

**Municipal Council
Regular meeting in person**

**June 7, 2022
Tuesday, 6:00 P.M.**

Roll Call attendance vote with Angelo and Reynolds absent.

Salute to the flag.

Council voted 9 yeas – 0 nay (Holmes, Kobus absent) to suspend the rules.

President DiLisio spoke about the lineup for the evening including 11 public hearings.

Council voted unanimously to approve the following 4 sets of meeting minutes:

March 15, 2022-April 5, 19 and 26, 2022

City Clerk Kate Jackson read the first public hearing notice.

PUBLIC HEARING regarding an application to Waive Section 11-15.1, to serve alcoholic beverages or wine on city property, from Boston Bar Fly Caterers for the Lights Out gathering on June 18, 2022 at Attleboro High School.

Speaking in favor was Rob Geddes of 27 Zarek Drive and a member of the school committee.

No one came to speak against and no one came to speak neither for nor against.

Chair Waterman agreed to close the public hearing.

Clerk Jackson read the next public hearing notice:

PUBLIC HEARING to discuss the proposed amendment to Chapter 7 Health Department of the Revised Ordinances of the City of Attleboro Section 7-18 Plastic Shot Bottle Waste Reduction. Copy of the proposed amendment available at the Municipal Council Office during regular business hours.

Speaking in favor was Barbara Clark of 20 Fourth Street.

Speaking in favor was Nancy Downs of 2 Meadow Brook Road, Millis. Ms. Downs is from the Non-Profit organization Oceana.

Speaking in favor was Mayor Paul Heroux.

Speaking against was Josh DeFranzo of Robinson Avenue Pawtucket.

Speaking against was Jason Silva of County Square Liquors

No one spoke neither for nor against. Chair DeSimone agreed to close the public hearing

Clerk Jackson read the next public hearing notice.

PUBLIC HEARING regarding the placement of a permanent speed hump on both May Street and Rocklawn Avenue per City Ordinance Section 10 - 4, Speed Humps.

No one came to speak in favor or against. Chair Bennett agreed to close the public hearing.

Clerk Jackson read the next public hearing notice.

PUBLIC HEARING An application for a new Amusement Device License from Spooky Games, LLC at 9 North Main Street for a video game and coin pusher. A public hearing will be June 7, 2022.

Speaking in favor was Mr. & Mrs. Salvatore Sipola, proprietors of Spooky Games at 9 N. Main Street. No one came to speak against. No one came to speak neither for nor against. Chair Waterman agreed to close the public hearing.

Clerk Jackson read the next public hearing notice.

PUBLIC HEARING regarding the following ordinance change in Section 10-5 Parking 10-5.2 (A) Prohibited on certain streets as it pertains to the re-opening of Rathbun Willard Drive from Thacher Street to Rome Boulevard:

No one came forward to speak in favor. No one came to speak against. No one came to speak neither for nor against. Chair Bennett agreed to close the public hearing.

Clerk Jackson read the next public hearing notice.

PUBLIC HEARING relative to the proposed FY2023 Budget.

No one came to speak in favor. No one against and no one neither for nor against. Chair Conti agreed to close the public hearing.

Clerk Jackson read the next public hearing notice.

No one came to speak in favor. No one against and no one neither for nor against. Chair Conti agreed to close the public hearing.

Clerk Jackson read the next public hearing notice.

PUBLIC HEARING relative to the proposed FY2023 Water Enterprise Budget.

No one came to speak in favor. No one against and no one neither for nor against. Chair Conti agreed to close the public hearing.

Clerk Jackson read the next public hearing notice.

PUBLIC HEARING relative to the proposed FY2023 Wastewater Enterprise Budget.

No one came to speak in favor. No one against and no one neither for nor against.

Chair Conti agreed to close the public hearing.

Clerk Jackson read the next public hearing.

PUBLIC HEARING relative to the proposed solid waste fee of \$274.72. This is a \$23.66 increase from Fiscal Year 2022

No one came to speak in favor. No one against and no one neither for nor against.
Chair Conti agreed to close the public hearing.

Clerk Jackson read the next public hearing notice.

PUBLIC HEARING relative to the proposed water fee of \$5.51 per 100 c.f. This is a \$0.41 increase from Fiscal Year 2022.

No one came to speak in favor. No one against and no one neither for nor against.
Chair Conti agreed to close the public hearing.

Clerk Jackson read the final public hearing notice.

PUBLIC HEARING relative to the proposed wastewater fee of \$10.20 and \$11.10 per 100 c.f. for residential and industrial, respectively. This is a \$0.73 increase from Fiscal Year 2022.

No one came to speak in favor. No one against and no one neither for nor against.
Chair Conti agreed to close the public hearing.

Council voted unanimously to enter the **Committee of the Whole**.
There were no speakers so the Council voted to arise at 7:35 p.m.

Clerk Jackson read the Mayor's Communication

June 7, 2022

Dear Municipal Councilors:

I respectfully submit a communication from Superintendent of Water Kourtney Allen regarding the need for funds to pay bills from previous years for dental insurance that was paid out of the General Fund that should have been paid out of the Enterprise Fund. Therefore, I hereby request Your Honorable Body transfer \$1,966.32 from Account 6100-578300 (Water Enterprise Fund – Reserve Fund for Transfer) to Account 6100-578020 (Water Enterprise Fund – Bills for Previous Years). Once transferred, the Accounting Office will complete the necessary corrections. (Copies in your packets)

I respectfully submit a communication from Legal Secretary Alison Wood regarding a vehicle that the Health Department would like to declare as surplus. Therefore, I hereby request Your Honorable Body to declare the following as surplus and available for disposition: (Copies in your packets)

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>	<u>Miles</u>	<u>Condition</u>
2009	Ford F150	1FTRF14W69KC60012	151,288	Poor

I respectfully submit a communication from APS Director of Finance Marc Furtado regarding a transportation services bid award to H&L Bloom. The Attleboro School Committee approved the proposal at its meeting on May 9, 2022. Therefore, I hereby request Your Honorable Body to approve a 36-month transportation services agreement with H&L Bloom with two (2) one-year renewals. (Copies in your packets)

In order to be able to process this request for the end of FY2022 deadline, I hereby request Your Honorable Body to consider this prior to June 30, 2022.

