

**Municipal Council
REGULAR COUNCIL MEETING**

**September 20, 2022
Tuesday, 7:00 P.M.**

All 10 Councilors were present. Councilor Conti arrived at 9:05 PM.

The Council stood to salute the flag. A moment of silence was observed for Attleboro Fire Fighter, David Capraro who passed away recently.

The Council voted 10 yeas 0 nays to suspend the rules to allow for guests and to take the public hearings out of order.

President DiLisio and Vice President Kobus came forward and read a Council Proclamation for Hunger Awareness during Hunger Action Month. It was presented to Hebron Pantry's Board Vice-President, Heather Porreca and Executive Director, Carissa Philips.

President DiLisio then asked for the Planning Board to join the meeting. Members include:

- Shannon Bénay, Chairwoman
- Heather Whitehead, Vice Chairwoman
- Tiffany Foster, Secretary
- Bill Beardwood
- Jim Lewis

City Clerk Kate Jackson read the first public hearing notice of the evening:

JOINT PUBLIC HEARING with the Planning Board on September 20, 2022 for the proposed amendments to Section 17, Table of Use Regulations and Definitions as it pertains to Marijuana. (Councilor Kelly abstained due to a conflict being a federal attorney)

Speaking neither for nor against was Stephanie Davies, Planner for the city of Attleboro came forward to explain the proposed amendments to expand the marijuana business to allow retailers to apply to general business and highway

Speaking in favor Peter D'Agostino of 10X Strategies.

Speaking in favor was Blair Fish, COO of Nova Farms of Attleboro and John Kenyon, Owner, Nova Farms.

Speaking in favor was Scott Horan of Tiffany Street and also a member of the Traffic Study Commission

Speaking against was Joseph Drazuk of Westminster Avenue.

Speaking against was Frank Cook of Division Street.

No one else came forward to speak. The public hearing was closed by Planning Board Chair Benay and Ordinance Chair DeSimone

Clerk Jackson read the next public hearing notice:

JOINT PUBLIC HEARING with the Planning Board on September 20, 2022 to amend Zoning Ordinance 17 to allow for Accessory Dwelling Units on qualifying residential properties. Proposed amendments available at the Council office.

Speaking in favor was Assistant Planner Stephanie Davies.
No one came to speak against or neither for nor against. Planning Board Chair Ms. Benay and Ordinance Chair DeSimone closed the public hearing.

The President thanked the Planning Board for their attendance for the 2 public hearings.

The third public hearing notice was read by Clerk Jackson:

PUBLIC HEARING regarding the proposed amendments to Section 7-8 Solid Waste Collection Fees of the Ordinances of the City of Attleboro.

Speaking in favor was Solid Waste Manager, Cheryl Perry.
Speaking in favor was Director of Budget and Administration Jeremy Stuhl.

No one came to speak against. No one came to speak neither for nor against. Chair DeSimone closed the public hearing.

Clerk Jackson read the fourth public hearing notice:

PUBLIC HEARING regarding the possible adoption of MGL 40U which provides municipalities with an additional method of collecting certain fines along with the non-criminal disposition process provided by MGL Ch. 40, sec. 21D.

Speaking in favor was Director of Budget and Administration Jeremy Stuhl.

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

Clerk Jackson read the fifth public hearing notice:

PUBLIC HEARING regarding a petition from National Grid to install a new 40' pole at 209 Pleasant Street to feed a new commercial customer.

Speaking in favor was Michael Perrin of National Grid. He explained we had posted 209 Pleasant Street but it is 209 Perry Street, which is off Pleasant Street.

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

Chair Dolan closed the public hearing.

Clerk Jackson read the sixth public hearing notice:

PUBLIC HEARING regarding Section 10-4.12 of the revised ordinance by adding the intersection of Pine Street and Carpenter Street as a designated multi way stop.

No one came to speak in favor, against or neither for nor against. Chair Bennett closed the public hearing.

And finally, Clerk Jackson read the last public hearing of the evening:

PUBLIC HEARING regarding Section 2-19, Economic Development Board, of the City's Ordinances to reflect the organization change from "Chairman of the Municipal Council's Committee on Capital Improvements and City Development" to "Chair of Finance Committee".

