

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

4/22/2024 - 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

Andrea Slobogan

Darius Gregory

Daniel Donovan

Mark Gould

Pat St. Pierre

John Costello

Members Absent:

Andrew Shanahan

Staff Present and Department Heads Present:

Town Manager Mike Borg

Assistant Town Manager Antonio Morabito

Clerk to the Council Kerrin Billinghoff

Town Accountant Linda Catanzariti

Tax Collector/Treasurer Chris Sweet

NAFD Chief Coleman

Library Director Deb Clifton

Health Director AnneMarie Fleming

Invited Guests:

Erie Baker - Appointment to be confirmed to BOH

Wendy Hrubec - Appointment to be confirmed to Board of Library Trustees

Nadge Edmond - Appointment to be confirmed to Cultural Council

Hazel Peavey - Appointment to be confirmed to Cultural Council

Kristin Blye - Appointment to be confirmed to Cultural Council

Chris Hasler - Appointment to be confirmed to Municipal Building Committee

Michael Gallagher - Appointment to be confirmed to Retirement Board

Kyle Zemke - Appointment to be confirmed to Town Forest Committee

Karen Testa - Appointment to be confirmed as Senior Center Director

Residents Present:

John Donohue of 34 Donald Tennant Circle

Laura Wagner of 140 Commonwealth Ave.

Documents Reviewed:

- Town Council Minutes of April 8, 2024
- Measure 2024-076-Confirmation of New Appointments to Boards, Commissions, & Committees
- Measure 2024-109- Confirmation of Appointment of Karen Testa as Senior Center Director
- Measure 2024-086- To see if the Town will vote to accept the provisions of G.L. c.44, §54(b), (c), & (d) to allow Town trust funds to be invested in accordance with G.L. c.203C, the so-called "Prudent Investment Rule", or take any other action relative thereto.
- Measure 2024-087- North Attleborough Fire Department Supplemental Overtime Request

- Measure 2024-088- Rescind Borrowing Authorization for DPW 6-Wheel Dump Truck in the amount of \$350,000
- Measure 2024-089-Authorization for the Procurement of a DPW 6-Wheel Dump Truck in the amount of \$350,000 to be funded by FY24 Free Cash
- Measure 2024-084-Authorization to adopt new General Bylaw: Congregate Living Properties- Boarding/Lodging/Rooming Homes, Group Homes, Sober Homes, and Halfway/Recovery Houses

II. Approval Of Minutes

- a. Minutes of April 8, 2024

Approval of Town Council Minutes of April 8, 2024

Vice-President Simmons made a motion to approve the April 8, 2024, Minutes.

Councilor Donovan seconded the motion.

Motion carried 7-0-1.

III. Town Councilor Community Announcements

- Councilor Gould reported that the Great American Cleanup Day is on May 4 2024 and sponsored by KNAB.
- Councilor Gould requested that a Proclamation be made in honor of Public Works Wee and requested that this item be put on the next agenda.

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

- Resident Lauren Wagner was in attendance and addressed the Council. She shared her thoughts about reinstating stipends in the Town and expressed her opinion.
- Resident John Donohue was in attendance and addressed the Council. He discussed "Write in Ballots" and that there is a need for a Charter Review Committee Meeting to take place for the "Five Year Review."

VI. Confirmations

- a. Measure 2024-076-Confirmation of New Appointments to Boards, Commissions, & Committees

Measure 2024-076-Confirmation of New Appointments to Boards, Commissions, & Committees

To confirm New Appointments made by the Town Manager for Boards, Committees and Commissions

The Town Manager has interviewed every candidate listed and requested the Town Council to approve each of his appointments. (see Appointment List below)

Board/Commission/Committee Terms all to expire on 6/30/2027

Board of Health:

Erie Baker

Board of Library Trustees:

Wendy Hrubec

Cultural Council:

Nadge Edmond

Hazel Peavey

Kristin Blye

Municipal Building Committee:

Chris Hasler

Retirement Board:

Michael Gallagher

Town Forest:

Kyle Zemke

Each of the appointees thanked the Town Manager and the Town Council for the

opportunity to serve on their respective Boards, Committees, & Commissions.

