

**In Municipal Council
Regular**

**JANUARY 20, 2015
7 P.M.**

MEMBERS PRESENT: Vice-President Peter Blais. Councilors: Ronald Churchill, Richard Conti (entered the meeting at 7:27 P.M.), Mark Cooper, Jeremy Denlea, Shannon Heagney, Brian Kirby, Heather Porreca, Walter Thibodeau and Jonathan Weydt.

MEMBERS ABSENT: President Frank B. Cook

Acting President Blais led the Council and the audience in the Salute to the Flag.

Acting President Blais reminded Councilors and the audience to turn off all cell phone devices as it interferes with the cable broadcast.

A motion was made, duly seconded and unanimously voted to approve the minutes of December 16, 2014. All were in favor.

Voted on Roll Call—9 yeas—0 nays (Cook absent and Conti absent from the vote) to Suspend the Rules in order to hold a Capital Improvement & City Development Committee meeting.

Continued from the Meeting of January 6, 2015: PUBLIC HEARING relative to the layout and acceptance of Roadway D (Opportunity Drive) as shown on the mylar plan entitled "PLAN AND PROFILE OF ROADWAY, OPPORTUNITY DRIVE, IN THE CITY OF ATTLEBORO, MASS, BRISTOL COUNTY", being approximately 364.5 feet in length from STA 0+00 to STA 3+64.50, drawn and engineered by Douglas E. Miller, P.E. (Civil #33965) of Goldsmith, Prest & Ringwall, Southeast, LLC, 500 East Washington Street, North Attleboro, MA 02760, dated May 4, 2011.

Acting President Blais continued the public hearing to the meeting of February 3, 2015.

Acting President Blais announced that the Council Chambers, Annex Room and hallway allow for a maximum capacity of 202 people and that the joint public hearing would be postponed and held at a larger facility if there are more than 202 people in attendance.

JOINT PUBLIC HEARING relative to application of the Attleboro Municipal Council, 77 Park Street, Attleboro, MA for the "Discontinuance Plan of a Portion of Harvard Street" by E. Otis Dyer, 368 Fairview Avenue, Rehoboth, MA identified as Parcel A (880 Square Feet) being located on Assessor's Plat #90, bounded by Plat #90, Lots #230, 231, 232 and 233 and Plat #91, Lot 6B.

Acting President Blais read the following statement into the record:

Any person appearing before the Council must address the council as a whole and not individual councilors

Those in support of the discontinuance of a portion of Harvard Street will speak first. Each person shall come to the podium and give their name and address. With large groups of residents, it is recommended that you may consider selecting members of your group to speak. A maximum ninety minute time period is given to hear those in support.

Those in opposition of the discontinuance of a portion of Harvard Street will speak next. Each person shall come to the podium and give their name and address. With large groups of residents, it is recommended that you may consider selecting members of your group to speak. A maximum ninety minute time period is given to hear those in opposition.

Those speaking neither for nor against the discontinuance of a portion of Harvard Street shall speak last. Each person shall come to the podium and give their name and address. A maximum thirty minute time period is give to hear those neither for nor against.

A sign in sheet will be circulated so that all in attendance can sign in (either support or opposition) and this will be made part of the record. In addition, any statements read into the record should be given to the Administrative Assistant. It would be helpful if the statements read into could also be emailed to the Council.

He went on to say that President Cook is the Acting Mayor as Mayor Dumas is in Washington, D.C.

Speaking in favor was Mary Cote, 1 Harvard Street, Attleboro, MA. She read the following statement into the record:

My name is Marian Cote. I am a resident of Harvard Street and I am against the opening of the street for the convenience of the Feehan parents. The Feehan parents driving to school to drop off their children have three other roadways by which to access the school—Stobbs Drive, Holcott Drive and Commonwealth Avenue. Because they choose not to use all the available streets should not then require that our street and our safety be sacrificed for their convenience.

Fourteen yeas ago, Feehan bulldozed through to access the end of our dead-end street and then directed both cars and school buses down it without conversation and without consideration for the neighborhood nor for the safety of the residents. Yet now that they have decided to reopen the issue, safety is the word most often used by their claims and yet they have put forth nothing to support that claim. Using the word does not make it true. However, safety becomes a huge concern for a small neighborhood street populated by elderly residents and young families. For Feehan, I do not see an issue of safety but rather an issue of convenience and the convenience of all those non-Attleboro residents should not outweigh our concerns and should not endangered our neighborhood.