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

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

Bonnie Moore of Bishop Street came forward to discuss a problem at her business on 200 O'Neil Boulevard and access to the back loading docks with a new business opening next door.

Todd Holmes of 101 South Avenue spoke about the difficulties the neighborhood is having since the Snell Street traffic light was removed and the safety issues.

The Council arose from the Committee of the Whole at 8:43 PM.

**The President called for a recess at 8:43 PM.
Council returned at 8:50 PM.**

City Clerk Jackson read the Mayor's communication.

September 20, 2022

Dear Municipal Councilors:

1. For Your Information: I regret to inform Your Honorable Body that we have received the resignation of Erica McAvoy from the Historical Commission. Please join me in thanking Ms. McAvoy for her service to the City.
2. I respectfully submit a communication from Legal Secretary Alison Wood regarding obsolete textbooks that Coelho Middle School would like to declare as surplus.

Therefore, I hereby request Your Honorable Body to declare the obsolete textbooks as surplus and available for disposition: (Copies in your packets)

3. I respectfully request Your Honorable Body transfer \$532.54 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11211000-578020 (Mayor - Bills from Previous Years) in order to pay an FY22 invoice to *Murphy Hesse Toomey & Lehane, LLP*.

4. I respectfully submit for confirmation by Your Honorable Body the appointment of Haley McGee to fill an expired term on the Youth Commission. Term to expire February 2025. (Copies in your packets)

5. As you may recall, on March 6, 2018 Your Honorable Body voted to approve a loan authorization for the new high school. The loan authorization stated, that the amount of the borrowing would be reduced by the net proceeds, if any, received prior to the issuance of any long-term bonds for the Project from the sale of the following city school buildings: Old High School, 135 County Street; Finberg School, 1125 South Main Street, and Briggs Corner School, 908 Oakhill Avenue. On August 22, 2022, the School Committee voted that the property located at 1125 South Main Street was no longer needed for school purposes and may be transferred to the City. Pursuant to Chapter 2-11.2 Disposition of Real Property, a communication was sent to department heads and there was no interest in this property. The Finberg School property is currently assessed at \$1,144,200.00. Therefore, I hereby request Your Honorable Body to hold a public hearing in accordance with Section 2-11.2 of the City Ordinances to declare that the Finberg School property, consisting of 1125 South Main Street and 120 Knight Avenue, be available for disposition.

Public hearing called for November 1, 2022

6. I respectfully submit a communication from Director of Council on Aging Melissa Tucker regarding a grant that has been awarded from Bristol Elder Service in the amount of \$18,884.57. This grant will be used for a part time Outreach position. There is a non-federal match required by the City. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body approve expending of such funds and any future grant amendments. Additionally, I hereby request Your Honorable Body transfer \$3,332.57 from 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11241000-599200 (City Wide – Transfer to Grant) and further transfer \$3,332.57 to Account 2338M4-499700 (Bristol Elder – COA Outreach – Municipal Distribution). (Copies in your packets)

7. I respectfully submit a communication from Director of Council on Aging Melissa Tucker regarding a grant that has been awarded from Bristol Elder Service in the amount of \$4,615.00. This grant will be used to implement a new initiative called “Mind and Body” which will offer a combination of technology and exercise classes. There is a non-federal match required by the City. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body approve expending of such funds and any future grant amendments. Additionally, I

hereby request Your Honorable Body transfer \$814.50 from 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11241000-599200 (City Wide – Transfer to Grant) and further transfer \$814.50 to Account 2337M4-499700 (Bristol Elder – COA – Mind & Body). (Copies in your packets)

8. I respectfully submit a communication from Superintendent of Park & Forestry Derek Corsi regarding the need to replenish funds transferred out of Heat that were needed to repair the DEF exhaust sensor on the John Deere roadside mower tractor. Therefore, I hereby request Your Honorable Body transfer \$3,856.92 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16501000-521010 (Park – Heat). (Copies in your packet)

9. I respectfully submit a communication from Superintendent of Park & Forestry Derek Corsi regarding the need to replenish funds transferred out of Heat that were needed to repair the irrigation well pump at Capron Park. Therefore, I hereby request Your Honorable Body transfer \$6,276.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16501000-521010 (Park – Heat). (Copies in your packet)

