeting

Date: April 19, 2021
To: Members of the Municipal Council
From: James DiLisio, President

Councilors:

By authority of Article 2, Section 2-7 (c) of the Attleboro Home Rule Charter, I hereby call a Special Meeting of the Municipal Council as follows:

Date: **Tuesday, April 26, 2022**
Time: **7:00 P.M.**
Place: 77 Park Street Council Chambers
Purpose: To discuss any legal matters before the Council.

Sincerely,
James DiLisio, President
cc: Mayor Paul Heroux

Council voted 9 yeas (Bennett and Reynolds absent) to suspend the rules.

A Charter Objection on April 19, 2022 was called by Councilor Conti regarding.

The following is the vote taken this evening:

Voted 8 yeas – 1 nay (Blais) (Bennett, Reynolds absent) to adopt a senior means tested exemption by way of a special act as a way of relieving some of the property tax burden of certain qualifying Attleboro residents.

**AN ACT RELATIVE TO THE ESTABLISHMENT OF A MEANS-TESTED
PROPERTY TAX EXEMPTION IN THE CITY OF ATTLEBORO.**

*Be it enacted by the Senate and House of Representatives in General Court assembled,
and by the authority of the same, as follows:*

SECTION 1. With respect to each qualifying parcel of real property classified as class one, residential according to the classification by the Board of Assessors for the City of Attleboro (a “Qualifying Parcel”), there shall be a senior, means-tested exemption from the property tax otherwise payable with respect to such Qualifying Parcel in an amount to be determined annually by the Attleboro Municipal Council, provided in Section 3 of this act. For the purposes of this act, a Qualifying Parcel shall mean a unit of real property as

defined by the Board of Assessors under the deed for the property and shall include a condominium unit. The exemption provided for herein shall be in addition to any other exemptions allowed under the General Laws.

SECTION 2. The Board of Assessors may deny an application if they find the applicant has excessive assets that place them outside of the intended recipients of the senior exemption created by this act. The Board of Assessors shall adopt by regulation criteria for approvals and denials of applications. A taxpayer shall qualify for the exemption under Section 1 if all of the following criteria are met:

(i) The Qualifying Parcel is owned and occupied by one or more persons who qualified for the circuit breaker income tax credit the previous calendar year under subsection (k) of Section 6 of chapter 62 of the General Laws;

(ii) The Qualifying Parcel is owned by: (i) a single taxpayer age 65 (sixty-five) or older; or (ii) jointly by taxpayers so long as one owner is age 65 (sixty-five) or older and the joint owner is age 60 (sixty) or older, as determined as of December 31st of the previous calendar year;

(iii) The Qualifying Parcel is the domicile of the taxpayer(s);

(iv) The applicant taxpayer or at least one of the joint applicants has been domiciled and owned a residential unit of real property in the City of Attleboro for at least 10 consecutive years prior to filing an application for this exemption;

(v) The maximum assessed value of the domicile is no greater than the prior fiscal year's maximum assessed value for qualification for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws as adjusted annually by the Department of Revenue;

(vi) Property taxes shall not be reduced by more than fifty per cent (50%) by this exemption; and

(vii) The Board of Assessors has approved the application for the exemption.

SECTION 3. The exemption amount provided for in Section 1 shall be an amount equal to 75% of the amount of the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws which the applicant qualified for in the previous year. The total amount exempted by this act shall be allocated proportionally within the residential tax levy on all residential taxpayers while not exceeding one per cent (1%) of the municipality's tax levy.

SECTION 4. A person who seeks to qualify for the exemption under Section 1 shall, before the deadline established by the Board of Assessors, file an application, on a form to be adopted by the Board of Assessors, with the supporting documentation of the applicant's income and assets as described in the application including a copy of the filed income tax return of the applicant showing the claimed circuit breaker income tax credit. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. No exemption shall be granted under this act until the Department of Revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by: (i) a burden shift within the residential tax levy; or (ii) an appropriation or transfer from existing funds.

SECTION 6. This act shall expire 3 years after the effective date of this act; provided, however that the City of Attleboro may reaffirm by a vote of the Attleboro Municipal Council.