I respectfully submit a communication from APS Director of Finance Marc Furtado regarding a facilities management services bid award to Sodexo. The Attleboro School Committee approved the proposal at its meeting on May 23, 2022. Therefore, I hereby request Your Honorable Body to approve a 36-month facilities management services agreement with Sodexo with two (2) one-year renewals. (Copies in your packets)

In order to be able to process this request for the end of FY2022 deadline, I hereby request Your Honorable Body to consider this prior to June 30, 2022.

I respectfully submit a communication from City Auditor Deborah Gould regarding Fund 3550 Fire Department Vehicle. On February 15, 2018, your Honorable Municipal Council authorized debt in the amount of \$975,000 for the purpose of purchasing and equipping fire department vehicles. City Treasurer Laura Gignac issued this debt in its entirety in February of 2019. There remains \$394.26 of this authorized issued debt unexpended.

An allowable use of these funds would be for a project of equal or greater economic life. Therefore, I hereby request Your Honorable Body to authorize the \$394.26 be used to reduce the borrowing for the ambulance voted on February 15, 2022, vote number nine also accounted for in Fund 3550. (Copies in your packets)

I respectfully submit a communication from City Auditor Deborah Gould regarding Fund 3557 Police Department Vehicle. On July 23, 2020, Your Honorable Body authorized debt in the amount of \$357,000 for the purpose of purchasing and equipping police vehicles; \$2,000 of the authorization was restricted for the cost of issuance, which was rescinded on June 24, 2021. There remains \$184.00 in Fund 3557 Police Department Vehicles of this authorized issued debt, the vehicles related to this authorization were purchased and equipped.

An allowable use of these funds would be to fund a project of equal or greater economic life. Therefore, I hereby request Your Honorable Municipal Body to transfer \$184 from 3557-599000 Police Department Vehicles – Other Financing Uses to 3566 -499000 Fire Engines – Other Financing Sources to reduce future borrowings. (Copies in your packets)

I respectfully submit a communication from City Auditor Deborah Gould regarding Fund 3335 Franklin Street Water Main. Your Honorable Body voted to fund installation of a 6-inch water main on Franklin Street and then funded the permanent paving of the street into fund 3335 Franklin Street Water Main. The total of these appropriations from available resources in the Water Enterprise Fund amounted to \$110,671.25. There remains \$5,413.67 unexpended in this fund.

The accounting office has received notice that the projects are completed and all obligations have been paid. Therefore, I hereby request Your Honorable body to close Fund 3335 Franklin Street Water Main to the Water Enterprise fund by transferring \$5,413.67 from account 3335-599000 Franklin Street Water Main – Other Financing Uses to 61004-499000 Water Enterprise Fund – Other Financing Sources. (Copies in your packets)

I respectfully submit a communication from City Auditor Deborah Gould regarding Fund 3548 Finberg Field. As you know Your Honorable Body voted \$1,106,510 over three Council votes from available sources in the general fund to fund the Finberg Field remediation. There remains \$133,590.19 in this fund unexpended.

The accounting office has been notified by Director of Budget and Administration Jeremy Stull that CDM Smith has submitted all remaining documents to close the Finberg Field site under MassDEP's MCP regulations and that all invoices related to the project have been paid. Therefore, I hereby request Your Honorable Body close out the project to the general fund by transferring \$133,590.19 from 3548-599000 Finberg Field Other Financing Uses to 10004-499000 General Fund – Other Financing Sources.

Please note closing these funds out prior to yearend will increase the equity position of the general fund if action is taken before June 30, 2022. (Copies in your packets)

I respectfully submit a communication from City Auditor Deborah Gould regarding Fund 3553 ARA DEP Cleanup. On October 16, 2018, Your Honorable Body appropriated \$480,000 into Fund 3553 ARA DEP Cleanup for the purpose of covering the expenses related to the cleanup of City owned land on Riverfront Way. The project undertaken by the Attleboro Redevelopment Authority has been completed.

Environmental Strategies & Management, Inc. issued its report Massachusetts Contingency Plan and Permanent Solutions Statements with Conditions and Chairman Correia has notified my office that the site cleanup is complete.

Therefore, I hereby request Your Honorable Body close Fund 3553 by transferring \$4.12 from 3553-599000 ARA DEP Cleanup- Other Financing Uses to 10004-499000 General Fund Other Financing Sources. (Copies in your packets)

I respectfully submit a communication from City Auditor Deborah Gould regarding Fund 3525 Munis. On May 19, 2019, Your Honorable Body approved \$20,679.28 into Fund 3525 Munis Upgrade from the general fund, water enterprise fund and wastewater enterprise fund. A review of the general ledger indicates that \$5,305.64 of this authorization remains unspent. Additionally, there remains \$191.55 from an earlier appropriation from May 16, 2006 from the general fund. The current total amount in fund 3525 is \$5,497.19.

After consulting with MIS Director Lennox, the Auditor and MIS Director respectfully request this fund be closed as the intended use of these previous appropriations are complete and funding for future upgrades will be requested as needed.