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

Vendor	Amount
Balfour/A.N.D. Scholastic	\$11.00
Balfour/A.N.D. Scholastic	\$1,538.50
Balfour/A.N.D. Scholastic	\$55.85

Therefore, I hereby request Your Honorable Body to authorize the School Department to pay these previous year school bills totaling \$1,605.35 as identified in Mr. Furtado’s communication. (Copies in your packets)

11. I respectfully submit a communication from Superintendent of Public Works Michael Tyler regarding the need for funds to repair Bishop Street and Peckham Street. Both of these streets are in the top 10 list of streets in need of immediate repair. The work has not been completed due to the long awaiting ALI Landfill capping project, as well as the need for a new water main to be installed, to alleviate numerous water breaks in this area. Public Works is proposing a short-term solution to alleviate this long-term problem to add a leveling course of asphalt one- and one-half inches (1-1/2”) in thickness, over the existing surfaces of both Bishop and Peckham Street; to provide a level and pothole free surface for the traveling public that utilize these roadways. The estimated cost of this project, along with a ten percent contingency added, is \$200,000.00. Therefore, I hereby request Your Honorable Body transfer \$200,000.00 from Account 1124100-578300 (City Wide – Reserve Fund for Transfer) to Account 14201000-589066 (City Wide – Paving). (Copies in your packets)

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.

12. I respectfully submit a communication from Fire Chief Scott T. Lachance regarding the need to replenish funds used to dispose of the remaining inventory of PFAS firefighting foam. Therefore, I hereby request Your Honorable Body transfer \$5,989.78 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 12201000-530101 (Fire – Professional Services). (Copies in your packet)

13. For your information: The City’s Environmental Master Plan has been completed and is now on the City’s website.

14. I respectfully submit a communication from Director of Budget and Administration Jeremy Stull regarding Bristol County’s American Rescue Plan Act (ARPA) funding.

The City of Attleboro is entitled to \$7,925,972.13 of Bristol County’s American Rescue Plan Act (ARPA) funding through their municipal allocation program based upon population.

Each project that we seek funding for requires a Municipal Council vote authorizing the receipt of funds for the specific project.

The Water Department requires the removal and replacement of the Lindsey Street water main and we intend to utilize this Bristol County funding source. This approach will eliminate the need to bond for this project and save ratepayers money.

Therefore, I hereby request Your Honorable Body accept the \$4,305,000 Bristol County ARPA allocation in the form of a grant, pursuant to the Terms and Conditions and the Grant Agreement for the Lindsey Street Water Main Replacement - Engineering, Construction, and Road Restoration Services.

Additionally, in accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body to approve the expenditure of such funds and any future grant amendments. (Copies in your packets)

15. I respectfully request Your Honorable Body to hold a public hearing on Tuesday, October 18, 2022 for the purpose of setting the tax classification for Fiscal Year 2023. Additionally, and in order to ensure that the City has sufficient time to prepare and mail the third (3rd) quarter Real Estate Tax Bills by December 31, 2022, I further request that Your Honorable Body hold a meeting of the Municipal Council no later than Tuesday, November 1, 2022 for the purpose of voting on the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2023.
Public hearing called for October 18, 2022.

Sincerely,
Paul Heroux, Mayor

Clerk Jackson then read the Clerk's communication.

A Reconsideration letter was received from City Councilor Sara Lynn Reynolds to reconsider vote #13 from September 6, 2022 certificate of vote.

A letter was received from Morgan Gleishman of 135 Westminster Avenue in opposition to amending the marijuana ordinance.

A letter was received from Laura Abrams in support of the Tax Increment Exemption 27-39 South Main Street.

A letter was received from Linda Barrett in support of the development of the Old Briggs Hotel.

President DiLisio then asked for **Committee Reports** beginning with License.

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

Voted 10 yeas – 0 nays (1 abstain, Conti) to approve the application from The Friends of Capron Park Zoo to waive S. 11-15.1 and serve alcoholic beverages on City Property for an October event.

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

Voted 11 yeas – 0 nays for the **emergency measure** to transfer \$200,000.00 from Account 1124100-578300 (City Wide – Reserve Fund for Transfer) to Account 14201000-589066 (Public Works – Paving) to provide pothole free surface for the traveling public that utilize both Bishop and Peckham Streets.