SECTION 7. This act shall take effect upon its passage.

Signed and Sealed this _____ day of _____ in the Year 2022

Municipal Council President

City Clerk Jackson read the first public hearing notice for the following:

PUBLIC HEARING relative to the Administration's:

- Program Year 2022 CDBG Entitlement Budget, for the period of July 1, 2022 through June 30, 2023
- Program Year 2022 Annual Action Plan
- Authorization to submit said Program Year 2022 CDBG Entitlement and Program Year 2022 Annual Action plan to the U.S. Department of Housing and Urban Development on or before May 15, 2022.

Speaking in favor was Community Development Director Dorothy Brissette with a presentation.

No one came to speak against.

Deb Kirby of Arc Bristol County came forward to speak neither for nor against and to thank the city and the CDBG program for the continued generosity.

The public hearing was closed by Chair Conti.

City Clerk Jackson read the second public hearing notice for the following:

PUBLIC HEARING regarding the license application to store flammables (Hydrogen refrigerated liquid) from LeachGarner, Inc. at 49 Pearl Street.

Speaking in favor was James Owen of Swansea representing Leach Garner of 49 Pearl Street.

No one came to speak against. No one came to speak neither for nor against. The hearing was closed by Chair Waterman.

The Council voted unanimously at 7:34 to go into recess in order to go to committees.

The Council meeting was back in session at 8:18 p.m.

Committee Reports

Chair Waterman of the **License** Committee brought the following vote forward:

Voted on Roll Call 9 yeas – 0 nays (Bennett, Reynolds absent) to approve the application to store flammables (Hydrogen refrigerated liquid) from LeachGarner, Inc. at 49 Pearl Street.

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

Voted on Roll Call 9 yeas – 0 nays (Bennett, Reynolds absent) to appropriate \$125,000.00 from Account 6100-359000 (Water Enterprise Fund-Retained Earnings) to Account 6100-530176 (Water Enterprise Fund – Firm Yield Analysis).

Voted unanimously (Bennett, Reynolds absent) to approve the request of the Massachusetts Electric Company to install a new pole (40'C#) across from Pole 5173 on Pine Street.

Chair Conti of the **Finance** Committee brought forward the following votes:

Voted on Roll Call 9 yeas – 0 nays (Bennett, Reynolds absent) to appropriate \$1,097,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Fund 3563 Sidewalk Construction Read Street.

Voted on Roll Call 9 yeas – 0 nays (Bennett, Reynolds absent) to authorize the submission by the Administration of the following:

- Program Year 2022 CDBG Entitlement Budget, for the period of July 1, 2022 through June 30, 2023
- To approve the Mayor's submission of the Program Year 2022 CDBG Entitlement and Program Year 2022 Annual Action Plan to the U.S. Department of Housing and Urban Development on or before May 15, 2022.
- And once the final allocation is released by the US Department of Housing and Urban Development, to allow the administration to proportionally increase or decrease the amount by each category presented.

Voted on Roll Call 9 yeas – 0 nays (Bennett, Reynolds absent) that in accord with the Attleboro City Charter Section 6-3 (d) to approve the following Resolution to adopt the Capital Improvements Program for Fiscal Years 2023-2027:

**RESOLUTION
CITY OF ATTLEBORO
CAPITAL IMPROVEMENTS PROGRAM**

Fiscal Years-2023-2027

WHEREAS: The Home Rule Charter, approved by the people of Attleboro in November 1973, requires the submission of the five-year capital improvement program at least six months prior to the last day of each fiscal year; and

WHEREAS: The Charter calls for a yearly adoption by resolution of the Council at least a five-year capital improvements program for the city; and

WHEREAS: The Charter calls for a Public Hearing which was held by the Council on March 8, 2022; and

WHEREAS: Our municipal fiscal management reflects a plan to re-establish a Capital Improvement line item in the Budget of \$500,000, and

WHEREAS: Our municipal fiscal management reflects a plan to maintain a Capital Improvement line item in the Budget upon State certification of Free Cash.