Secondly, I would like to take exception to something that has been reported in the papers as a compromise. I believe it had been presented as such by our friends at Feehan and so it has been widely reported. The idea of limiting the access to the street come about only after it was pointed out to Attorney Casey and Mr. Servant at our first meeting in June that by opening the street 24 hours a day, 7 days a week, as proposed, they would then create a desirable cut

through right across their own campus for anyone trying to save a few minutes getting to the highway. It was obvious by the looks on their faces that neither one had even given that prospect a moment's consideration.

Curiously though by the next meeting, this new idea of restricting access was presented as a compromise. It was not a compromise for our benefit and had nothing to do with any of our concerns.

However, something I do find concerning is that there seems to be a complete lack of understanding regarding the consequences of their own actions and how those actions would impact their own safety let alone ours and that in turn makes me wonder how well thought out the whole project was from the get go.

Ladies and gentlemen of the council, I thank you for allowing me to speak.

Speaking in favor was Michael McCue, 3 Harvard Street, Attleboro, MA. He stated that the gate at Bishop Feehan is for emergency use only. He distributed information to the Council which described the importance of the quality of life in residential neighborhoods. He went on to say that other streets in the neighborhood would also be affected and that Bishop Feehan should use a non-residential road and not travel through a residential road. He stated that half of the pedestrian deaths occur on residential streets and that Harvard Street does not have adequate crossings or sidewalks. He stated that Stobbs Drive does have sidewalks on both sides of the street and road markings. He questioned the traffic report findings that the volume of 1,000 vehicles per day would not have a significant effect. He stated that there are presently 180 trips per day and that adding this large number of vehicles, the traffic generated would be like a small shopping mall. He stated that there would be a very high volume of traffic during certain times and that the increase in the traffic on Harvard and other side streets would adversely affect the quality of life and would possibly lower property values. He explained that he purchased the home expecting to raise a child on a dead end street. He asked that Bishop Feehan first try to improve the traffic within its internal site and have a plan for better circulation. He displayed a plan that allows for no crossing over patterns. He also voiced safety concerns for new teenage drivers on a residential street.

Richard Conti entered the meeting at 7:27 P.M.

Speaking in favor was Tom Dion, 17 Harvard Street, Attleboro, MA. He read the following statement into the record:

I have lived in this neighborhood for over 40 years--the last 27 at 17 Harvard Street. Using Harvard Street as an entrance to the high school was a bad idea 50 years ago, a bad idea 13 years ago and it continues to be a bad idea today. I believe in this day and age it would be nearly impossible to find a designer of a high school that would configure a 700 ft straight road through a thickly settled residential street as an acceptable entrance to a high school. The road as it currently sits is not wide enough, lacks sidewalks and for the hundreds of cars to travel over it twice a day would be unsafe. Thirteen years ago the sitting City Council had started to talk about discontinuing the end of the street. The plan was scrapped when then Fire Chief spoke up

that the gate should remain for emergency purposes. Anyone who has driven down the street during school hours would notice that there are three parking spaces which are used daily and anyone in public safety would understand that the chances of finding the owners of those cars blocking the gate and having them moved during an emergency would be next to impossible.

When I purchased my land on Harvard St. from a longtime neighbor, now deceased RJ Small in 1987, and had my house built the only thing Mr. Small ever told me about the end of the street was to never voluntarily allow the school to use the road. He indicated the road was shut on an agreement between the school and the neighborhood and here we find ourselves asking help from the City so the school does not use the road--so much for verbal agreements. This situation has a big of David and Goliath feel to it as during the first most recent meeting with representatives from the school it was stated that there are currently close to 1100 students attending. I'm no Math major but even if a hundred students are on scholarship that means the school takes in 10 million a year on tuition alone. I've looked at the homes in my working class neighborhood and no one makes that kind of money.

I also have to ask where else a private entity is allowed to have so much control over a public way as the school has proposed, indicating they would only use the gate twice daily while school is in session. Are they going to place an electronic sign board where the dead end sign used to be on North Avenue to indicate to the public when the gate is in use? I would ask if this Council decides against discontinuing the street then please also allocate the necessary funds to bring the road up to today's safety standards and put in place restrictions so we do not have to worry about if the road will be used whenever the school feels like it. The school has done many construction projects right off Stobbs Drive, they've built Walsh Field, new tennis courts and rehabbed the old convent. The school has always had the ability to put a road in from Stobbs Drive that would access the parking lot abutting Harvard Street. The school had... and continues to have choices to run their campus safely without using Harvard Street as another entrance.