Vice-President Simmons made a motion to approve Measure 2024-076- Confirmation of New Appointments to Boards, Commissions, & Committees with all terms to expire on June 30, 2027.

Councilor St. Pierre seconded the motion.

Motion carried 8-0.

- b. Measure 2024-109- Confirmation of Appointment of Karen Testa as Senior Center Director

The Assistant Town Manager, Chair of the Council on Aging, and myself, all had the pleasure of interviewing Ms. Karen Testa for the Senior Center Director's position. Based on Ms. Testa's experience, insight, and performance, we felt that she was the best candidate for the position and will be a great asset to the Town in this role as Senior Center Director.

Town Manager Borg respectfully requested the Town Council confirm his appointment of Ms. Karen Testa to the position of Senior Center Director.

Ms. Karen Testa was in attendance to address the Town Council regarding this confirmation. She thanked Town Manager Borg and the Town Council for the opportunity and is looking forward to filling this position.

Vice-President Simmons made a motion to approve Measure 2024-109-Confirmation of Appointment of Karen Testa as Senior Center Director.

Councilor Slobogan seconded the motion.

Motion carried 8-0.

VII. Sub-Committee Reports

- a. Finance
 - i. Measure 2024-086- To see if the Town will vote to accept the provisions of G.L. c.44, §54(b),(c),&(d) to allow Town trust funds to be invested in accordance with G.L. c.203C, the so-called "Prudent Investment Rule", or take any other action relative thereto

Measure 2024-086- To see if the Town will vote to accept the provisions of G.L. c.44, §54(b),(c),&(d) to allow Town trust funds to be invested in accordance with G.L. c.203C, the so-called "Prudent Investment Rule", or take any other action relative thereto.

This measure aims to broaden the investment capabilities of the Treasurer by allowing for the investment of Town Trust Funds into a more diverse array of options beyond those currently permitted by the Massachusetts Legal List. This will be achieved by adopting and adhering to the investment guidelines outlined in Massachusetts General Law Chapter 203C, thus providing a solid foundation and expanded opportunities for the responsible growth and management of the town's financial resources.

Councilor Donovan gave a report of the April 10, 2024 Finance Sub-Committee where this measure was discussed. It was sent back to the Full Town Council with a favorable recommendation - **vote 6-0.**

Mr. Michelle Newcomb and Mr. Chuck Patterson of Bartholomew Investment Group were in attendance to explain this Measure and answer any questions that the Committee may have had. They explained that this has been a long time coming for Municipalities. There was discussion amongst the Committee and both Mr. Patterson and Ms. Newcomb.

Discussions included:

- What is this vote actually for?
- Is this vote to just adopt this procedure only?
- Once this is adopted by the Town Council, now we will have the "Prudent Investment Rule"
- Does this expose the Town to greater risk?
- Because of the broader diversification there is less risk to the Town.
- The Town currently has 47 Trust Funds.
- **The Opportunity Fund is Not included in the "Prudent Rule"**

Vice-President Simmons made a motion to approve Measure 2024-086- To see if the Town will vote to accept the provisions of G.L. c.44, §54(b),(c),&(d) to allow Town trust funds to be invested in accordance with G.L. c.203C, the so-called "Prudent Investment Rule", or take any other action relative thereto.

Councilor Slobogan seconded the motion.

Motion carried 8-0.

- ii. Measure 2024-087- North Attleborough Fire Department Supplemental Overtime Request

Measure 2024-87- North Attleborough Fire Department Supplemental Overtime Request

The North Attleboro Fire Department is requesting additional funding for shift staffing overtime. During Fiscal Year 2024 the department has experienced several unforeseen long-term illnesses, military leave, Line of Duty injuries and vacancies created by retirements and resignations.

Please see the attached detailed report outlining the unforeseen circumstances.