WHEREAS: The City’s capital improvements have and continue to depreciate and deteriorate logarithmically; and

WHEREAS: A capital improvements program each year requires a city’s future projects to be regularly re-evaluated and updated in response to changing needs and conditions; and

WHEREAS: The Council makes the following suggestions and recommendations in adopting the Capital Improvement Program for 2023-2027:

Management Information Systems	
Replace Cisco Switches	\$76,657
Council on Aging	
Replace Rooftop HVAC (ARPA)	\$400,000
Fire Department	
Twin Village Renovation Phase 1 Design	\$200,000
Library	
Carpeting	\$174,000
Planning and Development	
Update Comprehensive Plan	\$25,000
Recreation Department	
Bartek HVAC	\$600,000
School Department	
Hill Roberts HVAC	\$140,000
Hyman Fine HVAC	\$140,000
Willett HVAC	\$600,000
Willett Roof	\$900,000

The Total \$3,228,657 in suggestions and recommendations together with the \$1,812,000 in current requests we have before us, leaves us with \$2,066,000 in free cash.

In summation, the Council is of the opinion that the ever-growing CIP items will never be resolved without perpetuating the fiscal policy of a line item for Capital Improvement implemented two years ago. There is a need to build upon this policy for the timely replacement of vehicles, equipment and minimize deferred maintenance amid the ebb and flow of municipal funds.

THEREFORE: The Council adopts the Capital Improvement Program for 2023-2027.

Signature of Finance Committee Chair Richard J. Conti

Vice Chair Dolan of **Traffic and Transportation** Committee called for a meeting at the next appropriate time.

Chair Kobus of the **IT & Infrastructure** Committee brought the following vote forward:

Voted on Roll Call 9 yeas – 0 nays (Bennett, Reynolds absent) to transfer \$160,000.00 from Account 11241000 – 578390 (City Wide – Reserve for Cannabis Impact Fee) to Account 1100210-530177 (Police Continuing Appropriation – Record Digitization).

Chair Holmes of the **Zoning and Land Use** Committee called for a meeting at the next appropriate time.

Vice Chair Angelo of **City Property and Claims** brought the following forward:

Voted unanimously (Bennett, Reynolds absent) to declare the following as surplus and available for disposition:

- Old laminating machines from Hyman Fine Elementary School that has no nominal value

<u>Make</u>	<u>Model</u>	<u>Serial No.</u>	<u>Status</u>	<u>Usage</u>
Lanier	LD428B	M6485400158	Unrepairable	123,376
Lanier	LD050B	M5685100300	Unrepairable	380,648
Lanier	LD270	M9385700208	Unrepairable	781,866
Lanier	LD0508	M5685100365	Unrepairable	367,436
Lanier	LD050B	M5685100287	Unrepairable	753,368
Lanier	LD270	M9385400021	ADF broken/	1,055,847
Lanier	LD050B	M6485400158	Jams/poor copy quality	719,413
RISO	RZ220	JA9898	Unrepairable	1,226,262
RISO	EZ221	76692770	Unrepairable	424,768
RISO	EZ221	76692768	Unrepairable	680,514
RISO	RZ220	82549986	Unrepairable	Unknown
RISO	RZ220	82551826	Unrepairable	611,158
RISO	EZ220	82549896	Unrepairable	719,711
RISO	EZ221	76692765	Unrepairable	Unknown

Voted unanimously (Bennett, Reynolds absent) to accept the generous donation of three printers to the Attleboro Public Library from Sensata Technologies with an estimated value of \$1,500.00.

Voted on Roll Call 9 yeas – 0 nays (Bennett, Reynolds absent) to appropriate \$35,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 11211000-530890 (City Solicitor). Additional funds are needed for the remainder of FY22 due to an increase in matters that involved litigation.

Voted unanimously (Bennett, Reynolds absent) to appropriate \$9,996.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 11241000-530101 (City Wide – Professional Services) for a consultant to assist Attleboro Historic Commission with ranking the inventory included in the Massachusetts Historic Commission.

