

**REGULAR MEETING**  
**TUESDAY: April 5, 2016 at 7:00 P.M.**  
**DOCKET**

**APPROVAL OF THE RECORDS OF NOVEMBER 3, 2015; NOVEMBER 4, 2015; NOVEMBER 10, 2015 AND NOVEMBER 17, 2015; DECEMBER 1, 2015; DECEMBER 15, 2015; AND DECEMBER 22, 2015; JANUARY 5, 2016; MARCH 1, 2016 AND MARCH 15, 2016. EXECUTIVE SESSION MINUTES OF SEPTEMBER 6, 2011 AND SEPTEMBER 27, 2011; JANUARY 17, 2012; FEBRUARY 7, 2012; APRIL 10, 2012; MAY 1, 2012; APRIL 16, 2013; AUGUST 20, 2013; DECEMBER 17, 2013; NOVEMBER 17, 2015; AND DECEMBER 15, 2015.**

**PUBLIC HEARING** relative to the following:

Delete in its entirety and replace with the following:

Section 12-3.7 Capron Park Zoo Admission Fees and Policies Amended 6/24/10

Section 12-3.7 Capron Park Zoo Admission Fees and Policies:

|                                   | RESIDENTS     | NON-RESIDENTS |
|-----------------------------------|---------------|---------------|
| Children (under age 3)            | FREE          | FREE          |
| Youths (age 3 – 12)               | <b>\$6.50</b> | <b>\$7.50</b> |
| Adults (age 13 and over)          | <b>\$7.50</b> | <b>\$9.00</b> |
| Senior Citizens (age 65 and over) | <b>\$5.75</b> | <b>\$6.75</b> |
| Military                          | <b>\$4.75</b> | <b>\$4.75</b> |

Group Rates for five or more individuals of non-profit organizations only are:

|                          | RESIDENTS     | NON-RESIDENTS |
|--------------------------|---------------|---------------|
| Children (under age 3)   | FREE          | FREE          |
| Youths (age 3 –12)       | <b>\$6.00</b> | <b>\$7.00</b> |
| Adults (age 13 and over) | <b>\$7.00</b> | <b>\$8.50</b> |

**ANNUAL MEMBERSHIPS**

***Household Membership - \$70.00 – Includes two (2) adults over the age of eighteen (18) and up to four (4) children under the age of eighteen (18)***

Senior Citizen Membership – **\$60.00** - Includes two (2) senior citizens (age 65 and over) and up to four (4) grandchildren under the age of eighteen (18).

Individual Membership – **\$40.00** - Includes one (1) individual over the age of eighteen (18).

Household Plus Membership – **\$80.00** - Includes two (2) adults over the age of eighteen (18) and up to four (4) children

under the age of eighteen (18) plus one (1) caregiver.

An adult must accompany all children under the age of 13 years. School age persons may not enter the zoo during school hours unless accompanied by a chaperone.

Disabled people, whom are assisted by a working dog, must be accompanied by a staff member when visiting the zoo.

The Superintendent of Parks and the Zoo Director shall have the authority to waive the admission fee during inclement weather.

The admission fee or pass shall cover the entire day. Persons will be permitted to leave and re-enter the zoo on the same day without having to pay an additional fee. *This is during regular zoo hours only.*

The Superintendent of Parks & Forestry and the Zoo Director shall be responsible for implementing the provisions of this ordinance and for the safekeeping and accounting of the monies collected. All monies collected from admission fees shall be deposited in a revolving fund in accordance with the provisions of MA General Laws, Chapter 44, Section 52 1/2E. All persons involved in the handling of such monies shall give bond to the City of Attleboro in the amount determined by the City Treasurer.

Friends of Capron Park Zoo who are active in the organization do not pay entrance into the zoo. All other programs offered by the zoo are at normal cost.

Residents with a financial need may obtain free passes to the zoo through various agencies or by contacting the zoo office. Information regarding the availability of free passes will be posted at the zoo.

This ordinance shall become effective immediately upon passage.

**PUBLIC HEARING** relative to the Administration's proposed Program Year 2016 Community Development Block Grant Entitlement Budget for the CDBG entitlement year July 1, 2016 through June 30, 2017, the proposed Program Year 2016 Annual Action Plan, and to request that the Mayor, on behalf of the City of Attleboro, be authorized to submit to the Department of Housing and Urban Development the proposed CDBG budget and proposed activities to be undertaken during the upcoming CDBG entitlement year.