Therefore, I hereby request Your Honorable Body transfer \$5,497.19 from 3525-599000 (Munis –Other Financing Uses) as follows:

\$1,768.54 to 60004-499000 – Wastewater Enterprise Fund – Other Financing Uses

\$1,768.54 to 61004-499000 – Water Enterprise Fund – Other Financing Uses

\$1,960.11 to 10004-499000 – General Fund – Other Financing Uses

I respectfully submit a communication from City Auditor Deborah Gould regarding Fund 3229 Silo. On June 15, 2021 Vote #13, Your Honorable Body voted to appropriate \$35,600 from Account 6000-359000 (Wastewater Enterprise Fund - Retained Earnings) to Fund 3229 Silo for pressure washing and painting of the Silo. The Auditing Department has been notified by Wastewater Department that this project is completed. The project cost was \$31,000 leaving a balance in the fund of \$4,600.

Therefore, I hereby request Your Honorable Body transfer the balance of \$4,600 in the Silo project from Account 3229-599000 (Silo – Other Financing Uses) to Account 60004-499000 (Wastewater Enterprise Fund – Other Financing Sources) to close Fund 3229 Silo capital project fund. (Copies in your packets)

I respectfully submit a communication from City Auditor Deborah Gould regarding Fund 3228 Sludge Pump. On April 20, 2021, Vote #9 Your Honorable Body voted to appropriate \$65,000 from Account 6000-359000 (Wastewater Enterprise Fund - Retained Earnings) to Fund 3228 Sludge Pump. The Auditing Department has been notified by Wastewater Department that this project is completed. The project cost was \$59,189.94 leaving a balance in the fund of \$5,810.06.

Therefore, I hereby request to transfer the remaining balance of \$5,810.06 of the Sludge Pump project from Account 3228-599000 (Sludge Pump – Other Financing Uses) to

Account 60004-499000 (Wastewater Enterprise Fund – Other Financing Sources) to close the Sludge Pump capital project fund. (Copies in your packets)

I respectfully submit a communication from Fire Chief Scott T. Lachance regarding the need to surplus the following Thermal Imaging Cameras to be used for trade-in value. Therefore, I respectfully request Your Honorable Body to surplus the items below. (Copies in your packets)

MSA Evolution 5600 (#A0-58621-B11) manufactured in 2011
MSA Evolution 5600 (#A0-85377-H12) manufactured in 2012
MSA Evolution 4000 (#A1-1397-K00) manufactured in 2000
Bullard QXT (#DX00408) manufactured in 2017
Bullard QXT (#DX00410) manufactured in 2017
Bullard QXT (#DX00409) manufactured in 2017

In order to be able to process this request for the end of FY2022 deadline, I hereby request Your Honorable Body to consider this prior to June 30, 2022.

I respectfully submit a communication from Superintendent of Water Kourtney Allen regarding proposed amendments to Section 16-11 of the City of Attleboro Ordinances is incomplete. The City Solicitor Cynthia Amara recommended that a more specific ordinance pertaining to water assessments be adopted by the City and has reviewed the proposed amendments. Therefore, I hereby request Your Honorable Body vote on the following amendments:

Delete Section 16-11 in its entirety and replace with the following:

Section 16-11 Water Assessments

16-11.1 Authorization: Water assessments are governed by the provisions of this ordinance and the applicable provisions of General laws Chapter 40.

16-11.2 Cost Allocation: When a water assessment is imposed with respect to a particular water construction project, sixty-six and two-thirds percent (66 2/3%) of the actual cost of the project, after the deductions described herein are made from such cost, will be assessed against the owner or owners of land in front of which the water main in question runs and for the use of which it was installed. In determining the amount of the water assessment to be made, there shall be deducted from the actual cost of the project any federal or state grants and the principal portion of state subsidies received by the City for the project. The remainder of the actual cost of the project will be borne by the City. The City's share of the actual cost of the project shall be paid from the water use charges established by ordinance.

16-11.3 Water Assessment Criteria: Water assessments shall be made upon owners of land in accordance with a uniform unit method. Under such method, a uniform unit of cost shall be determined by dividing the total cost of the project to be assessed against

owners of land by the total number of existing and potential water units to be served. Each water unit shall be equal to a single-family residence. Potential water units shall be calculated based on zoning then in effect and in accordance with the criteria set forth herein. Existing and potential multifamily, commercial and industrial uses shall be converted into water units based on residential equivalents. An owner's assessment shall be equal to the number of water units assessed to him multiplied by the unit of cost. Each single-family residence including any lawful conforming use as such, located on a way where the water line is installed shall be assessed one unit of cost. Each potentially buildable lot located on such way shall also be assessed one unit of cost. In determining whether any such lot is buildable, the zoning requirements for the zoning district in which the lot is located shall be applied. Existing, including any lawful conforming uses, and potential multifamily uses, commercial uses, and industrial uses located on a way where the water line is installed shall be converted into water units based on single-family residential equivalents. In determining the residential equivalents for multifamily uses, the zoning requirements of the zoning district in which the multifamily use is located shall apply. The number of water units calculated for multifamily uses shall be calculated based on lot area and not based on the number of family units in the dwelling. In determining the residential equivalents for commercial and industrial uses, the zoning requirements for the Single Residential-D ("SR-D") Zoning District shall apply. Each residential lot equivalent will be assessed one unit of cost. A potential lot, which meets the applicable zoning requirements but is deemed unbuildable for any other reason shall not be assessed as a water unit. All City-owned lots which meet the requirements established herein for classification as a water unit shall be included in the number of water units used in determining the unit of cost.

16-11.4 Planning Phase: When a need has been identified for a water construction project in a specific area of the City, the Mayor shall submit a proposal for the design and engineering for such project to the Municipal Council. When the project is fully designed and ready for the construction process, the Mayor will submit a proposal for such to the Municipal Council. Such proposal shall include the layout of the project, an estimate of the completion date of the project, an estimate of the actual cost of the project, and an estimate of the cost per water unit to be assessed to property owners. The Municipal Council shall hold a public hearing on the proposal and shall include such information in the notice of the public hearing.

