

**Municipal Council  
REGULAR/COUNCIL MEETING**

**July 21, 2022  
Tuesday, 6:30 P.M.**

Councilor Holmes was absent. The Council stood to salute the flag.

Council Voted 10 yeas – 0 nays to suspend the rules to have a recess for committees.

The Council called for Committee of the Whole and invited anyone who wished to address the Council come forward.

Shannon Jones of 200 Pike Avenue spoke to the Council regarding the frequency of water main breaks and the process to find out the criteria used to determine which streets are chosen.

**The Council voted at 6:35 unanimously to recess to conduct committee meetings.**

**The Council was back in session at 8:36 PM.**

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

Voted 10 yeas – 0 nays (Holmes absent) to approve the Ring a Bell application and the Hawkers Peddlers application from Adam Palagi of Palagi Brothers of 389 Benefit Street, Pawtucket, 02861 for the Palagi Brothers Ice Cream Truck.

Voted 10 yeas – 0 nays (Holmes absent) to approve the Ring a Bell application and the Hawkers Peddlers application from Wayne Labossiere of 104 Byron Avenue Pawtucket, 02861 of Palagi Brothers Ice Cream.

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

Voted 10 yeas – 0 nays (Holmes absent) to accept an Easement from Verizon New England Inc. as shown on “Exhibit A”, as this easement is needed to place communication lines for the new high school at 100 Rathbun Willard Drive.

Voted on Roll Call 10 yeas – 0 nays (Holmes absent) to transfer \$2,413.00 from Account 6000-578300 (Wastewater Enterprise Fund – Reserve Fund for Transfer) to Account 6000-574010 (Wastewater Enterprise Fund – Insurance) to fund the increase in insurance premiums for FY23.

Voted 10 yeas – 0 nays (Holmes absent) to transfer \$6,922.00 from Account 6100-578300 (Water Enterprise Fund – Reserve Fund for Transfer) to Account 6100-574010 (Water Enterprise Fund – Insurance) to fund the increase in insurance premiums for FY23

Voted 10 yeas – 0 nays (Holmes absent) to transfer \$4,877.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16501000-524011 (Park – Maintenance of Buildings) to pay for repairs to the Newell Shelter at Capron Park.

Voted 10 yeas – 0 nays (Holmes absent) to approve expending of such funds and any future amendments regarding the award of \$35,012.64 from the Mass DOT for the Shared Streets and Spaces Program.

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

Voted 10 yeas – 0 nays (Holmes absent) to approve the expenditure during FY2023 and any future grant amendments regarding the Community Development Block Grant for PY2022 (FY2023) for the Youth Center Program for \$11,640.

Voted 10 yeas – 0 nays (Holmes absent) to transfer \$30,000.00 from Account 11241000-578380 (City Wide – Reserve Fund for Capital) to Account 16501000-587091 (Park – Fencing) to replace the fence around the Wolfenden Fountain in Capron Park.

Voted unanimously (Holmes absent) to **strike** the following:

A motion to transfer \$800.00 from Account 11411000-530895 (Assessor – Legal Services) to Account 11411000-542010 (Assessor – Office Supplies) to purchase office chairs.

Voted unanimously (Holmes absent) to **strike** the following:

A motion to waive the allowable permit fees associated with the replacement of the gymnasium floors in Hyman Fine and Hill Roberts Elementary Schools.

Chair Bennett of the **Traffic and Transportation** Committee brought forward the following:

Voted 10 yeas – 0 nays (Holmes absent) to refer the following to the Traffic Study Commission:

A request from a constituent to install multi-way stop signs at Greenwich Street and Holly Street that is not included in City Ordinance Section 10-4.11, Isolated Stop Signs and 10-4.12, Multi-Way Stop Signs.

Voted 9 yeas – 1 nays (Kobus nay, Holmes absent) to approve the placement of a permanent speed hump on both May Street and Rocklawn Avenue per City Ordinance Section 10 - 4, Speed Humps

Voted 9 yeas – 1 nays (Kobus nay, Holmes absent) to approve amending Section 10-4.18E by adding May Street and Rocklawn Avenue as streets with speed humps.