## **ODINANCES, ELECTIONS & LEGISLATIVE MATTERS**

**James J. DiLisio, Chairperson**

1. As you may recall, on 6/24/14, Your Honorable Body took the following vote:

Voted on Roll Call—11 yeas—0 nays to approve the request of the Mayor to accept the provisions of Chapter 32B, Section 20 of the Massachusetts General Laws, which authorizes the establishment of an "Other Post-Employment Benefits Liability Trust Fund (OPEB Trust Fund)".

At that time, it was the Mayor's intention to draft an actual OPEB Trust document and administer it "in house" with the assistance of the Attleboro Contributory Retirement Board (ACRB) acting as the "trustee" of the trust. But before a final decision/draft of the trust agreement was approved by the ACRB, an opportunity arose for the City to participate in the Plymouth County OPEB Trust ("PCOT") program. This program has now become available to all public entities in Southeastern Massachusetts (Barnstable, Bristol, Norfolk counties), including Attleboro.

When meeting with representatives from PCOT, including Plymouth County Treasurer, Thomas J. O'Brien, it became apparent that PCOT will bring collective investment, legal, and administrative economies of scale to communities like Attleboro that are taking serious steps toward funding its future "OPEB" liabilities.

Therefore, the Mayor respectfully requests that Your Honorable Body adopt the following resolution, which has been approved by City Solicitor Robert Mangiaratti:

A VOTE OF THE CITY COUNCIL  
OF THE CITY OF ATTLEBORO  
AUTHORIZING PARTICIPATION IN THE  
PLYMOUTH COUNTY OPEB TRUST PROGRAM (PCOT)

WHEREAS the City of Attleboro (the "City") has accepted the provisions of M.G.L. c.32B, §20; and

WHEREAS Plymouth County sponsors the Plymouth County OPEB Trust Program (PCOT); and

WHEREAS the City is eligible to participate in PCOT, a program designed to fund post-employment benefits for its employees as specified in the City's policies and/or applicable collective bargaining agreements; and

WHEREAS it is determined to be in the best interest of the City to adopt the Public Agencies Post-Retirement Health Care Plan Trust, a tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Internal Revenue Code, as amended, and the relevant statutory provisions of the Commonwealth of Massachusetts; and

WHEREAS the City's adoption and operation of the program has no effect on any current or former employee's entitlement to post-employment benefits; and

WHEREAS the terms and conditions of post-employment benefit entitlement, if any, are governed by contracts separate from and independent of the program; and

WHEREAS the City's funding of the program does not, and is not intended to, create any new vested right to any benefit nor strengthen any existing vested right; and

WHEREAS the City reserves the right to make contributions, if any, to the program.

NOW THEREFORE, BE IT RESOLVED THAT:

The Attleboro Municipal Council ("Council") hereby approves participating in the Plymouth County OPEB Trust Program (PCOT); and

The Council hereby adopts the Public Agencies Post-Retirement Health Care Plan Trust, including the Public Agencies Post-Retirement Health Care Plan, effective [date of vote], 2016 (the "Trust"); and

The Council hereby appoints the Treasurer or his/her successor or his/her designee as the City's Plan Administrator for the Trust. The Plan Administrator shall act on behalf of the City in all matters relating

to the City's participation in the Trust, including, but not limited to, authorizing the investment of assets in PCOT's investment pool, providing directions to the Trustee and/or the Trust Administrator, and authorizing contributions and disbursements from the City's trust assets; and

The Council hereby appoints the PCOT Investment Committee for the oversight of investments; and

The City's Plan Administrator is hereby authorized to execute the legal and administrative documents on behalf of the City and to take whatever additional actions are necessary to maintain the City's participation in the Trust and to maintain compliance of any relevant regulations issued or as may be issued.

ATTLEBORO MUNICIPAL COUNCIL

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Stephen K. Withers, the City Clerk for the City of Attleboro, hereby certifies that the above foregoing vote was duly and regularly adopted by said City at a regular meeting thereof held on the \_\_\_\_\_, 2016.

IN WITNESS WHEREOF I have hereunto set my hand and seal this \_\_\_\_\_, 2016.