Voted 11 yeas – 0 nays to transfer \$20,000.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to 11241000-599200 (City Wide – Transfer to Grant); and to further transfer \$20,000.00 from Account 11241000-599200 (City Wide – Transfer to Grant) to Fund 2344M4-499700 – SWIG-EPA / MUNICIPAL DISTRIBUTION.

Voted 11 yeas – 0 nays to approve the request from Massachusetts Electric d/b/a National Grid and Verizon New England Inc. to relocate poles and raise wires to Hazel Street Ext. to accommodate roadway layout changes and truck traffic.

Voted 11 yeas – 0 nays to approve the request from Massachusetts Electric d/b/a National Grid and Verizon New England Inc to relocate 1 JO pole on Dunham Street beginning at a point approximately 20 feet south of the centerline of the intersection of Pine Street. Relocate pole #5102 from one side of the road to the other with an anchor.

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

Voted 11 yeas – 0 nays to authorize the School Department to pay previous year school bills totaling \$4,781.53 from FY2022.

Voted 11 yeas – 0 nays to transfer \$345.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11241000-578020 (City Wide -Bills from Previous Years) in order to pay an FY22 invoice to *SS Service Corp.*

Voted 9 yeas – 2 nays (Conti, Reynolds) to nullify the previous Tax Increment Exemption (TIE) resolution voted on May 4, 2021 for 27-39 South Main St LLC, and authorize a revision as stated in the following resolution for the Mayor to enter into a TIE agreement with 27-39 South Main St LLC pursuant to MGL 40V section 4(b)(i) and MGL 59 section 5M.

RESOLUTION AUTHORIZING THE
TAX INCREMENT EXEMPTION AGREEMENT
For
27-39 SOUTH MAIN ST LLC

WHEREAS, 27-39 South Main St LLC, the owner of the building located at 27-39 South Main Street (Parcel 031 248 000) in the City of Attleboro, is proposing to demolish the existing dilapidated structure and construct a new market-rate, multifamily residential building. The total investment at this location, including site acquisition, site preparation, environmental remediation, rehabilitation and construction, will be approximately \$13,897,216; and

WHEREAS, 27-39 South Main St LLC is seeking to become a “Certified Project” in accordance with the Massachusetts Housing Development Incentive Program and is seeking a Tax Increment Exemption Agreement from the City of Attleboro in accordance with the Massachusetts Housing Development Incentive Program and M.G.L. c. 40V; and

WHEREAS, the City of Attleboro strongly supports increased economic development within its downtown, increasing the market-rate housing inventory within the City, and expanding the consumer base for downtown businesses; and

WHEREAS, the proposed project meets the location and eligibility criteria set forth in the Downtown Attleboro Housing Development Zone and Plan; and

WHEREAS, the Economic Development Incentive Board has negotiated an Agreement, voting unanimously to approve a Tax Increment Exemption Agreement structure for 27-39 South Main St LLC (“Agreement”), and now recommends that the Municipal Council of the City of Attleboro vote to authorize the City to enter into said Agreement

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the City of Attleboro hereby:

(A) Ratifies the Agreement and authorizes the Mayor to execute the Agreement, pursuant to the Massachusetts Housing Development Incentive Program, between 27-39 South Main St LLC and the City of Attleboro to further the development of market-rate residential housing on South Main Street in Downtown Attleboro, including the following parcels:

a. Parcel 031 248 000

(B) Authorizes the Mayor or his designee to take such other and further actions as may be necessary or appropriate to carry out the purposes of this resolution.

Signed and Sealed this day
of _____ in the year 2022

James DiLisio
Municipal Council President

Chair of Transportation and Traffic Committee brought the following votes forward:

Voted 10 yeas – 0 (Conti absent) nays to hold a public hearing on October 4, 2022 to restrict parking to one side of Frank Mossberg Drive.

Voted 10 yeas – 0 nays (Conti absent) to hold a public hearing on October 4, 2022 to amend Section 10-4.11 of the Revised Ordinances, Isolated Stop Signs, by adding eastbound drivers on Jefferson Street at Fifth Street.