16-11.5 Notification to Property Owners: No less than thirty (30) days prior to commencement of construction of the project, the City shall give written notice of the impending project to each property owner on a way where a water line is to be installed. Such notice shall include as a minimum the following: a. Description of the property to be assessed. b. Notice that a water line is schedule to be installed on the way where the property is located. c. An estimate of the completion date of the project. d. As the property will be bettered by the installation of the water line, an assessment fee will be assessed. e. An estimate of the assessment fee to be assessed against the property. f. Notice that a municipal lien will be placed on the property on which a water assessment fee is assessed, if the fee is not paid within thirty (30) days of the date of the billing of the water assessment fee.

16-11.6 Municipal Lien Certificate: No less than thirty (30) days prior to the commencement of construction of the project, the Superintendent of Water shall give written notice to the Collector of Taxes of all properties which are to be assessed an assessment fee. Municipal lien certificates issued thereafter on properties to be so assessed will contain the notation that “this property is scheduled to be assessed a water assessment fee, the amount of which is not ascertainable at this time”.

16-11.7 Order of Assessment: The Superintendent of Water shall, within six (6) months after the completion of the water project, adopt an order of assessment for the project. Such order shall designate each property owner being assessed an assessment fee, identify the parcel of land on which the assessment is made, identify the plan of the area where the water project was constructed, and state the amount of the assessment assessed to each parcel of land. Such order shall be recorded in the Bristol County Northern District Registry of Deeds within a reasonable period of time after its adoption.

16-11.8 Collection of Assessments: The Superintendent of Water shall, within a reasonable period of time after the adoption of such order of assessment, deliver a copy thereof to the Board of Assessors, which shall forthwith commit such assessments to the Collector of Taxes for collection. The Collector of Taxes shall send notice of the amount of the assessment to the owner of each parcel of land assessed with an explanation of the options available for its payment. Assessments are due and payable within thirty (30) days of the date of the billing unless an apportionment of the payment of the assessment over a maximum period of thirty (30) years is requested. If payment is made within thirty (30) days, no lien shall be placed on the property. Upon payment in full of the assessment, the City shall furnish the owner with a discharge of the lien for recording in the Registry of Deeds.

16-11.9 Deferred and Recovery Agreements: In accordance with the provisions of Chapter 40, Section 42J of the General Laws, the Superintendent of Water shall, upon the application of the owner of property assessed a water assessment fee, if such owner is eligible for an exemption under Clause Forty-first A of Section 5 of Chapter 59 of the General Laws enter into a deferral and recovery agreement with such owner on behalf of the City. Such agreement shall provide for the deferral and subsequent payment of the assessment on the terms and conditions set forth in said Section 42J. Application to enter into such agreement must be made within six (6) months after notice of such assessment has been sent out by the Collector of Taxes.

16-11.10 Petition for Abatement: The owner of any real estate upon which a water assessment has been assessed may, within six (6) months after notice of such assessment has been sent out by the Collector of Taxes, file with the Superintendent of Water a petition for an abatement of such assessment. The Superintendent shall act on such petition within four (4) months of the date of its filing. If he does not act within that time, the petition is deemed to be denied. The Superintendent shall give written notice to the petitioner of his decision within ten (10) days after it has been made.

16-11.11 Appeal of Denial of Abatement: Any person who is aggrieved by the refusal of the Superintendent of Water to abate a water assessment in whole or in part has two (2) alternative rights of appeal. He may, under M.G.L. c. 80, Section 7 file an appeal with the Superior Court within thirty (30) days after notice of the Superintendent's decision, or he may, under M.G.L. c. 80, Section 10, appeal such decision within said thirty (30) day period to the Bristol County Commissioners.

I respectfully submit a communication from Superintendent of Water Kourtney Allen regarding the need for funds to purchase a sample digester for preparation of phosphate and metals samples. Therefore, I hereby request Your Honorable Body transfer \$6,400.00 from Account 6100-578300 (Water Enterprise Fund – Reserve Fund for Transfer) to Account 6100-553182 (Water Enterprise Fund – Lab Supplies). (Copies in your packets)

In order to be able to process this request for the end of FY2022 deadline, I hereby request Your Honorable Body to consider this prior to June 30, 2022.

I respectfully submit a communication from Chief of Police Kyle P. Heagney regarding the need for funds to relocate the police armory to a former storage room within the basement of the police station. Therefore, I hereby request Your Honorable Body to transfer \$10,000.00 from Account 12101000-511000 (Police – Salary and Wages) to Account 1100210-582509 (Police Continuing Appropriation – Amory). (Copies in your packets)

I respectfully submit a communication from Superintendent of Park & Forestry Derek Corsi regarding the need for funds in various accounts. These transfers are needed due to unexpected breakdowns, repairs and to purchase supplies for the remainder of FY22. Therefore, I hereby request Your Honorable Body transfer \$15,000.00 from Account 16501000-511000 (Park – Salary and Wages) to the following:

\$6,000.00 to 16501000-530101 (Park - Professional Services)
\$3,000.00 to 16501000-546010 (Park - Supplies Grounds)
\$3,000.00 to 16501000-548030 (Park - Supplies Vehicles)
\$3,000.00 to 16501000-548040 (Park - Supplies Equipment)
(Copies in your packets)

In order to be able to process this request for the end of FY2022 deadline, I hereby request Your Honorable Body to consider this prior to June 30, 2022.

18. I respectfully submit a communication from Director of Veterans Services Ben Quelle regarding the need for funds to purchase POW/MIA and City of Attleboro flags. Therefore, I hereby request Your Honorable Body transfer \$2,000.00 from Account 15431000-577210 (Veterans – Parades & Memorials) to Account 15431000 -558315 (Veterans – Replacement of Flags). (Copies in your packets)

In order to be able to process this request for the end of FY2022 deadline, I hereby request Your Honorable Body to consider this prior to June 30, 2022.

