

**ATTLEBORO MUNICIPAL COUNCIL
DOCKET
MAY 15, 2018**

APPROVAL OF THE RECORDS: MARCH 6, 2018, MARCH 20, 2018, and APRIL 17, 2018, MAY 1, 2018 Executive Session Minutes of June 6, 2017, June 27, 2017 and April 10, 2018.

PUBLIC HEARING relative to the Petition from National Grid and Verizon New England to install 2 jointly owned utility poles with anchors on Handy Street so that electrical facilities can be extended to supply new service request at house at 164 Handy Street.

PUBLIC HEARING relative to the following loan order: **ORDERED:** that Five Hundred Thousand Dollars (\$500,000.00) is appropriated for the permitting, bidding, construction oversight and construction costs associated with the rehabilitation of the Dodgeville Pond Dam located in Attleboro, MA (the “Project”), including the payment of all costs incidental or related thereto; that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow Five Hundred Thousand Dollars (\$500,000.00) under Section 7(1) of Chapter 44 of the General Laws, or any other enabling authority; and that the Mayor is authorized to take any other action necessary or convenient to carry out this Project. Any premium received by the City upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with Chapter 44, Section 7(1) of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

PUBLIC SAFETY & EMERGENCY MANAGEMENT

Peter Blais, Chairperson

1. The Mayor respectfully submits a communication from Fire Chief Scott T. Lachance regarding the need for funds pay the heating and electric bills for the remainder of FY2018. Therefore, the Mayor hereby requests Your Honorable Body transfer \$7,000.00 from Account 11241000-578300 (City Wide - Reserve Fund for Transfer) to the following accounts:

\$4,000.00 to Account 12201000-521010 (Fire - Heating)

\$3,000.00 to Account 12201000-521020 (Fire - Lights & Power)

Upon approval, the available balance in Reserve Fund for Transfer will be \$92,193.79. (Copies in your packets)

(6/5/18)

2. Legal Opinion from Lauren Galvin, dated April 18, 2018 relative to hunting on Conservation land. (5/1/18)

PUBLIC WORKS

Kate Jackson, Chairperson

1. Petition from National Grid and Verizon New England to install 2 jointly owned utility poles with anchors on Handy Street so that electrical facilities can be extended to supply new service request at house at 164 Handy Street. (PUBLIC HEARING ON TUESDAY, MAY 15, 2018) (5/1/18)

ZONING & LAND USE

Todd Kobus, Chairperson

1. Communication from BCWC, LLC, 34 Extension Street, Attleboro, MA relative to amending the Zoning Ordinance pertaining to cultivating and product manufacturing in the Industrial Zoning Districts and an Outreach meeting. (5/1/18)
2. Application from Briarleaf, LLC, 54 Taylor Road, Foxboro, MA for a Special Permit pursuant to Section §17-9.0 SPECIAL PERMITS AND §17-10.15 REGISTERED MARIJUANA DISPENSARY USES, to operate a Registered Medical Marijuana Dispensary Center and a Medical Marijuana Cultivation Center, the subject premises being located at **527 Pleasant Street**, more specifically Assessor's plat 225, Lot #5, located in an Industrial Zoning District. (PUBLIC HEARING ON JUNE 5, 2018) (5/1/18)
3. Communication from Attorney Edward J. Casey requesting that the Council vote to issue a letter of non-opposition to Briarleaf, LLC, 54 Taylor Road, Foxboro for a Registered Medical Marijuana Dispensary Center and a Medical Marijuana Cultivation Center located at 527 Pleasant Street, Attleboro, MA (5/1/18)

CAPITAL IMPROVEMENTS AND CITY DEVELOPMENT

Richard Conti, Chairperson

1. As you know, the Dodgeville Pond Dam is in dire need of rehabilitation to ensure the longevity of the impoundment. The dam is structurally deficient and a significant hazard potential due to, among other things, wear and tear, age, the prevalence of heavy tree cover and vegetative overgrowth on the embankment, and the poor condition of the spillway. Though privately owned, the dam is a vital asset to the City for a variety of reasons, including (a) critical for (upstream) flood control, (b) infrastructure protection, (c) benefits to natural systems, (d) recreation use, and (e)

hydro–power generation (it is a key component of an envisioned source of power that will help to reduce municipal energy costs).

As the Mayor communicated to Your Honorable Body recently, EOEEA’s DCR Office of Dam Safety has awarded the City of Attleboro, to date, \$875,500.00 in three separate grant awards for the Dodgeville Pond Dam Renovations Project. To date, we have completed the design phase, are on the cusp of commencing construction of Phase 1A and have received a \$500,000.00 grant for the construction of Phase 1B. Two additional/final phases of construction have been identified and are on the horizon in future years.

The most recent estimated costs for Phase 1B construction are as follows:

Bidding & Engineering Oversight/Administration:	\$ 186,000.00
Construction:	\$ 570,500.00
Contingency:	\$ 243,500.00
SUB-TOTAL	\$1,000,000.00
LESS: EOEEA Dam and Seawall grant:	(\$ 500,000.00)
TOTAL NEEDED	\$ 500,000.00

In an effort to begin the necessary construction for Phase 1B as soon as possible, and to utilize the \$500,000.00 State grant, it is in the best interest of the City to move forward with a loan authorization in the amount of \$500,000.00.