Please vote for the discontinuance of the school end of Harvard Street.

Thank you!

Tom Dion

Speaking in favor was Pam Folan, 16 Harvard Street, Attleboro, MA. She read the following statement into the record:

I live at 16 Harvard Street. I'm here before the City Council to plead with you to discontinue Harvard Street once and for all.

This street has been closed for 50 years except for one week back in 2001, when Mr. Servant opened it. There was a "Gentleman's Handshake" back in the early 1960's to keep this street closed after a child was hit by a car. The gentleman who was our neighbor gave the diocese land to square off the land to Feehan in this agreement.

I bought my house a little over 30 years ago knowing it was a DEADEND. Can anyone tell where Harvard Street ends—if it goes into the parking lot then the street doesn't end. Show how many cars come and go. How many get dropped off, how many from out of state and how many cars stay for the day.

Stobbs Drive has no homes so I don't know why you need our street.

My husband comes home at 5:30-6 p.m. from Holden Street and traffic is backed up as far as you can see in both ways, but they don't get a light like Feehan did.

Unfortunately this won't be over. There is something else Mr. Servant wants. How many times do the taxpayers of Attleboro have to pay for this private school, when we need the money for our public schools.

All new neighbors have bought in recent years knowing the street is a deadend. Should they sue their realtors or the city?

There are laws about emptying or entering a parking lot into a residential area. Tom Dion's driveway is less than 30 feet from the mouth of the land.

Every winter, snow is plowed right to the gate which doesn't make it an emergency exit. Cars also park right in front of the gate and there are parking lines.

Mr. Servant's study he offered in his meetings didn't show anything. There are no numbers. Please end this once and for all.

Speaking in favor was Steve Cote, 1 Harvard Street. He read the following statement into the record:

So here we are again. Its 14 years since we last addressed this issue. That's a fairly long time. And with agreement 14 years ago by the city to install a traffic light at the end of Holcott and the use of the gate in the event of emergencies most of us felt that the issue had been settled. The fact that we are back to debate this issue once again certainly makes it appear that the Feehan administration has been coveting access to the roadway all this time since the last settlement.

And, coveting, as I seem to recall does not seem to fit with the principles espoused by Feehan High School.

For some of you who assisted in the first campaign this will all be old news.

For those new to the city council, while it is not my intention to relate a blow by blow description of Feehan's first attempt to gain access to the street, a brief summary might prove helpful in understanding the perspective of the residents.

On or about August 20, 2001 residents noticed an unusual level of activity at the end of Harvard Street. A number of workmen scrambled over the 4 foot dirt berm that had protected the neighborhood from automobile traffic for many years. The street as you all know is marked as a Dead End street and has been for many years. As it became clear the workmen were working to breach the berm a number of residents contacted Feehan administration with questions about this activity. There was no information shared in advance with the residents about their plans.

Feehan's intentions quickly became quite clear. They intended to open a dead end street to automobile, school bus, trash collection and delivery vehicles traffic 5 days per week and over the weekends and evenings for school events, football, basketball games, etc. to service their institution.

With the berm serving as somewhat of a levee, residents were alarmed at the prospect of a Katrina like flood of traffic that would negatively impact the residents of Harvard, Tufts and Yale Street.

Over the course of a few weeks residents and the Feehan administration made their individual cases to the city council, traffic commission and the Sun Chronicle readership that serves the large majority of Feehan clients.

To alleviate Feehan's concerns with traffic it was agreed to install a light at the Holcott/North Main Street intersection to help with the flow of traffic. The berm that once existed would not be restored but, instead, a gate would be installed that would be locked. It would serve as an access point, should it ever be needed, for emergency services. This seemed satisfactory to the residents and Feehan and that, we concluded, was that.

Fast forward to the present where now, Feehan administration's current plan. Unlike the previous incursion, in this case the Feehan administration leadership sent a letter to all residents notifying them of their intention to press their case with the city to open the roadway. Residents were invited to attend a meeting at Feehan to learn about the administration's justification to open the roadway. The primary purpose to open the road way was to improve safety on the campus. No mention of the resident's safety to a higher volume of traffic.