Chair **Kobus of It & Infrastructure Committee** called for a meeting at the next appropriate time.

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

Voted 10 yeas – 1 nay (Conti) to approve the Mayor’s request to accept the easement from R. J. Proulx Corporation. This easement is needed so the City may repair, replace, improve and maintain a storm drain line connected to a catch basin within the layout of Bishop Street. Therefore, we approve the Mayor’s request as shown on a plan entitled: “EASEMENT PLAN” 185 Bishop Street, Assessors Map 200, Lot 17B, Attleboro, Massachusetts, dated January 26, 2022, prepared by Brian J. Murphy, P.L.S.

Voted 11 yeas – 0 nays approve the Mayor’s request to accept an easement to the Town of Plainville. The Town of Plainville is requesting this easement, so it may create a hiking and walking trail in the location of an existing cart path on a landlocked parcel that the city owns in Plainville. Therefore, we approve the request to accept this easement as shown on a plan entitled: “Easement Plan, 301 Washington Street, Plainville, MA”, Assessors Map 1, Parcel 17, dated May 11, 2022 by Level Design Group.

Voted 11 yeas – 0 nays to approve the Mayor’s request to accept an easement from Woodlark Development Corporation. This easement is needed to accommodate a water main loop to serve Woodlark’s proposed cluster development at 0 Pond Street. Therefore, we approve the request to accept this easement as shown on a plan entitled: “EASEMENT PLAN, LAWN STREET, ATTLEBORO, MASSACHUSETTS (Bristol County – North District), Assessors Plat 2, Lot 95A, dated May 13, 2022, prepared by Robert R. Litchfield, P.L.S.

Voted 7 yeas – 4 nays (Blais, Conti, DiLisio, Reynolds) to approve 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 Committee** brought forward the following votes:

Voted 11 yeas – 0 nays to declare the following Accessor’s office furniture as surplus and available for disposition:

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>CONDITION</u>
1	Gray Fabric Office Chair	Poor
1	Black Fabric Office Chair	Poor

Voted 11 yeas – 0 nays to declare the following MIS furniture as surplus and available for disposition:

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>CONDITION</u>
2	Blue Fabric Chairs	Poor
1	Black Leather Chair	Fair to Poor

Voted 11 yeas – 0 nays to accept the builder’s plate from the Attleboro Victory (currently hanging outside Veterans office) from the US DOT Maritime Administration, which has been on loan to the city since 1994. Given the nature of the loan and the time it has been in the city’s possession, the Maritime Administration would like to convert the loan into a permanent donation.

Chair Angelo of Personnel, Veterans and Legislative Matters Committee brought forward the following votes:

Voted 11 yeas – 0 nays to approve the appointment of Terri DeSisto, 29 Kay Street, Attleboro to the Taxation Aid Committee.

Voted 11 yeas – 0 nays to approve the appointment of Brendan M. McIntyre, 626 Oakhill Avenue, to fill an unexpired term on the Attleboro Redevelopment Authority. Term to expire February 2026.

Voted 11 yeas – 0 nays to approve the appointment of Zachary Fogg to fill an expired term on the Youth Commission. Term to expire February 2025.

Chair **DeSimone of the Ordinances, Elections and Legislative Matters Committee** asked for a meeting at the next appropriate time.

Chair **Blais of the Public Safety and Emergency Management Committee** requested a meeting at the next appropriate time.

Chair **Conti of the Special Committee on Tax Abatement** brought the following forward:

Voted 11 yeas – 0 nays to rescind the following vote of April 26, 2022 (#1):

From the Docket of December 21, 2021:

Voted 8 yeas – 1 nay (Blais nay) 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

OLD BUSINESS: (Blais)

Voted 11 yeas – 0 nays to approve expending funds and any future grant amendments associated with the anticipated receipt of the FY23 911 Training Grant from the

Executive Office of Public Safety and Security (EOPSS) for \$223,635.54. Monies from this grant must be expended no later than **June 30, 2024. (Blais)**

The vote should read:

Voted 11 yeas – 0 nays to approve expending funds and any future grant amendments associated with the anticipated receipt of the FY23 911 Training Grant from the Executive Office of Public Safety and Security (EOPSS) for \$223,635.54. Monies from this grant must be expended no later than **June 30, 2023. (Blais)**