Please note that because of the uncertainty of the bid results, the requested loan authorization of \$500,000.00 factors in a contingency of \$243,500. If after all bids are received and verified, this loan amount is greater than the actual costs, then the Mayor will be requesting that the loan amount be reduced appropriately. Therefore, the Mayor hereby requests Your Honorable Body to approve the following loan order:

ORDERED: that Five Hundred Thousand Dollars (\$500,000.00) is appropriated for the permitting, bidding, construction oversight and construction costs associated with the rehabilitation of the Dodgeville Pond Dam located in Attleboro, MA (the “Project”), including the payment of all costs incidental or related thereto; that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow Five Hundred Thousand Dollars (\$500,000.00) under Section 7(1) of Chapter 44 of the General Laws, or any other enabling authority; and that the Mayor is authorized to take any other action necessary or convenient to carry out this Project. Any premium received by the City upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with Chapter 44, Section 7(1) of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

(3/5/18)

BUDGET AND APPROPRIATIONS

Jay DiLisio, Chairperson

1. The Mayor respectfully submits a communication from City Treasurer Laura Gignac regarding the need for funds for payment on maturing BAN. The budget for FY2018 was requested early last year and the interest owed on these BANS due on May 18, 2018 was calculated using an estimate and based on an interest rate of 1.75%. When the actual borrowing settled on May 18, 2017 the rate of interest came in higher at 2.00%, which in result required a higher interest payment to be budgeted on each of the projects. Due to an oversight the additional interest was not requested which is leaving a shortfall for the payment of interest due on May 18, 2018. Therefore, the Mayor hereby requests Your Honorable Body make the following transfers:

\$2,941.44 from Account 11241000-578300 (City Wide - Reserve Fund for Transfer) to Account 17001000-592510 (General Government - Interest on Temp Borrowing)

\$1,146.47 from Account 11241000-578300 (City Wide - Reserve Fund for Transfer) to Account 13001000-592510 (School - Interest on Temp Borrowing)

\$14,143.62 from Account 6100-578300 (Water Enterprise Fund - Reserve Fund for Transfer) to Account 6100-592510 (Water Enterprise Fund - Interest on Temp Borrowing)

\$11,775.80 from Account 6000-578300 (Wastewater Enterprise Fund - Reserve Fund for Transfer) to Account 6000-592510 (Wastewater Enterprise Fund - Interest on Temp Borrowing)

As we know, it is of the utmost importance that all debt payments be made in full and on time in order for the City of Attleboro to preserve its favorable bond rating.

In accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro, the Mayor respectfully requests Your Honorable Body to consider this as an emergency measure. (Voted as an emergency measure on May 1, 2018) (5/5/1/18)

2. The Mayor respectfully submits a communication from City Collector Debora Marcoccio regarding an Appellate Tax Board (ATB) case concerning tax abatement settlement with LaSalette through the Assessor's office. As part of the ATB settlements with these cases, the interest was not able to be waived and thus must be paid. The calculations for interest due are up to the date agreed upon of May 17, 2017. Therefore, the Mayor hereby requests

Your Honorable Body appropriate \$43,275.30 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 11461000-592510 (Collector-Interest). (Copies in your packets)

(7/5/1/18)

LICENSES

Laura Dolan, Chairperson

1. Communication from Attorney Edward Casey to Laura Dolan, Chairperson of the License Committee relative to Stateline Auto Brokers, Inc. 1115 Washington Street, Attleboro, MA. (5/1/18)

CITY PROPERTY & CLAIMS

Sara Lynn Reynolds, Chairperson

1. On February 20, 2018 the traffic signal at the intersection of North Main Street and Elizabeth Street was hit and needed to be replaced. Although a claim was put through the insurance company, it was urgent that this traffic signal be replaced immediately. An internal transfer was made from City Wide-Street Lights Account to City Wide-Traffic Control Lights Account in order to make the necessary repairs. To date, a payment from the insurance company for this claim has not been received and the funds need to be replenished in City Wide-Street Lights to pay the bills for the remainder of FY2018. Therefore, the Mayor hereby requests Your Honorable Body transfer \$31,864.30 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11241000-521030 (City Wide – Street Lights). Upon approval, the available balance in Reserve Fund for Transfer will be \$99,193.79. (2/5/1/18)
2. The Mayor respectfully submits a communication from Superintendent of Schools David Sawyer regarding the donation of a MakerBot Replicator 5th Generation 3-D Printer valued at \$1,350.00 from Michael VanHamel to be used to promote project-based learning in the Hill-Roberts Library. In accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, the Mayor hereby requests Your Honorable Body to accept this generous donation to the City of Attleboro. (Copies in your packets) (4/5/1/18)

PERSONNEL AND HUMAN SERVICES

Diana Holmes, Chairperson

1. To elect Virginia Stuart, 101 South Avenue, Attleboro, as Administrative Assistant to the Municipal Council for a term of two years. Term to end February 2020. (New Business—Mr. Cooper and Ms. Porreca) (5/1/18)

ORDINANCES, ELECTIONS & LEGISLATIVE MATTERS

Julie Hall, Chairperson

1. Notice Communication dated April 20, 2018 from Marian Wrightington relative to the demolition of the carriage house at 17 Peck Street, Attleboro, MA recommending that if a demolition is done without permits in hand, the penalty would be a fine equal to the assessed property value as currently listed on the Assessor's records instead of the \$30 fine. (5/1/18)