Voted on Roll Call 9 yeas – 0 nays (Bennett, Reynolds absent) to transfer \$1,159.44 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11611000-542020 (Clerk – Supplies Office Equipment) to fund four desk chairs and four standing desk converters.

Voted unanimously (Bennett, Reynolds absent) to accept this generous donation of 108 N-95 masks to the Attleboro Health Department from Seabra Foods.

Voted unanimously (Bennett, Reynolds absent) to declare the following Water Department items as surplus and available for disposition:

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>CONDITION</u>
200	Water Meters	Used
35	Student Desk/Chair Combos	Fair
5	Chairs	Fair

Voted unanimously (Bennett, Reynolds absent) to accept the generous donation from the MLK Committee of Greater Attleboro to the City of Attleboro of one painting from “The Beloved Community Triptych” for display at city hall. Local artist Sandy Coleman created the painting. The estimated cost of the one canvas is \$156 with an accompanying plaque estimated at \$60.

Chair Angelo of Personnel, Veterans and Human Services Committee had the following:

Voted unanimously (Bennett, Reynolds absent) to confirm the re-submits for the following reappointments:

<u>Name</u>	<u>Appointment</u>	<u>Term</u>	<u>Expires</u>
Kurt A. Wheaton	Council on Aging	4 Year	February 2026
Paul Astphan	Traffic Study Comm.	3 Year	February 2025
Steven J. Nunes	Asst. Insp. of Gas Piping & Gas App	.3 Year	February 2025

Voted unanimously (Bennett, Reynolds and Dolan absent) to accept the generous donation from the Holiday Spirit Committee of \$435.00 in gift cards to the Health Department's Outreach office.

Voted unanimously (Bennett, Reynolds and Dolan absent) to accept the donation to the City of Attleboro Council on Aging from the Holiday Spirit Committee for \$325.00 in gift cards.

Voted unanimously (Bennett, Reynolds absent) to accept the donation of \$1,000.00 in Stop & Shop gift cards from the SONS of the American Legion Post 312 to the Veterans' Office.

Voted unanimously (Bennett, Reynolds absent) to accept the donation of \$275.00 in Stop & Shop gift cards and \$125.00 in Market Basket gift cards from the Holiday Spirit Committee to the Veterans' Office.

Voted unanimously (Bennett, Reynolds absent) to accept the donation of \$30.00 in CVS gift cards, \$30 in Cumberland Farms gift cards and \$30.00 in Stop & Shop gift cards from Edith Meehan to the Veterans' Office.

Voted on Roll Call 9 yeas – 0 nays (Bennett, Reynolds absent) to transfer \$900.00 from Account 11241000-578350 (City Wide – Reserve for Labor Negotiations) to Account 12401000-515030 (Building Inspection – Sick Pay Incentive) for two employees in the Clerks Association in keeping with the most recent contract.

Chair DeSimone of the **Ordinances and Legislative Matters** Committee had the following:

Voted on Roll Call 9 yeas – 0 nays (Bennett, Reynolds absent) to approve the following amendments to Sections 12-3.7 of the revised ordinances:

1.) Delete Section 12-3.7 in its entirety and replace with the following:

12-3.7 Capron Park Zoo Admission Fees and Policies

New Fees to begin July 1, 2022

	RESIDENTS	NON-RESIDENTS
Children (under age 3)	FREE	FREE
Youths (age 3 – 12)	\$7.50	\$8.50
Adults (age 13 and over)	\$8.50	\$10.00
Senior Citizens (age 65 and over)	\$6.50	\$7.75
Military	\$5.50	\$5.50

Group Rates for five or more individuals of non-profit organizations only are:

RESIDENTS	NON-RESIDENTS
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Children (under age 3)	FREE	FREE
Youths (age 3 –12)	\$6.75	\$7.75
Adults (age 13 and over)	\$7.75	\$9.25

Zoo Memberships

ANNUAL MEMBERSHIPS

New Fees to begin January 1, 2023

Individual	\$	35.00
Zoo Two	\$	45.00
Zoo Three	\$	55.00
Zoo Six	\$	85.00
Senior Zoo Six	\$	75.00
Zoo Seven	\$	125.00
Supporter	\$	250.00
Sustaining	\$	500.00
Patron	and	
Business	\$	1,000.00

- Memberships are not transferrable
- Members must show identification along with their card for admission.

