

Justin Paré, President
John Simmons, Vice President
John Costello
Daniel Donovan
Mark Gould, Jr.



Darius Gregory
Andrew Shanahan
Andrea Slobogan
Patricia St. Pierre

Town of North Attleborough
TOWN COUNCIL
43 South Washington Street, North Attleborough, MA 02760
Phone: (508) 699-0100

3/11/2024 - Minutes

I. Pledge Of Allegiance

President Paré' called the meeting to order at 7:00 P.M. and led the Town Council in the Pledge of Allegiance.

Town Council Members Present:

Justin Paré President

John Simmons Vice President

Daniel Donovan

Mark Gould

Pat St. Pierre

John Costello

Andrew Shanahan

Andrea Slobogan

Members Absent:

Darius Gregory

Staff Present:

Town Manager Mike Borg

Assistant Town Manager Antonio Morabito

Treasurer/Tax Collector Chris Sweet

Town Accountant Linda Catanzariti

DPW Director Mark Hollowell

North T.V. Director Peter Gay

Library Director Deb Clifton

Public Buildings & Facilities Director Tim Chouinard

Residents Present:

Sasha Cuerda to be confirmed as an Alternate Member of the ZBA

Documents Reviewed:

- Town Council Minutes of February 26, 2023
- Measure 2024-053- Request that Parcel of Land described as Map 34/ Lot 555 be Transferred from the Town Council for the purpose for which it is held to the Town Manager for the purpose of sale
- Measure 2024-067-Approval to reallocate remaining funds from previously bonded/borrowed Capital Projects to be used for the Richards Memorial Library Refurbishment
- Measure 2024-068- Approval to establish a Special Education Stabilization Fund
- Measure 2024-069- Approval to transfer \$60,000.00 FY24 Free Cash Funds to the **Special Education Stabilization Fund.AMENDED**
- Measure 2024-062 Safety & Security Project
- Measure 2024-064- That the Town Council amend the North Attleborough Zoning Bylaws, Chapter 290, Section 54, Schedule B, Principal use Agriculture #5 Commercial Stables, Kennels... and Selected words and terms; Animal Kennel, or Hospital. - First Reading
- Measure 2024-065- To See if the Town Council will vote to amend the North Attleborough Bylaws, Chapter 108, Animals. -First Reading
- Measure 2024-020-Approval to Establish Regular Scheduled Town Council Sub-Committee Meetings
- Measure 2024-072-Authorization to approve a New Request for Bid Sale of Real Property for the parcels of land only located at both 35 Johnson St. and 35 Whiting St
- Measure 2024-073- To Authorize the transfer of \$50,000.00 from the Public Buildings Full Time Salaries Account to Town Attorney Account

II. Approval Of Minutes

- a. Approval of Town Council Minutes of February 26, 2024

Approval of Town Council Minutes of February 26, 2024

Vice-President Simmons made a motion to approve the February 26, 2024 Minutes.

Councilor St. Pierre seconded the motion.

Motion carried 8-0.

III. Town Councilor Community Announcements

- President Pare' reported that he read to the Second Graders at Roosevelt School last week and was so happy to be able to participate.
- President Pare' reported that MSBA Workshops are being held on the project.
- President Pare' thanked Congressman Auchincloss for awarding North Attleborough \$959,000.00 for PFAS Mitigation. We were one of 15 Towns in the Community that was awarded. We are very thankful for his support!
- Councilor Gould thanked Elections for their successful election and for all of their hard work.
- Councilor Gould thanked everyone involved in the quick response to the demolition of the Webster Building when it was realized the structure was compromised.

IV. Town Manager's Report

Town Manager Michael Borg gave an overview of the Town Manager Report. Items he reviewed included:

- Emergency Management -Updates
- Communications-Updates
- Operations-Updates
- Budget-Updates
- Personnel-Updates

V. Resident And Community Comment

None at this time.

VI. Confirmations

- a. Measure 2024-071-Confirmation of Appointment of Sasha Cuerda as an Alternate for the Zoning Board of Appeals

Measure 2024-071- Confirmation of Appointment of Sasha Cuerda as an Alternate Member of the Zoning Board of Appeals

Vice-President Simmons made a motion to approve Measure 2024-071- Confirmation of Appointment of Sasha Cuerda as an Alternate Member of the Zoning Board of Appeals.