Funding Request Fire Budget: \$125,000.00

Funding Request Ambulance Budget: \$125,000.00

Source for Fire Budget Request: Salary Reserve Account. Balance in Account is \$336,484.84. Account #019498 518000

Source for Ambulance Budget Request: Ambulance Receipt Reserve Account. Balance in Account is \$2,151,865. Account #2940039 596100.

Councilor Donovan gave a report on this measure that had been discussed at the April 10, 2024 Finance Sub-Committee Meeting. It was voted with a favorable recommendation **6-0** back to the Full Town Council.

Chief Coleman was in attendance at the April 10, 2024 Finance Meeting to explain this measure to the Committee and answer any of the questions that they may have had.

Items Discussed:

- Challenging Year for the Fire Department
- Chief Coleman tries to predict every circumstance of what may happen in the Department.
- Many illnesses this year. Unforeseen circumstances.
- This year was an anomaly. Impossible to predict.
- Military leave of some Firefighters.
- Town pays the difference of what they were making as a firefighter when they are on Military leave.
- Sick overtime is paid at an average rate of \$50.00 an hour.

Vice-President Simmons made a motion to approve Measure 2024-87- North Attleborough Fire Department Supplemental Overtime Request.

Councilor St. Pierre seconded the motion.

Motion carried 8-0.

- b. Economic Growth & Sustainability

Nothing to report at this time.

- c. By-Law

Nothing to report at this time.

- d. Rules

Nothing to report at this time.

- 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

A meeting has been scheduled for May 14, 2024.

- h. RFP Town Auditor Ad Hoc Committee

Nothing to report at this time.

VIII. Old Business

None at this time.

IX. New Business

- a. Measure 2024-088- Rescind Borrowing Authorization for DPW 6-Wheel Dump Truck in the amount of \$350,000

Measure 2024-088- Rescind Borrowing Authorization for DPW 6-Wheel Dump Truck in the amount of \$350,000.00

To rescind the borrowing authorization for the authorized and unissued amount of \$350,000.00 for which borrowing authority is no longer required for a 6-Wheel Vehicle-Highway- authorized for \$350,000.00 and approved at the 6/12/2023 Town Council Meeting- Measure 2023-066, Item #3.

Total to rescind: \$350,000.00

This item will be purchased using funding from other sources.

Town Manager Borg requested that this Measure be forwarded to the Finance Sub-Committee.

Vice-President Simmons made a motion to refer Measure 2024-088- Rescind Borrowing Authorization for DPW 6-Wheel Dump Truck in the amount of \$350,000.00 to the Finance Sub-Committee for further review and consideration.

Councilor Slobogan seconded the motion.

Motion carried 8-0.

- b. Measure 2024-089- Authorization for the Procurement of a DPW 6-Wheel Dump Truck in the amount of \$350,000 to be funded by FY24 Free Cash

Purpose:

The purpose of this measure is to secure authorization for the payment of the Department of Public Works (DPW) 6-Wheel Dump Truck project using Fiscal Year 2024 (FY24) Free Cash. This project was previously approved for borrowing, but due to available funds, it is now proposed to be financed directly with FY24 Free Cash, thus eliminating the need for borrowing.

Justification:

The justification for this measure arises from the underutilization of the allocated Free Cash for snow and ice removal in the current fiscal year. This under-expenditure has resulted in surplus funds, providing a unique opportunity to fund essential municipal projects without incurring additional debt. By authorizing the use of FY24 Free Cash for the procurement of the \$350,000 DPW 6-Wheel Dump Truck, the Town can efficiently allocate resources, enhance municipal services, and maintain fiscal responsibility by reducing reliance on borrowed funds. This approach not only streamlines the funding process but also expedites the acquisition of critical equipment needed for town operations.

Town Manager Borg requested that this measure be forwarded to the Finance Sub-Committee for further consideration and review.

Vice-President Simmons made a motion to refer Measure 2024-089-Authorization for the Procurement of a DPW 6-Wheel Dump Truck in the amount of \$350,000 to be funded by FY24 Free Cash to the Finance Sub-Committee for further review and consideration.

Councilor Slobogan seconded the motion.

Motion carried 8-0.