19. I respectfully submit a communication from Superintendent of Wastewater Thomas Hayes regarding the residential meter replacement program and the shared meter expense between the City's Water and Wastewater Enterprise Departments. During fiscal year 2020, the Water Department purchased 620 water meters and miscellaneous parts. Out of the 620 water meters, 224 meters, at a cost of \$240.54, were installed at locations that have water and sewer accounts and 33 meters, at a cost of \$339.22, were installed of the sewer properties being new construction. Additionally, a replacement handheld data reader, at a cost of \$9,511.76, was purchased this year. Wastewater Enterprise is responsible to pay for 50% of the value of those meters installed in homes with both services and 40% of the value of the handheld data reader.

Therefore, I hereby request Your Honorable Body to appropriate \$36,342.31 from Account 6000-359000 (Wastewater Enterprise Fund - Retained Earnings) to Account 6000-553150 (Wastewater Enterprise Fund – Water Meter Supplies) after such time the Accounting Department will work with the Wastewater Department to transfer the funds to the Water Enterprise Fund. (Copies in your packets)

In order to be able to process this request for the end of FY2022 deadline, I hereby request Your Honorable Body to consider this prior to June 30, 2022.

I respectfully submit a communication from Superintendent of Park & Forestry Derek Corsi regarding the donation of a brand-new Husqvarna 450-20 Rancher Chainsaw with an estimated value of \$450 from Peter Sauer of Attleboro to the Park & Forestry Department. In accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body to accept this generous donation to the City of Attleboro. (Copies in your packets)

I respectfully submit a communication from Superintendent of Water Kourtney Wunschel regarding the need for funds to continue with the Water Department's ongoing Water Meter Replacement Program for Fiscal Year 2022. To date 87 percent of the residential meters in the City have been upgraded through this program. These funds will be used to purchase approximately 675 meters with associated fittings, supplies, equipment and one new set of meter reading equipment. This transfer will also allow the purchase of one new laptop computer in order to continue the program. Therefore, I hereby request Your Honorable Body appropriate \$198,599.02 from Account 6100-359000 (Water Enterprise Fund – Retained Earnings) to Account 6100-553150 (Water Enterprise Fund – Water Meter Supplies). (Copies in your packets)

In order to be able to process this request for the end of FY2022 deadline, I hereby request Your Honorable Body to consider this prior to June 30, 2022.

I respectfully submit a communication from City Auditor Deborah Gould regarding Fund 3556 Fire Department Vehicle. On December 22, 2021, Your Honorable Body

authorized debt in the amount of \$1,054,000 for the purpose of purchasing and equipping fire department vehicles. A portion of this debt was issued long term in May of 2021, some was retired with a pay down in fiscal 2021 and a portion of the authorization was rescinded by Council vote number nine on June 21, 2021. There remains \$295.01 in this fund with all liabilities satisfied.

An allowable use of these funds would be to fund a project of equal or greater economic life. Therefore, I hereby request Your Honorable Body to transfer \$295.01 from 3556-599000 (Fire Department Vehicles – Other Financing Uses) to 3566 -499000 (Fire Engines – Other Financing Sources) to reduce future borrowings for the fire engine. (Copies in your packets)

I respectfully submit a communication from Legal Secretary Alison Wood regarding items that the Personnel Department would like to declare as surplus. Therefore, I hereby request Your Honorable Body to declare the following as surplus and available for disposition. (Copies in your packets)

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>CONDITION</u>
3	Office Chairs	Fair - Poor

I respectfully submit a communication from Legal Secretary Alison Wood regarding items that the Attleboro High School would like to declare as surplus. Therefore, I hereby request Your Honorable Body to declare the attached *Consolidated Inventory* list as surplus and available for disposition.

I respectfully submit a communication from Director of Budget & Administration Jeremy Stull requesting to waive allowable permit fees associated with the replacement of the gymnasium floors in Hyman Fine and Hill Roberts Elementary Schools. Therefore, I hereby request Your Honorable Body waive the allowable permit fees associated with the replacement of the gymnasium floors in Hyman Fine and Hill Roberts Elementary Schools.

I respectfully submit a communication from City Auditor Deborah Gould regarding Fund 3554 Sanford Parking Garage. On December 18, 2018, Your Honorable Body funded capital repairs to the Sanford Street municipal parking garage from available free cash in the amount of \$375,000.

The auditing department is in receipt of a communication from Director of Budget and Administration indicating that the project was completed and received final inspection with all liabilities satisfied.

There remains \$656.49 unexpended in this fund. Therefore, I hereby request Your Honorable Body transfer \$656.49 from 3554-599000 (Sanford Parking Garage- Other Financing Uses) to 10004-499000 (General Fund – Other Financing Sources) to close this fund. (Copies in your packets)

I respectfully submit a communication from Keep Attleboro Beautiful regarding a donation of streetlight/sidewalk light box wraps with an estimated value of \$5,200. In accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body to accept this generous donation to the City of Attleboro.

I respectfully submit a communication From APS Director of Finance Marc Furtado regarding the Attleboro School Committee's approval of the food services management proposal of Whitsons Culinary Group at its meeting on May 23, 2022. Therefore, I hereby request Your Honorable Body approve the full proposal of three (3) years with two, one (1) year options, pending funding annually. (Copies in your packet)

In order to be able to process this request for the end of FY2022 deadline, I hereby request Your Honorable Body to consider this prior to June 30, 2022.