Councilor Slobogan seconded the motion.

Motion carried 8-0.

VII. Sub-Committee Reports

- a. Finance

- i. Measure 2024-067-Approval to reallocate remaining funds from previously bonded/borrowed Capital Projects to be used for the Richards Memorial Library Refurbishment

Measure 2024-067-Approval to reallocate remaining funds from previously bonded/borrowed Capital Projects to be used for the Richards Memorial Library Refurbishment

Approval to reallocate remaining funds from previously bonded Capital Projects to be used for the Richards Memorial Library Refurbishment from the following accounts:

Funding Sources: Account:	Amount:
Town Phone System Upgrade-M2021-053 31155153/585012	\$38,465.93
Rehab Falls Dam-A6/16ATM 31171267/584003	\$78,332.69
Repair Lighting Town Hall-A6C/20ATM 31192287/581502	\$110,000.00
Repair Ceiling Tile Town Hall- A6C/20ATM 31192287/582030	\$150,000.00
Engine 4 Replacement-M2021-053 31220153/585104	\$10,849.79
Engine 6 Replacement-A8/14JTM 31220261/585104	\$411.52
Fire ST2 Heating System-A6/15ATM 31220263/584007	\$478.11
Highway Salt Shed-A6C/18ATM 31422278/582025	\$117.96
Chestnut St. Bridge-A6C/18ATM 31422278/586208	\$471,013.81
Total:	\$859,669.81

As well as approval to transfer FY24 Free Cash in the amount of \$12,180.19.

Therefore, I respectfully request that the Town Council approve the reallocation of remaining funds from previously bonded/borrowed Capital Projects in the amount of \$859,669.81 and to transfer from FY24 Free Cash in the amount of \$12,180.19. The total amount of \$871,850.00 to be used for the Richards Memorial Library Refurbishment.

Vice-President Simmons reported that the Finance Sub-Committee met on March 6, 2024 and discussed this measure. It was voted in favor of 6-0, and to refer back to the Full Town Council with a favorable recommendation. Assistant Town Manager Antonio Morabito explained that this Library Project began as just a replacement of library windows in the amount of \$114,520.00. As they got into the project, it was determined that the entire envelope of the building was in need of repair including brick work, ceiling work, window replacement, and a new handicapped walkway. These improvements are for the integrity and safety of the building and necessary for the library's existence. The library will need close to \$4.9mm in total for repairs. Library Director Deb Clifton was in attendance to answer any of the questions that the Committee may have had. She reported that there are an average of 150 patrons a day that visit the library. Residents come to read, check out books, use the internet, use the computers, and participate in Senior Programs and Early Literacy Story Programs. Ms. Clifton stated that once the refurbishment of the library is complete, they will add to the current programs.

Vice-President Simmons made a motion to approve Measure 2024-067-Approval to reallocate remaining funds from previously bonded/borrowed Capital Projects to be used for the Richards Memorial Library Refurbishment in the amount of \$859,669.81 and to transfer from FY24 Free Cash in the amount of \$12,180.19. The total amount of \$871,850.00 to be used for the Richards Memorial Library Refurbishment.

Councilor Costello seconded the motion.

Motion carried 8-0.

ii. Measure 2024-068- Approval to establish a Special Education Stabilization Fund

Measure 2024-068- Approval to establish a Special Education Stabilization Fund

I respectfully request the Town Council vote to establish a Special Education Stabilization Fund pursuant to MGL Chapter 40, Section 13E; the funding of which and any appropriation(s) from shall be authorized by vote of the legislative body of the Town (the Town Council).