- c. Measure 2024-084- Authorization to adopt New General Bylaw: Congregate Living Properties- Boarding/Lodging/Rooming Homes/ Group Homes, Sober Homes, and Halfway/Recovery Houses

Measure 2024-084-Authorization to adopt new General Bylaw: Congregate Living Properties- Boarding/Lodging/Rooming Homes, Group Homes, Sober Homes, and Halfway/Recovery Houses

Authorization to adopt new General Bylaw:

"Congregate Living Properties" - Boarding/Lodging/Rooming Homes, Group Homes, Sober Homes, and Halfway/Recovery Houses;

For the purposes of this Bylaw any properties within the Town of North Attleborough being utilized as either a Boarding/Lodging/Rooming Home, Group Home, Sober Home, Halfway/Recovery Residence as defined below, shall be required to register annually, by **January 30th of the calendar year or within 90 days of acquisition for that calendar year**, with the North Attleborough Building Department and shall be subject to yearly inspections to assess the adequacy of living conditions for the safety and welfare of the residents of these properties.

These properties are additionally required to adhere to all other existing applicable, local, state, and federal regulations, including but not limited to the MA Building Code, Fire Code and State Sanitary Code.

The North Attleborough Building Department is hereby authorized to promulgate **reasonable rules and regulations to carry out the purposes and intent of this Bylaw.**

The North Attleborough Building Department shall enforce the terms of this Bylaw and of **rules and regulations promulgated pursuant thereto.**

Property owners who fail to comply with the provisions of this bylaw, shall be fined at a rate of \$500.00 for failure to register and \$150.00 per day, and each day of non-compliance shall constitute a separate violation.

Any property owner seeking to appeal pursuant to this Bylaw may file a notice of an appeal and request for a public hearing with the board appointed by the Town Manager **within 10 days of receipt of said Order.**

Definitions:

Boarding / Lodging / Rooming House - A building arranged or used for lodging for compensation, with or without meals. **A building containing four or more boarding units. A one-family dwelling with five or fewer guest rooms where one or more occupants are primarily permanent in nature and compensation is provided for the guest rooms. A building licensed as a "lodging house in accordance with M.G.L. c. 140, §§ 22 through 31 shall comply with 780 CMR requirements according to its appropriate use and occupancy classification.**

Boarding Unit - A residence in which one or more rooms are let to and for the use by one, two or three individuals who are not within second degree of kindred of the person operating the Boarding/Lodging/Rooming House and not living as a single housekeeping unit and not having cooking facilities. **A "Boarding Unit" shall include rooms in boarding houses, lodging houses, tourist homes. It shall not include convalescent, nursing or rest homes; dormitories or charitable, educational or philanthropic institutions; or apartments or hotels; or groups homes licensed by the state.**

Group home - A facility for social rehabilitation, substance abuse or mental health problems that contains a group housing arrangement that provides custodial care but **does not provide medical care. A residence that is appropriately licensed and typically funded fully or partially by a state or federal entity, for the accommodation and care of three to ten persons, exclusive of staff, living under supervision within a single housekeeping unit and who, by reason of their emotional, mental, social, or physical**

condition or legal status, require a group living arrangement for their well-being.

Sober home – A residence that is operated pursuant to a program designed to provide drug and alcohol-free living conditions.

Halfway/Recovery Residence – Residential treatment programs licensed by a state agency that provide intermediate care center in a community and provides temporary residential accommodation, guidance, supervision, and personal adjustment services for a group of three or more persons. These properties are not a person's permanent residence.

Vice-President Simmons made a motion to refer Measure 2024-084-Authorization to adopt new General Bylaw: Congregate Living Properties- Boarding/Lodging/Rooming Homes, Group Homes, Sober Homes, and Halfway/Recovery Houses to the Bylaw Sub-Committee for further review and discussion.

Councilor Slobogan seconded the motion.

Motion carried 8-0.

X. Adjournment

Councilor Gregory made a motion to adjourn.

Councilor Slobogan seconded the motion.

Motion carried 7-0.

Meeting adjourned at 9:36 PM.