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City Clerk

**ZONING & LAND USE**  
**Julie A. Hall, Chairperson**

1. Updated Rezoning Petition dated March 3, 2016 relative to the property at 144, 146, 150, 152 and 156 Pleasant Street reflecting a change in 5(d) from General Residence-B to General Residence-A. (Joint Public Hearing with Planning Board scheduled for 04/19/2016)
2. Rezoning Petition from Alvit Realty, Inc. relative to 67 Mechanic Street, Assessor's Plat 41, Lot 102C to change the current zoning from Industrial to General Residence A. (Joint Public Hearing with Planning Board scheduled for 04/19/2016)

**CAPITALIMPROVEMENTS & CITY DEVELOPMENT**  
**Richard J. Conti, Chairperson**

1. The Mayor respectfully submits a communication from Acting Superintendent of Water Paul Kennedy regarding the need to fund an Asset Management Plan for the City's Water Distribution System, which is outlined in the Water Enterprise Capital Improvements Program. This request of funds will be for the first two (2) phases of a three (3) phase project. Phase A would consist of a Capital Efficiency Plan which includes hydraulic modeling, system criticality and asset management. Phase B would consist of a Water Systems Master Plan which will focus primarily of watershed protections, water treatment,

pipng distribution and recommended improvements and priorities included in the proposed Capital Efficiency Plan. Therefore, the Mayor hereby requests Your Honorable Body appropriate \$122,500.00 from Account 6100-359000 (Water Enterprise Fund Retained Earnings) to Account 6100-530145 (Water Enterprise Fund – Distribution Assets Study).

### **LICENSE**

#### **Jeremy Denlea, Chairperson**

1. Communication from VFW Post 115, 122 Park Street, Attleboro, MA requesting permission to hold the annual Poppy Drive on Saturday, May 14, 2016 with a rain date of Saturday, May 21, 2016.
2. Application for a Renewal 2016 Ring a Bell License to sell ice cream on the streets of Attleboro from Alejandro Arteaga, d/b/a Palagis Ice Cream, 55 Bacon Street, Pawtucket, RI.
3. Application for a 2016 Renewal Hawkers & Peddlers license from Alejandro Arteaga, d/b/a Palagis Ice Cream, 55 Bacon Street, Pawtucket, RI.
4. Application for a New Hawkers & Peddlers license from Richard McLaughlin d/b/a Big Team Ice Cream, 210 Richardson Avenue, Attleboro, MA.
5. Application for a New Ring a Bell License to sell ice cream on the streets of Attleboro from Richard McLaughlin d/b/a Big Team Ice Cream, 210 Richardson Avenue, Attleboro, MA.

### **BUDGET & APPROPRIATIONS**

#### **Shannon M. Heagney, Chairperson**

1. Certificate of Vote from the Planning Board, dated March 8, 2016, voting unanimously in the affirmative (7 Yeas, 0 Nays) to recommend to the Municipal Council that the Loan Order, in the amount of ONE MILLION TWO HUNDRED AND FOUR THOUSAND (\$1,204,000.00), for the purpose of purchasing vehicles and equipment for the Fire Department and Police Department is consistent with *Section VI.(I) Public Safety, Goal 15* and *Section VI.(J) Municipal Facilities, Goal 16* of the City's COMPREHENSIVE PLAN.
2. The Mayor respectfully submits a communication from Chief Assessor Stanley Nacewicz regarding the need for funds for the last part of the Triennial Revaluation. As you may recall, during the last two (2) fiscal years, Your Honorable Body appropriated funding as part of a three (3) year contract with Northeast Revaluation Group, LLC, Inc. to perform the standard maintenance services in Fiscal Years 2015 & 2016. The last portion of this contract is to perform a Triennial Revaluation in Fiscal Year 2017. In order to get the work underway and avoid any delays, the appraisers need to be back in the field in the next month. Therefore, the Mayor hereby requests Your Honorable Body appropriate \$138,800.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 11411000-591490 (Assessor-Revaluation).

3. Due to the increased costs associated with the delivery charge on National Grid accounts throughout the City, the Mayor's office asked all City departments to review the available balances in their accounts. This review found four (4) departments will need additional funding for the remainder of FY2016. Therefore, the Mayor hereby requests Your Honorable Body appropriate \$115,478.23 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to the following:

\$25,000.00 to Account 11241000-521020 (City Wide – Lights & Power)  
 \$75,000.00 to Account 11241000-521030 (City Wide – Street Lighting)  
 \$2,850.00 to Account 14201000-521020 (Public Works – Lights & Power)  
 \$3,000.00 to Account 15411000-521020 (Council on Aging – Lights & Power)  
 \$6,500.00 to Account 16101000-521020 (Library – Lights & Power)  
 \$3,128.23 to Account 16301000-521020 (Recreation – Lights & Power)