Vice-President Simmons reported that the Finance Sub-Committee met on March 6, 2024 and thoroughly discussed this measure. It was recommended favorable to send back to the Full Town Council with a positive recommendation. Discussions between the Committee, the Town Manager, the Superintendent, the Chair of the School Committee, and the Town Accountant included:

- Rules for Stabilization Funds will be followed.
- A vote will be needed to put the money in and take the money out.
- The Town Council's Support is needed.
- Special Education is extremely important.
- Impossible to budget each year for how many children who require Special Education will move into our Town.
- Let's start this account and then grow on this account.
- By establishing this fund, are we setting the schools up for failure, as they do not usually turn back money?
- At the end of the FY, if the School Department turns back any funds, an amount will be determined, and voted on, from the turnback, that can be deposited into this Special Education Stabilization Fund.
- This potential turnback will now hold the schools accountable and responsible for building up this fund. Accountable for their budget.
- This fund cannot be more than 2% of their budget at any time.

- These funds would be for the unforeseen need.
- Not in favor of small pockets of money.
- Once the Budget is completed and approved, the schools cannot request Free Cash for Special Education. The budget would need to be called back. This Stabilization Fund would be a way to support Special Education that was not foreseen.
- At the end of the FY, any money left over in the School's Budget would fall to Free Cash. Once this fund is established, at the end of each FY, an amount would be determined that would be put in the Stabilization Account, and once Free Cash is certified in October/November of the following year, this amount would then be put into this Stabilization Account.
- The Town will support the schools.
- Identity of students in need, will and always has been kept confidential.
- Discussed 504's and IEP's Special Education Plans.
- "When" The money from this fund would be used, not "IF" it would be used.
- Would act as a relief valve.
- Consideration of putting a policy in place so that the funds don't accumulate and end up being over \$800,000.00.

There was discussion amongst the Council and some additional discussion:

- There will be a 2% cap on this amount.
- 504 plans
- IEP's
- How will this fund be handled?
- What if too many students required these additional funds in one year and we don't have enough to accommodate all of them?
- We can apply for State Relief if too many students are in need and we cannot fund.
- The identities of the students will always remain confidential.
- Once the School Budget is approved, it cannot be adjusted. It would need to be recalled. Town and School are separate entities.

Vice-President Simmons made a motion to approve Measure 2024-068- Approval to establish a Special Education Stabilization Fund.

Councilor Slobogan seconded the motion.

Motion carried 8-0.

- iii. Measure 2024-069- Approval to transfer \$60,000.00 FY24 Free Cash to the Special Education Stabilization Fund-AMENDED

Measure 2024-069- Approval to transfer \$60,000.00 FY24 Free Cash Funds to the Special Education Stabilization Fund.AMENDED

Purpose: The purpose of funding the Special Education Stabilization Fund with FY24 Free Cash is to:

1. Ensure continuity of services through the uninterrupted delivery of special education services to students with disabilities, irrespective of financial uncertainties.

2. Address unforeseen costs and expenses that arise due to fluctuations in special education needs.

3. Enhance our flexibility and responsiveness within the school district with the flexibility to respond promptly to emerging special education needs without the need for immediate budget reallocations or cuts to other essential services.

Justification: The need for allocating funds to the Special Education Stabilization Fund is underscored by several critical factors:

1. **Rising Costs:** The cost of providing high-quality special education services is steadily increasing, driven by the need for specialized staff, tailored educational materials, and technology-enhanced learning aids.

2. **Enrollment Variability:** The number of students requiring special education services can fluctuate significantly from year to year, leading to unpredictable budgetary pressures.

3. **Regulatory Compliance:** Federal and state mandates require that all students with disabilities receive a free and appropriate public education in the least restrictive environment, necessitating sufficient funding to comply with these legal obligations.

Community Impact: Investing in the Special Education Stabilization Fund reinforces the community's commitment to supporting all its members, ensuring that students with disabilities have equal opportunities to succeed and contribute to the community.

Town Manager Borg requested that the funding source be amended on the floor. ARPA Funds cannot be used for a Stabilization Fund, so instead we would use FY24 Free Cash as the funding source.

Therefore, I respectfully request the Town Council vote to transfer \$60,000.00 FY24 Free Cash to the Special Education Stabilization Fund.

Vice-President Simmons reported that the Finance Sub-Committee met on March 6, 2024, and discussed this measure. It was voted unanimously 6-0 in favor of a positive recommendation back to the Full Town Council to approve the transfer of \$60,000.00 FY24 Free Cash to the Special Education Stabilization Fund.