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

Voted 10 yeas – 0 nays (Holmes absent) to transfer \$12,330.00 from Account 11241000-578380 (City Wide – Reserve Fund for Capital) to Account 11331000-585010 (Budget & Administration – New Computer Equipment) to fund a new firewall appliance.

Voted 10 yeas – 0 nays (Holmes absent) to transfer \$1,100.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11331000-542020 (Budget & Administration – Supplies Office Equipment) to purchase 3 new chairs in the MIS Office.

Voted 10 yeas – 0 nays (Holmes absent) to appropriate \$8,928.36 to Account 16101000-534040 (Library Internet Line).

Vice Chair Conti of the **Zoning and Land Use** Committee called for a public hearing:

Voted 9 yeas –1 nays (Blais nay, Holmes absent) to hold a public hearing on August 16, 2022 to discuss the application to waive building department fees totaling \$168,700 for Preservation of Affordable Housing, Inc. owners of the Gardner Terrace Apartments on Pine Street.

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

Voted 10 yeas – 0 nays (Holmes absent) to declare the following AHS items as surplus and available for disposition:

- Wall Mats in the large gym

Voted 10 yeas – 0 nays (Holmes absent) to transfer \$857.60 from Account 112241000-578300 (City Wide – Reserve Fund for Transfer) to Account 1141000-542020 (Assessor – Office Equipment) to purchase 4 new office chairs.

Voted 10 yeas – 0 nays (Holmes absent) to transfer \$6,700.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16101000-524011 (Library – Building Maintenance) to replenish funds used for plumbing issues plaguing the library.

Voted unanimously (Holmes absent) to accept the generous donation of \$1,000.00 in Stop & Shop gift cards from Attleboro Elks Lodge #1014 the Veterans Services Office.

Chair Angelo of the **Personnel, Veterans and Human Services** Committee had 1 vote:

Voted 10 yeas – 0 nays (Holmes absent) to transfer \$11,542.93 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11621000-534210 (Elections – Postage) to mail 32,153 post cards advising registered voters of polling location changes.

Chair DeSimone of the **Ordinances, Elections and Legislative Matters** Committee brought the following votes forward:

Voted 10 yeas – 0 nays (Holmes absent) to approve the recommendation of the Election Commissioners and the Police Department for police detail locations and assignments for the upcoming elections on September 6, 2022 and November 8, 2022.

Voted unanimously (Holmes absent) to call for a public hearing on August 16, 2022 for the following amendments to Sections 7-13.6 and 7-19.6

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.

Voted 10 yeas – 0 nays (Holmes absent) to amend Section 2-8.2 of the Revised Ordinances as follows:

2-8.2 Powers and Duties

- a. The Municipal Building Commission, under the direction and control of the Mayor, shall be responsible for the construction of
  - i. new municipal buildings and additions to or major renovations of established municipal buildings. The Commission shall be responsible for the preparation of building and site specifications and shall take all necessary steps to construct said new buildings, additions, or major renovations according thereto; including, as needed, reviewing and recommending bids for construction, additions, or remodeling, and equipping and furnishing of municipal buildings.
  - ii. New school buildings and additions to or major renovations of established school buildings. The Commission shall be responsible for the preparation of building and site design plans and specifications consistent with the educational specifications provided to the Commission by the School Committee. After approval by the School Committee of said buildings and site design plans and specifications insofar as they affect educational specifications, the Commission shall take all necessary steps to construct said new school buildings, additions, or major renovations according thereto; including, as needed, reviewing and recommending bids for construction, additions, or remodeling, and equipping and furnishing of school buildings.
- b. The Municipal Building Commission shall from time to time make recommendations to the Mayor and Municipal Council concerning the repurposing, leasing, or selling of municipal buildings.
- c. The Commission shall annually, in the month of January, submit a report in writing to the Mayor and the Municipal Council, describing the current physical condition of all municipal buildings, including school buildings.

Chair Blais of **Public Safety** Committee called for a meeting at the next appropriate time.