Old Business (Reconsideration – Reynolds)

Voted 6 yeas – 5 nays (Blais, Conti, DiLisio, Holmes and Reynolds) after reconsideration, to approve the following transfers to fund a new Grade 23 position in Elections:

\$1,750 from Account 11621000-511100 (Election Commission – Salaries and Wages Part-Time) to Account 11621000-511000 (Election Commission – Salaries and Wages);
\$3,000 from Account 11621000-511550 (Election Commission – Salaries Elections) to Account 11621000-511000 (Election Commission – Salaries and Wages);
\$15,600 from Account 11241000-578300 (City Wide – Reserve for Transfer) to Account 11621000-511000 (Election Commission – Salaries and Wages).

New Business:

Voted to have the following new business assigned for study and recommendation to the Ordinance Committee:

To approve the following PROPOSED AMENDMENTS TO CHAPTER 17 ZONING as sent by the Planning Board: (PH REQUIRED)

to recommend to the Municipal Council to adopt the following proposed amendments to §17-3.3 PROHIBITED USES, §17-11.0 DEFINITIONS along with an additional/related recommended amendment to §17-3.5(7) TABLE OF ACCESSORY USE REGULATIONS by inserting the word “parking”.

I. §17-3.3 PROHIBITED USES

- A.** Any use, whether or not specifically or generically identified elsewhere, that is significantly hazardous, offensive or detrimental to surrounding properties by reason of excessive glare, odor, noise, fumes, smoke, vibration, electric or electronic interference, radiation, pollution of air or water, danger of explosion or fire or for any other similar reason, shall be prohibited.

- B.** In addition to the provisions of §17-3.5(7), no person, firm, association, corporation, or operator of a commercial vehicle, as described in §10-5.13(A)(1), or heavy commercial vehicle, as described in §10-4.15(3),

shall park or stand said vehicle on any residential property for more than one (1) hour between the hours of 7:00 a.m. and 8:00 p.m., provided that this ordinance shall not apply (a) during the actual loading, unloading, or delivery of goods or materials or (b) during the performance of construction, repair, alteration, remodeling, or maintenance services for any building or structure on the residential property, for which, if necessary, a building permit has been previously obtained. Excluding emergencies, no person, firm, association, corporation, or operator of a commercial vehicle or heavy commercial vehicle shall park or stand on any residential property between the hours of 8:00 p.m. and 7:00 a.m.

The fact that any such vehicle specifically precluded is disabled shall not be grounds for relentment of the effect of this section, and any such vehicle so disabled shall be promptly removed by the owner or operator so as not to constitute a violation as herein set forth.

- C. The provisions of §17-3.3(B) PROHIBITED USES shall not apply to (1) any commercial vehicles or heavy commercial vehicles associated with lawful non-residential uses allowed by right in single residence and general residence districts, (2) any commercial vehicles or heavy commercial vehicles **permitted by a home occupation special permit** in single residence and general residence districts, (3) any existing commercial vehicles or heavy commercial vehicles associated with pre-existing non-conforming residential uses in single residence and general residence districts, or (4) uses protected by Chapter 40A, Sections 2 and 3 of the Massachusetts General Laws (Dover Amendment) in single residence and general residence districts.”

II. §17-11 DEFINITIONS

Commercial Vehicle: any vehicle described in §10-5.13(A)(1) of the Revised Ordinances of the City of Attleboro, as amended.

Commercial Vehicle, Heavy: any vehicle described in §10-4.15(3) of the Revised Ordinances of the City of Attleboro, as amended.

III. §17-3.5 TABLE OF ACCESSORY USE REGULATIONS

	<u>RESIDENTIAL</u>		<u>BUSINESS</u>				<u>INDUSTRIAL</u>	
	<u>GR</u>	<u>SR</u>	<u>CB</u>	<u>TOD</u>	<u>GB</u>	<u>PHB</u>	<u>I</u>	<u>IBP</u>
7. Storage, garaging, or parking of one or more commercial vehicles	S	S	P	S	P	P	P	P

(DeSimone)

The council voted unanimously to adjourn at 10:12 PM.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)

City Clerk/Clerk of the Council