Vice-President Simmons made a motion to approve Amended Measure 2024-069- Approval to transfer \$60,000.00 FY24 Free Cash Funds to the Special Education Stabilization Fund to the Finance Sub-Committee for further review and discussion.

Councilor Slobogan seconded the motion.

Motion carried 8-0.

b. Economic Growth & Sustainability

Nothing to report at this time.

c. By-Law

i. FIRST READING:

1. Measure 2024-064- That the Town Council amend the North Attleborough Zoning Bylaws, Chapter 290, Section 54, Schedule B, Principal use Agriculture #5 Commercial Stables, Kennels... and Selected words and terms; Animal Kennel, or Hospital.

Measure 2024-064- That the Town Council amend the North Attleborough Zoning Bylaws, Chapter 290, Section 54, Schedule B, Principal use Agriculture #5 Commercial Stables, Kennels... and Selected words and terms; Animal Kennel, or Hospital.

To clarify and expand the definitions of Kennels in the Zoning Board of Appeals By-law language. That the Town Council vote to amend the North Attleborough Zoning Bylaws, Schedule B, Principal Use, Agriculture.

See recommendations (in red print) for proposed amendments attached)

This measure will be referred to the Bylaw Subcommittee and the Planning Board. The Planning Board is required to have a Public Hearing. The Town Council is required to have a First Reading, and then a Public Hearing with a Second Reading and Vote on the amended Zoning Bylaws.

Therefore, it is respectfully requested that the Town Council amend the North Attleborough Zoning Bylaws, Chapter 290, Section 54, Schedule B, Principal Use Agriculture #5 Commercial Stables, Kennels... and Selected words and terms; Animal Kennel, or Hospital.

Vice-President Simmons made a motion to waive the first reading.

Councilor Donovan seconded the motion.

Motion carried 8-0.

There was discussion amongst the Town Council and Mr. John Donohue who was in attendance to speak on behalf of this Bylaw. He is also part of the Bylaw Subcommittee. They reported what had been discussed at previous meetings.

ii. FIRST READING:

1. Measure 2024-065- To See if the Town Council will vote to amend the North Attleborough Bylaws, Chapter 108, Animals

Measure 2024-065- To See if the Town Council will vote to amend the North Attleborough Bylaws, Chapter 108, Animals.

Vice-President Simmons made a motion to waive the first reading.

Councilor Donovan seconded the motion.

Motion carried 8-0.

d. Rules

- i. Measure 2024-020- Approval to Establish Regular Scheduled Town Council Subcommittee Meetings

Measure 2024-020-Approval to Establish Regular Scheduled Town Council Sub-Committee Meetings

This measure will be on the next Town Council Agenda. No action will be taken tonight.

e. School Committee Representative

Nothing to Report at this time.

f. Communication, Public Participation & Engagement

Nothing to Report at this time.

g. Local Emergency Planning

1. Local Emergency Planning -Meeting

Nothing to report at this time.

1. RFP Town Auditor Ad Hoc Committee

Councilor Gould reported that the Committee recommended that Clifton/Larson/Allen be chosen as the next Town Auditors. They reviewed the proposals, and this firm was their final selection. They had fair prices, good staff, and a great reputation. The Committee asked for the approval of the Full Town Council.

Councilor Gould made a motion for the Town Council to approve Clifton/Larson/Allen as the Auditor for the Town of North Attleborough.

Councilor Donovan seconded the motion.

Motion carried 8-0.

VIII. Old Business

- a. Measure 2024-072-Authorization to approve a New Request for Bid Sale of Real Property for the parcels of land only, located at both 35 Johnson St. and 35 Whiting St.

Measure 2024-072-Authorization to approve a New Request for Bid Sale of Real Property for the parcels of land only located at both 35 Johnson St. and 35 Whiting St.

On April 28, 2023, bids were solicited for two properties, but all offers received fell short of expectations. The 2023 assessed valuation of 35 Whiting Street stood at \$223,800, and that of 35 Johnson Street was \$308,000, representing the minimum amounts the Town was willing to accept. Due to the inadequacy of the bids, they were consequently declined.