The administration's decision to open access to Harvard Street was to be supported by an engineering firm that conducted a study that supported Feehan's belief that Harvard Street access was necessary.

We expected at this initial meeting to see detailed traffic study and receive a report issued by the engineering firm.

There were no handouts at the initial meeting and the only diagram was an aerial view of the campus. A vague overview of the engineering firms' findings were described to us by an attorney hired by the Feehan administration.

At the conclusion of this first meeting some residents asked for more specifics about the engineering study. It was suggested that perhaps the study could be posted on the Feehan Web site for anyone to be able to download and review.

What most of us were looking for was to see a copy of the engineering study as it was presented to Feehan showing all the contingencies, traffic volume estimates, traffic calming strategies, etc, and all of the possible alternatives beside opening Harvard Street.

What some residents received by e-mail after the first meeting and distributed to others prior to a second follow up meeting was, what appeared to be abridged version of the traffic study that seemed to support the opening of Harvard Street as the only viable alternative. We wondered if we were being “hoodwinked” by this lack of information?

With regard to the traffic going into the campus I can certainly understand why a Feehan parent who is paying \$9550 per year for a high school education-might want to be able to drive right up to the building to drop off their child.

With around 1000 students that equates to annual revenues of about \$955,000 per school year (9 months). This is a fairly good business.

And like any business it wants to grow and we believe the long term goal is full and total access to the neighborhood 24 hours a day, 7 days per week as necessary for the growth of their business.

In the winter months Harvard Street can become a snow packed, narrow, icy roadway that we believe will present a hazard to drivers and residents. Some residents have noted the speed at which some Feehan parents travel down the roadway now to drop off their children at the emergency gate rather than wait in line to drop them off at the building.

As it has been stated the primary reason for opening the roadway was improve Safety on the campus.

The Emergency Gate, like an internal emergency exit should be clear at all times. You can see from the photos it is not.

In fact lines are painted encouraging students to park in front of the gate.

The Safety Issue is a red herring in my view, the primary motivation for opening the gates is for convenience and to allow for possible future expansion plans, whatever they may be

Speaking in favor was Gretchen Robinson, 1 Wood Street, Attleboro, MA. She stated that she lives on a dead end street and that this situation is bigger than one small neighborhood. She explained that her neighborhood is about ½ mile from Harvard Street and that she would not want her street to be used as a cut through for a business. She noted that there are other ways to solve the Bishop Feehan problem without opening up a dead end street and that the school should take into consideration the Harvard Street residents quality of life. She gave an example

of Miriam Hospital that was established in a residential area which grew too large and that parking issues arose. She stated that employees now take a van from a parking lot outside the residential area to the hospital. She noted that high school students could park on Stobbs Drive or Hayward Field and walk to the high school. She stressed the need to collaborate and cooperate.

Speaking in opposition was Attorney Edward Casey, 8 North Main Street, Attleboro, MA representing Bishop Feehan High School who read the following statement into the record:

Good evening Mr. President and members of the council, and Mr. Chairman and members of the planning board. I represent Bishop Feehan High School, as it is one of the schools operated by the Diocese of Fall River. Bishop Feehan opposes this effort to discontinue a portion of Harvard Street, thereby depriving Bishop Feehan of its legal right to utilize Harvard Street for access to and from its campus.

We are aware of the rules implemented by the council to limit the public hearing to 90 minutes per side. I hope and expect that we will be able to meet that limitation, and we will do our best to encourage those who support Bishop Feehan, and wish to speak, that they refrain from repeating the arguments already voiced.

The arguments in opposition will be presented first by the following individuals:

A. Christopher Servant, as he is the president of Bishop Feehan High School. Chris will tell you a little about himself. And he'll talk about the school, its history, and its important role in the last 50 years of the story of Attleboro. He will also lay to rest those concerns expressed by some that the effort to use Harvard Street is merely prequel to a campaign to enlarge the school. Let me be clear: The only plans that exist are to modernize the gym and locker rooms.

Our second speaker is Maureen Chlebek, a professional engineer employed by McMahon Associates, in that firm's Taunton office. Maureen is a traffic engineer with many years of experience dealing with a variety of transportation matters. Maureen will tell you that she was hired to review the traffic conditions on the school campus and on the surrounding roads, and tasked with developing alternatives that would allow for safer and more efficient travel on the campus, and getting to and from the campus.