I respectfully submit a communication from Director of Budget & Administration Jeremy Stull regarding the need for funds to purchase an additional box of Purchase Order forms before fiscal year end. Additionally, I am requesting that this request be considered an emergency measure. Therefore, I hereby request Your Honorable Body transfer \$1,500.00 from Account 11241000-578390 (City Wide – Reserve for Cannabis Impact) to Account 11331000-558010 (Budget & Administration – Data Processing Supplies)

In accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro, I respectfully request Your Honorable Body to consider this as an emergency measure. (Copies in your packets)

I respectfully submit a communication from Director of Recreation Dennis Walsh regarding the need for funds to install fall protection material on various playgrounds. Therefore, I hereby request Your Honorable Body transfer \$365.00 from Account 16301000-519130 (Recreation – Licenses) to Account 16301000-524002 (Recreation – Maintenance of Rec Areas) for the installation of this material. (Copies in your packets)

I respectfully submit a communication from Director of Recreation Dennis Walsh regarding the need for funds to install fall protection material on various playgrounds. Therefore, I hereby request Your Honorable Body transfer \$1,246.02 from Account 16301000-512010 (Recreation – Program Assistants) to Account 16301000-524002 (Recreation – Maintenance of Rec Areas) for the installation of this material. (Copies in your packets)

I respectfully submit a communication from Director of Recreation Dennis Walsh regarding the need for funds to pay electric invoices for the remainder of FY22. Therefore, I hereby request Your Honorable Body transfer \$698.00 from Account 16301000-512020 (Recreation – Seasonal Laborers) to Account 16301000-521020 (Recreation – Lights & Power). (Copies in your packets)

I respectfully submit a communication from Director of Recreation Dennis Walsh regarding the need for funds to repair sections of the irrigation system at SA Veteran's Memorial Park. Therefore, I hereby request Your Honorable Body transfer \$1,336.82 from Account 16301000-512010 (Recreation – Program Assistants) to Account 16301000-524024 (Recreation – Repair Irrigation) to repair the irrigation system. (Copies in your packets)

I respectfully submit a communication from Economic Development Director Catherine Feerick regarding the award of \$5,000 in funding from MassDevelopment to commission a study for the partial restoration of the East Attleborough Academy building to serve as an addendum to the City's RFP to sell the building. This study will provide RFP respondents with a path forward on restoration that maintains the historic character. MassDevelopment would serve as the fiscal agent for the project, with no funds transferred to the City of Attleboro. Instead, the final product of the grant would be presented for approval to the Municipal Council as a "gift of services" to the City.

However, as the East Attleborough Academy building has been sent to Council to be declared surplus and sold, it has been determined that Council ought to approve this grant and the accompanying project in advance of the project's completion. Specifically, this grant may be subject to repayment if the proceeds from the sale are in excess of the \$5,000 grant amount. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body approve expending such funds and any future grant amendments. Additionally, I am requesting that this request be considered an emergency measure due to fiscal year end constraints.

In accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro, I respectfully request Your Honorable Body to consider this as an emergency measure. (Copies in your packets)

34/6/7/22 – REFERRED TO COMMITTEE

I respectfully submit a communication from Superintendent of Wastewater Thomas Hayes regarding the need for funds to pay the remainder of electric bills for FY2022. Therefore, I hereby request Your Honorable Body appropriate \$15,000.00 from Account 6000-359000 (Wastewater Enterprise Fund – Retained Earnings) to Account 6000-521020 (Wastewater Enterprise Fund – Lights & Power).

In accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro, I respectfully request Your Honorable Body to consider this as an **emergency measure**.

I respectfully submit a communication from Director of Budget & Administration Jeremy Stull regarding the need for funds to hire private inspectors to perform pending septic inspections. The City's Health Agent resigned at the end of May and nobody currently in the office has the necessary licenses to perform the required inspections of residential septic installations. Residents' closings on sales of properties are being negatively impacted. Until a new Health Agent is on board to re-start these critical inspections, I am

proposing hiring private inspectors to do the work on behalf of the City until permanent hire is made and these services can be brought back in house.

Therefore, I hereby request Municipal Council appropriate \$15,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 15101000-53101 (Health Services – Professional Services).

Additionally, in order to get these private vendors working as soon as possible, I am requesting that this be considered an **emergency measure**.

In accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro, I respectfully request Municipal Council to consider this as an emergency measure.

Sincerely,
Paul Heroux, Mayor

ATTLEBORO CITY CLERK COMMUNICATIONS
JUNE 7, 2022

A letter from Andrew Nixon of Ellis Street addressing comments about the proposed Pavilion at Highland Park, which he is in favor of.

A letter from the Southeast Cannabis Dispensary Coalition suggesting that there is not enough demand to add more retail cannabis licenses in Attleboro.

An email from Martha Iannazzi Conti to voice opposition to the proposal to dedicate additional parking spaces for the Larson Senior Center in the Mullaney Twins Memorial Parking Area as it is unfair to local businesses.

An email from Michael Graber of Rocklawn Avenue in support of the placement of permanent speed humps on Rocklawn Avenue.

A letter from the Massachusetts Coalition of Police regarding a Personnel matter involving a member of the city hall staff.

An application was received from The Friends of Capron Park Zoo requesting to waive S. 11-15.1 and serve alcoholic beverages on City Property for an October event.

An email from Rocklawn Avenue resident Mr. Snedden in favor of the speed hump installation.

Voted unanimously for a two-minute recess. To vote out License Committee at 7:48.
7:50 back in session.

President called for committee reports.

License Committee Chair Waterman brought forward the following:

Voted unanimously (Angelo, Reynolds absent) to hold a public hearing on August 16, 2022 for the application from The Friends of Capron Park Zoo requesting to waive S. 11-15.1 and serve alcoholic beverages on City Property for an October event. (PH 8-16-22)

Voted 9 yeas – 0 nays (Angelo, Reynolds absent) to approve the application to waive Section 11-15.1, serving alcoholic beverages or wine on city property, for the Lights Out Extravaganza at Attleboro High School on June 18, 2022.