Given the declining state of the houses on these properties, I propose selling the parcels for no less than 90% of the land assessed values.

35 Whiting Street

2024 Total Assessed Value \$243,400.00

Land-only Assessed Value \$ 113,800.00

90% of Land-only Assessed Value = \$102,420.00

35 Johnson Street

2024 Total Assessed Value \$330,200.00

Land-only Assessed Value \$144,600.00

90% of Land-only Assessed Value = \$130,140.00

I respectfully request the Town Council approve this measure allowing the Town Manager to initiate a new bidding process for the sale of real property situated at 35 Johnson Street and 35 Whiting Street. The bids should start at a minimum of 90% of their appraised land values.

Town Manager Borg requested that this Measure be referred to the Finance Sub-Committee for further consideration.

Vice-President Simmons made a motion to refer Measure 2024-072-Authorization to approve a New Request for Bid Sale of Real Property for the parcels of land only located at both 35 Johnson St. and 35 Whiting St. to the Finance Sub-Committee for further review and discussion.

Councilor Slobogan seconded the motion.

Motion carried 8-0.

IX. New Business

- a. Measure 2024-073-To Authorize the transfer of \$50,000.00 from the Public Buildings Full

Time Salaries Account to the Town Attorney Account

Measure 2024-073- To Authorize the transfer of \$50,000.00 from the Public Buildings Full Time Salaries Account to Town Attorney Account

It is requested that the Town Council approve the transfer of \$50,000.00 from the Public Buildings Full-Time Salaries Account (011928-511000). \$25,000.00 will be transferred to the Legal Services Account (011519-530003) and \$25,000.00 will be transferred to the Labor Relations Account (011519-530004).

The balances in each of these accounts is almost zero and will need to be replenished to pay anticipated future invoices for Legal Services and Labor Relation Services rendered.

Town Manager Borg requested that this measure be referred to the Finance Sub-Committee for consideration.

Vice-President Simmons made a motion to refer Measure 2024-073- To Authorize the transfer of \$50,000.00 from the Public Buildings Full Time Salaries Account to Town Attorney Account to the Finance Sub-Committee for further review and discussion.

Councilor Danovan seconded the motion.

Motion carried 8-0.

Councilor Gould made a motion to refer Rule I-E to the Rules Sub-Committee for further review and discussion.

Motion was not seconded.

Motion did not carry.

X. Executive Session

- a. M.G.L. c.30A, Sec.21(a) To discuss the deployment of, or strategy regarding security personnel or devices, e.g., a sting operation.

Vice-President Simmons made a motion to enter into Executive Session pursuant to M.G.L. c.30A, Sec. 21(a), Sec.6 - To discuss the deployment of or strategy regarding security personnel or devices, e.g. a sting operation. The Town Council will be reconvening back to Regular Session after the Executive Session.

Councilor Donovan seconded the motion.

Roll Call vote was taken to enter into Executive Session:

Justin Paré President -YES

John Simmons Vice President -YES

Daniel Donovan -YES

Mark Gould -YES

Pat St. Pierre -YES

John Costello -YES

Andrew Shanahan-YES

Andrea Slobogan -YES

Motion carried 8-0.

The Town Council entered into Executive Session.

At 8:29 PM the Town Council reconvened into Regular Session.

i. Measure 2024-062 Safety & Security Project

To see if the Town Council will approve the expenditure of \$180,000 of FY24 Free Cash related to enhancing the safety and security infrastructure within our community. Following a comprehensive review process, a proposal has been selected that aligns with our town's objectives and requirements in this area. The specifics of this proposal, including the selected firm and the detailed scope of work, will be discussed further during an upcoming executive session. This approach ensures that all considerations are thoroughly vetted, maintaining our commitment to the community's well-being and security.

Vice-President Simmons made a motion to approve Measure 2024-062- Safety & Security Project.

Councilor Donovan seconded the motion.

Motion carried 8-0.

XI. Adjournment

Vice-President Simmons made a motion to adjourn the meeting.

Councilor Donovan seconded the motion.

Motion carried 8-0.

Meeting adjourned at 8:30 PM.