**CITY PROPERTY & CLAIMS**  
**Sara Lynn Reynolds, Chairperson**

1. For study and recommendation:

That the following items be accepted as a donation to the Office of the Municipal Council from an anonymous donor, in accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro:

- 1 used HP Officejet 6500A Plus Printer/Copier/Fax Machine with an estimated value of \$150.00 in good working condition
- 1 New HP 920 XL black inkjet printer cartridge with an estimated value of \$12.00

2. The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding a surplus item that the Collector's office would like to declare surplus and hereby respectfully requests Your Honorable Body to declare the following as surplus and available for disposition:

| <b><u>QUANTITY</u></b> | <b><u>DESCRIPTION</u></b>                       | <b><u>CONDITION</u></b> |
|------------------------|---|-------------------------|
| 1                      | Cannon IR3570 Copy Machine<br>installed in 2006 | Poor                    |

3. The air conditioning unit in the computer/server room located in the basement of City Hall needs to be replaced. It is critical that this room have climate control at all times. Temporary repairs have been made at this time to keep this unit running until funding has been secured for replacement. Therefore, the Mayor hereby requests Your Honorable Body transfer \$5,673.72 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11241000-524011 (City Wide – Maintenance of Buildings). Upon approval, the available balance in Reserve Fund for Transfer will be \$69,568.64.

**PERSONNEL & HUMAN SERVICES**  
**Mark J. Cooper, Chairperson**

1. The Mayor respectfully submits a communication from Director of Recreation Dennis Walsh regarding the need for funds in order to have services provided by Patriot Goose Patrol through the remainder of FY2016. These services provide specially trained border collies to help deal with our ongoing geese problem on our athletic fields. The border collies combined with our program of continually thatching

and sweeping the fields provides our residents with clean and safe playing surfaces. Therefore, the Mayor hereby requests Your Honorable Body transfer \$2,250.00 from Account 1124100-578300 (City Wide – Reserve Fund for Transfer) to Account 16301000-530101 (Recreation – Professional Services). Upon approval, the available balance in Reserve Fund for Transfer will be \$75,242.36.

2. The Mayor respectfully submits for confirmation by Your Honorable Body the appointment of Robert J. Gay, 23 Berndt Drive, Attleboro, to fill an expired term on the Election Commission. Term to expire February 2020.
3. The Mayor respectfully submits for confirmation by Your Honorable Body the appointment of Marcus Robbins, 20 Ashton Road, Attleboro, to fill an expired term on the Board of Assessors. Term to expire February 2019.
4. The Mayor respectfully submits for confirmation by Your Honorable Body the following appointments to the Youth Commission to fill expired two year terms.

| <u>Name</u>       | <u>Appointment</u> | <u>Term</u> | <u>Expires</u> |
|-------------------|--------------------|-------------|----------------|
| Ashley Rosolowski | Youth Commission   | 2 Years     | February 2018  |
| Logan Gallagher   | Youth Commission   | 2 Years     | February 2018  |

5. The Mayor respectfully submits for confirmation by Your Honorable Body the appointment of Sheryl Guglielmo, 24 Colleens Way, Attleboro, to fill an unexpired term on the Planning Board. Term to expire February 2020.

**PUBLIC WORKS**

**Kate M. Jackson, Chairperson**

1. The Mayor respectfully submits a communication from Superintendent of Public Works Lance Hill regarding the need for funding for street repairs. The Department of Public Works needs to make permanent street repairs to 27 temporary patches due to numerous water breaks in the City throughout the winter. Additionally, Police Details are required to complete the work. Therefore, the Mayor hereby requests Your Honorable Body appropriate \$39,752.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to the following:

\$31,656.00 to Account 14201000-553010 (Public Works – Street Maintenance)  
 \$8,096.00 to Account 14201000-530101 (Public Works – Professional Services)

2. The Mayor respectfully submits a communication from Superintendent of Wastewater Paul Kennedy regarding the need for funds for resident engineering services and SCADA integration costs. The construction bids for the new diffused air system at the wastewater treatment plant came in unexpectedly high and additional funds are needed for the resident engineering services and SCADA integration costs. Therefore, the Mayor hereby requests Your Honorable Body appropriate \$63,900.00 from Account 6000-359000 (Wastewater Enterprise Fund – Retained Earnings) to Fund 3217 – Diffused Air System.