Public Works Committee Chair Dolan called for a meeting at the next appropriate time.

Finance committee Chair Conti brought forward the following vote:

Voted on Roll Call 9 yeas – 0 nays (Angelo, Reynolds absent) to appropriate \$15,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 15101000-53101 (Health Services – Professional Services) to hire temporary septic inspectors as the City has no one licensed currently to perform these inspection and that this be **considered an emergency measure due to time constraints**.

Voted unanimously (Angelo, Reynolds absent) to hold a public hearing on July 19, 2022 to discuss waiving the allowable permit fees associated with the replacement of the gymnasium floors in Hyman Fine and Hill Roberts Elementary Schools.

Chair Kobus of the **It & Infrastructure** requested a meeting at the next appropriate time.

Zoning and Land Use Committee Chair Holmes brought forward the following:

Voted 9 yeas – 0 nays (Angelo, Reynolds absent) to approve the requested to amendments to Chapter 17-9.0 Special Permits and Chapter 15.0 Site Plan Review of the Zoning Ordinances as follows:

AMENDMENTS TO ZONING ORDINANCE

revised September 1, 2021

revised October 18, 2021

voted November 15, 2021

1. Amend §17-9.5(A) Required Site Plan by inserting the sentence “More specifically, the site plan criteria contained in §17-15.0(K) Site Plan Review Criteria and in §17-10.16.5 Design Standards and Guidelines shall apply.” at the end of the paragraph.
2. Amend §17-15.0(A) Site Plan Review by deleting the word “intent” and inserting in place thereof the word “purpose” in the second sentence

3. Amend §17–15.0(D)(1) Site Plan Review – Administration by deleting the word “may” and inserting in place thereof the word “shall” and by deleting the words “an optional” with the word “a” in the first sentence.

4. Amend §17–15.0(D) (4) Site Plan Review – Fee Schedule by inserting the following after §17–15.0(D) (4) (c) Site Plan Review – Fee Schedule.

d. Revised Plans / Schematic Plans / Conceptual Plans – The submission fee is \$300.00 to review any revised site plan, schematic plan, or concept plan following the review of the original site plan and a subsequent plan revision (i.e., the review of one (1) revised plan shall be included as part of the application fee). For purposes of this section, a schematic plan and a concept plan are defined as an informal and interpretative illustration that is very simple, symbolic, and intended to capture and graphically represent an idea, a construct, or an impression. The provisions of §17–15.0(D) (4) (d) Site Plan Review – Fee Schedule shall apply to any application filed pursuant to §17–15.0(O) Site Plan Review – Amendments.

e. Petition to Amend Final Action of the Review Committee relative to a Minor Project Site Plan Review Application – The filing fee shall be calculated pursuant to §17–15.0(D)(4)(b) Site Plan Review – Fee Schedule.

f. Petition to Amend Final Action of the Planning Board relative to a Major Project Site Plan Review Application – The filing fee shall be calculated pursuant to §17–15.0(D)(4)(c) Site Plan Review – Fee Schedule.

5. Amend §17–15.0(G)(1) Site Plan Review – Procedures for a Major Project Site Plan Review Pre–Application Meeting by deleting the word “may” and inserting in place thereof the word “shall” in the first sentence.

6. Amend §17–15.0(H) (3) Site Plan Review – Procedures for Major Project Site Plan Review by inserting the words “and request comments from each” after Conservation Commission.

7. Amend §17–15.0(I) Site Plan Review – Minor and Major Project Pre–Application Submission Materials by deleting the word “informally” in the paragraph following §17–15.0(I)(d) Site Plan Review – Minor and Major Project Pre–Application Submission Materials.

8. Amend §17–15.0(I) Site Plan Review – Minor and Major Project Pre–Application Submission Materials by deleting the word “informally” in the paragraph following §17–15.0(I)(d) Site Plan Review – Minor and Major Project Pre–Application Submission Materials.

9. Amend §17–15.0(J) (2) (e) Site Plan Review – Architectural Elevations by inserting the following graphics.

10. Amend §17–15.0 Site Plan Review by inserting the following new section §17–15.0(K) Site Plan Review – Waivers and re–alphabetize the subsequent sections accordingly.

K. Waivers: When reviewing minor or major projects, the Review Committee or the Planning Board may waive any submittal requirements listed in §17–15.0(M) Site Plan Review, if it judges them to be unnecessary to the review of small-scale developments or minor additions or expansions to existing facilities that will not have a significant impact both within the site and in relation to adjacent properties and streets, pedestrian and vehicular traffic patterns, infrastructure, environmental and historic resources, and abutting properties. Said waiver requests shall be made by the applicant in writing with stated reasons for requesting the waiver(s). The Review Committee or the Planning Board may grant such waivers and the decision shall be in writing.

11. Amend re–alphabetized §17–15.0(L) (3) Site Plan Review – Site Plan Review Criteria, Open Space and Environmental Protection by inserting the following after §17–15.0(L) (3) (b) Site Plan Review – Site Plan Review Criteria, Open Space and Environmental Protection.

c. The proposed development shall not create any significant dust, fumes, noxious gases, radiation, water pollutants, or any other similar significant adverse environmental impact.

d. The proposed development shall not increase the potential for erosion, flooding or sedimentation, either on site or on neighboring properties, and shall not increase rates of runoff from the site. Provision for attenuation of runoff pollutants and for groundwater recharge shall be included in the proposal.

e. The design of the proposed development shall minimize the destruction of unique natural features.

f. The design of the development shall minimize earth removal and to the extent practical, keep the respective volumes of cuts and fills equal to each other. Any grade changes shall be in keeping with the general appearance of neighboring developed areas

g. The design of the development shall minimize the area over which existing vegetation is to be removed. Tree removal shall be minimized; and, if established trees are to be removed, special attention shall be given to the planting of replacement trees.