Vice President Kobus brought the following new business forward:

Voted 8 yeas – 2 nays (Blais, Conti nays -Holmes) move to have the following new business assigned for study and recommendation:

In order to allow marijuana retail businesses to operate in locations zoned as general business (GB) and planned highway business (PHB) and to increase the Marijuana Retailer special permit limit to 10 permits, amend the Revised Ordinances of the City of Attleboro as follows:

- Delete §17-3.4 TABLE OF USE REGULATIONS; PRINCIPAL USES – COMMUNITY FACILITIES item 11c

	GR SR CB TOD GB PHB I IBP
11c. Marijuana Business.....	N N N N N N S S

- Amend §17-3.4 TABLE OF USE REGULATIONS; PRINCIPAL USES – COMMUNITY FACILITIES to add item 21 as follows:

	GR	SR	CB	TOD	GB	PHB
	I	IBP				
21. Marijuana Business						
a. Medical Marijuana Treatment Center	N	N	N	N	N	N
	S	S				
b. Marijuana Cultivator	N	N	N	N	N	N
	S	S				
c. Craft Marijuana Cooperative	N	N	N	N	N	N
	S	S				
d. Marijuana Product Manufacturer	N	N	N	N	N	N
	S	S				
e. Marijuana Retailer	N	N	N	N	S	S
	S	S				
f. Independent Marijuana Testing Laboratory	N	N	N	N	N	N
	S	S				
g. Marijuana Research Facility	N	N	N	N	N	N
	S	S				
h. Marijuana Transporter	N	N	N	N	N	N
	S	S				
i. Marijuana Courier	N	N	N	N	N	N
	N	N				
j. Marijuana Delivery Operator	N	N	N	N	N	N
	N	N				

- Amend §17-11.2 DEFINITIONS by replacing the definition of Marijuana Establishment as follows:

**“Marijuana Establishment:** means a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Marijuana Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, **Marijuana Courier, Marijuana Delivery Operator,** or any other type of licensed marijuana-related business, except a Medical Marijuana Treatment Center (MMTC). “

- Amend §17-11.2 DEFINITIONS by adding a definition for Marijuana Courier as follows:

**“Marijuana Courier:** means an entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from an MTC, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional license type under M.G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or

Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b).”

- Amend §17-11.2 DEFINITIONS by adding a definition for Marijuana Delivery Operator as follows:

**“Marijuana Delivery Operator:** means an entity licensed to purchase at Wholesale and Warehouse Finished Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, and White Label, sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers, but is not authorized to Repackage Marijuana or Marijuana Products or operate a storefront under this license. A Delivery Operator is an additional license type under M.G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b).”

- Amend §17-10.15(G)(2) Marijuana Business Uses – Standards for the Granting of a Special Permit, by amending the second sentence by deleting “This license limit does not apply to other Marijuana Business license types.” in its entirety and insert in place thereof “This limitation only applies to the Marijuana Retailer use. This provision shall not limit Marijuana Retailers who are actively being operated from choosing to transfer their license to a new location within the City provided the Special Permit for the new location shall include a condition that the previous Special Permit shall be null and void and no additional location shall be created.”

The resulting language would then read:

“The Special Permit Granting Authority may not grant a special permit for a Marijuana Retailer if five (5) or more are actively being operated. This limitation only applies to the Marijuana Retailer use. This provision shall not limit Marijuana Retailers who are actively being operated from choosing to transfer their license to a new location within the City provided the Special Permit for the new location shall include a condition that the previous Special Permit shall be null and void and no additional location shall be created.”

Voted unanimously to hold a public hearing on September 20, 2022 for Ordinance Committee new business:

In order to allow marijuana retail businesses to operate in locations zoned as general business (GB) and planned highway business (PHB) and to increase the Marijuana Retailer special permit limit to 10 permits, amend the Revised Ordinances of the City of Attleboro by amending Section 17 of the Ordinances of the City of Attleboro.

The council voted 10 yeas – 0 nays to adjourn at 8:59 p.m.

A TRUE COPY

ATTEST: \_\_\_\_\_

City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: \_\_\_\_\_  
(DATE)

\_\_\_\_\_  
City Clerk/Clerk of the Council