General Benefits

- Free Admission for the number of guests indicated on the membership card. One adult named on the card must be present for admission to the zoo.
- 10% discount on concession and gift shop purchases
- Discounts on Education Programs
- Free or discounted admission to over 100 AZA institutions nationwide.

Zoo Two, Zoo Three, Zoo Six and Senior Zoo Six allowed two adults to be named on the membership card, one of whom needs to be present for admission to the zoo.

Zoo Seven allows three adults to be named on the membership card, one of whom must be present for admission to the zoo. Additional guests may be added to the Zoo Seven for \$10.00 per guest at the time of membership purchase.

Zoo Supporter provides free admission for up to ten guests one of whom must be an adult named on the membership card. Three adults can be named on the cards.

Zoo Sustaining Membership allows free admission for up to 15 guests, one of whom must be an adult named on the card. Three adults can be named on the membership card

- Zoo Sustaining Memberships include 15% discounts on concession and gift shop purchases.

Zoo Patron allows free admission for up to twenty guests one of whom must be an adult named on the membership card. Three adults can be named on the card.

- Zoo Patron Membership includes 20% discount on concession and gift shop purchases.
- Discounted admission to zoo events.
- Two Director's Rounds behind the scene tours for up to 5 people. Tour must be arranged in advance.

Business Membership allows free admission for up to twenty guests one of whom must be an employee of the business. The employee must bring the business membership card and proof of employment with the business.

- Business Memberships receive a 20% discount on concession and gift shop purchases.
- Discounted admission for the business owner to special zoo events such as Zoo Moon and Zoo Boo.
- Two Director's Rounds behind the scene tours for up to five people. Tour must be scheduled in advance.

All children under the age of 13 years must be accompanied by an adult. School age persons may not enter the zoo during school hours unless accompanied by a chaperone.

Disabled people, whom are assisted by a working dog, must be accompanied by a staff member when visiting the zoo.

The Park Superintendent and the Zoo Director shall have the authority to waive the admission fee during inclement weather.

The admission fee or pass shall cover the entire day. Persons will be permitted to leave and re-enter the zoo on the same day without having to pay an additional fee. This is during regular zoo hours only.

The Superintendent of Parks & Forestry and the Zoo Director shall be responsible for implementing the provisions of this ordinance and for the safekeeping and accounting of the monies collected. All monies collected from admission fees shall be deposited in a revolving fund in accordance with the provisions of MA General Laws, Chapter 44, Section 52 1/2E.

Friends of Capron Park Zoo who are active in the organization do not pay entrance into the zoo. All other programs offered by the zoo are at normal cost.

Residents with a financial need may obtain free passes to the zoo through various agencies or by contacting the zoo office. Information regarding the availability of free passes will be posted at the zoo.

This ordinance shall become effective immediately upon passage.

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

Voted on Roll Call 9 yeas – 0 nays (Bennett, Reynolds absent) to appropriate \$5,742.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 12201000-558325 (Fire – Furniture) for new bedding throughout the Fire Department.

Voted on Roll Call 9 yeas – 0 nays (Bennett, Reynolds absent) to appropriate \$72,978.28 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 12201000-511000 (Fire – Salaries and Wages) to replenish funds paid out to a retired employee.

Voted on Roll Call 9 yeas – 0 nays (Bennett, Reynolds absent) to appropriate \$1,209.43 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 12201000-511000 (Fire – Salaries and Wages) to replenish funds that were paid out to an employee who resigned.

Voted on Roll Call 9 yeas – 0 nays (Bennett, Reynolds absent) to appropriate to appropriate \$150.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 11241000-578020 (City Wide-Bills from Previous Years) in order to pay a previous year’s invoice to the Commonwealth of Massachusetts Department of Fire Services.

The council voted 9 yeas – 0 nays (Holmes, Reynolds absent) to adjourn at 8:40 p.m.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)

City Clerk/Clerk of the Council