12. Amend §17–15.0 Site Plan Review by inserting the following new section §17–15.0(O) Site Plan Review – Amendments.

O. Amendments: Amendments to the Review Committee’s Final Action or to the Planning Board’s Final Action on a site plan review application shall comply with the following procedures.

1. Request to Amend the Final Action of the Review Committee –
 - a. Any request to amend the final action of the Review Committee shall be submitted in writing in letterform to the Department of Planning and Development. The letter shall contain the date of the final action of the Review Committee, brief description of the approved project, a detailed list of the requested amendments, a detailed explanation of each requested amendment, a detailed justification of each requested amendment, and a revised plan.
 - b. A fee pursuant to §17–15.0(D) (4) (e) Site Plan Review – Fee Schedule shall accompany any request to amend the final action of the Review Committee.
 - c. Planning and Development staff shall distribute the materials to all members of the Review Committee and convene a meeting within ten (10) business days of receipt of the letter containing the requested amendment(s) at which time the amendments shall be considered. The Review Committee may request any reasonable information. A decision shall be rendered within twenty–one (21) days of the meeting. The time to render the decision may be extended by mutual agreement. The Review Committee’s final action on the requested amendment(s) shall follow the procedure outlined in §17–15.0(M) Site Plan Review.
2. Request to Amend the Final Action of the Planning Board –
 - a. Any request to amend the final action of the Planning Board shall be submitted in writing in letterform to the Department of Planning and Development. The letter shall contain the date of the final action of the Planning Board, a brief description of the approved project, a detailed list of the requested amendments, a detailed explanation of each requested amendment, a detailed justification of each requested amendment, and a revised plan.
 - b. A fee pursuant to §17–15.0(D) (4) (f) Site Plan Review – Fee Schedule shall accompany any request to amend the final action of the Planning Board.
 - c. Planning and Development staff shall distribute the materials to the Planning Board and convene a meeting within twenty–one (21) days of receipt of the letter containing the requested amendment(s). At said meeting, a majority of the Planning Board shall determine whether the requested amendment(s) warrant a public hearing. If the Board decides that the requested amendment(s) warrant a public hearing, the procedures pursuant shall apply §17–15.0 Site Plan Review. If the Board decides that the requested amendment(s) do not warrant a public hearing, the Board shall review the amendment(s) and render a decision. The Board may request any reasonable information. A decision shall be rendered within twenty–one (21) days of the meeting. The time to render the decision may be extended by mutual agreement. The Board’s final action on the requested amendment(s) shall follow the procedure outlined in §17–15.0(M) Site Plan Review.

13. Amend §17–15.0 Site Plan Review by inserting the following new section §17–15.0(P) Site Plan Review – Appeals.

P. Appeals: Appeal of the Review Committee's or Planning Board's final action on a site plan review application shall be made to the Zoning Board of Appeals in accordance with §17-8.8 Appeals. The Zoning Board of Appeals shall uphold, overturn, or remand the matter to the Planning Board or Review Committee for reconsideration, as applicable.

Traffic and Transportation Committee Chair Bennett called for a meeting at the next appropriate time.

City and Property Committee Member Waterman called for a meeting at the next appropriate time.

Personnel, Veterans and Human Services Vice-Chair called for a meeting at the next appropriate time.

Ordinances, Elections and Legislative Matters Committee Chair DeSimone brought forward the following vote:

Voted unanimously (Angelo, Reynolds absent) to hold a public hearing on July 19, 2022 regarding the following amendments:

Re: Plastic food containers

CURRENT VERSION

7-13.6 Effective Date: This ordinance shall take effect on and after January 1, 2022 for food and beverage establishments within the City of Attleboro and the Health Officer or his/her designee may exempt the retail establishment from the requirements of this section for a period of up to six (6) months upon a finding by the Health Officer or his/her designee that (1) the requirements of this section would cause undue hardship; or (2) a food or beverage establishment requires additional time in order to draw down an existing inventory of plastic beverage containers and or plastic food containers.

AMENDED VERSION

7-13.6 Effective Date: This ordinance shall take effect on and after January 1, 2022 for food and beverage establishments within the City of Attleboro and the Health Officer or his/her designee may exempt a food and beverage establishment from the requirements of this section for a period of up to twelve (12) months upon a finding by the Health Officer or his/her designee that (1) the requirements of this section would cause undue hardship; or (2) a food or beverage establishment requires additional time in order to draw down an existing inventory of plastic beverage containers and or plastic food containers.

Re: Plastic straws

CURRENT VERSION

7-19.6 Effective Date: This ordinance shall take effect January 1, 2022, at all retail establishments within the City of Attleboro.

AMENDED VERSION

7-19.6 Effective Date: This ordinance shall take effect January 1, 2022 at all retail and restaurant establishments within the City of Attleboro and the Health Officer or his/her designee may exempt a retail establishment from the requirements of this section for a period of up to twelve (12) months upon a finding by the Health Officer or his/her designee that (1) the requirements of this section would cause undue hardship; or (2) a retail establishment requires additional time in order to draw down an existing inventory of single use plastic straws.

Public Safety Committee Chair Blais brought forward the following vote:

Voted 9 yeas – 0 nays (Angelo, Reynolds absent) to approve expending of a \$25,000.00 grant from Bristol County Savings Bank Charitable Foundation, Inc. to the Fire Department for 5 new portable radios and approve any future amendments for this grant.

Special Committee on Senior Tax Abatement calls for a meeting at the next appropriate time.

The council voted to adjourn at 8:06 p.m.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)

City Clerk/Clerk of the Council