C. James Castro, of Castro Thresher & Oliveira, is a certified public accountant, alumnus of Bishop Feehan, a local resident, and a trusted city financial advisor. He will speak to some of the financial benefits that accrue to the City as a consequence of the existence of the school.

Now, if you are wondering why Chris is going to speak to the history of Bishop Feehan or Jim Castro is going to speak about the financial impact of Bishop Feehan, it is for these reasons: to eliminate some of the misconceptions about Feehan:

That as a private Catholic high school, it is separate and apart from the community; and, that its presence here in Attleboro is more burden than it is benefit.

So, whatever you think you know about Bishop Feehan, whatever preconceptions you may have brought to this meeting, I ask that you listen with an open mind.

How is it that we find ourselves here tonight? Well, as Chris will tell you, it started when the school administration realized that there were potential safety issues with the type of traffic and the movement of that traffic on the school campus: on any given day, there are school buses, there are students driving their vehicles, there are students being dropped off by parents or friends, and there are students making their way from parked cars across lanes of traffic and into the school.

Chris engaged Maureen to study the situation, and as she will explain, she developed alternative plans to improve the safety of traffic on campus and as vehicles enter and leave the campus.

Now, it is undisputed that Bishop Feehan has a legal right to use Harvard Street. City solicitor John Lee said so some fourteen years ago. Recently City solicitor Robert Mangiaratti has said so, and I too researched the issue and came to the same conclusion – that Harvard Street is a public way to which Bishop Feehan has a legal right of access. At least at this moment.

Bishop Feehan might have reviewed Maureen's work, and proceeded with plans to use of Harvard Street. After all, it has the legal right to do so.

But Chris Servant thought it appropriate to explain to the neighbors what the school wished to do. This past June, the neighbors on Harvard Street and Holcott Drive were invited to meet with him to learn the details of the school's plans. The neighbors on Harvard Street expressed their concerns. And after listening to those concerns, Bishop Feehan revised the proposal to limit the use of Harvard Street to a brief period in the morning and in the afternoon. This meant that Harvard Street would not be available for use by motorists most of the time. The neighbors on Harvard Street were still un-persuaded, and remained unwilling to compromise, which was a little surprising to me.

We live in a world that changes each day. We change each day. And we learn to adapt to those changes, some of which are welcomed and some of which are resisted. And it has been my experience that when interests collide, and people bring good will and mutual respect to their negotiations, some form of compromise is achievable. Such has not been our case.

In the summer, as a courtesy to you and the city administration, Bishop Feehan declared its intention to make use of Harvard Street in the way described to the neighbors. To my surprise and disappointment, some city officials said that the plan was 'dead on arrival,' before even listening to the details of the plan.

Thereafter, the municipal council voted to have a plan prepared showing the discontinuance of a portion of Harvard Street right at the end of Harvard Street at the edge of Bishop Feehan's property, and scheduled this public hearing. Somewhat unusual in my experience, the municipal council voted to hold a public hearing for the discontinuance without someone from the council or the administration presenting the case for the discontinuance.

What is the legal theory for the council's action?

Chapter 82 Section 21 of the General Laws establishes a legal basis for the municipal council to layout, modify, and discontinue a public ways.

The Attleboro City Ordinance, Section 16-2 entitled Streets and Ways, gives the council the authority to "lay out, alter, relocate or discontinue streets or ways..."

The legal standard for such action is also contained in the Ordinance, and reads in Section 16-2.3 as follows: If after such [public] hearing the Municipal Council shall adjudge that the public necessity and convenience require the improvement, it shall, as soon as may be, proceed to lay out, alter, relocate or discontinue such street or way.

Argument: In order for you to vote in favor of this proposal you must adjudge that public necessity and convenience require that action. We do not use the word 'adjudge' in daily conversation. Even lawyers and judges don't use it in daily conversation, however boring you may think our lives. But the intentional use of a not-often-used word like 'adjudge', which as you know, means, judge, deem, find, pronounce, proclaim, or rule, is designed to alert you to the importance of the decision you are going to make. I suggest it is intended to remind you of the oath of office that you took as municipal councilors. There is a quasi-judicial aspect to this hearing. You are sitting in judgment. And in order for you to vote in judgment on this petition for the discontinuance, you must be persuaded that the public convenience and necessity require this action. Note the word 'require'. The drafters of the ordinance might have used other words with more leeway. They did not. I suggest to you that the word 'require' effectively means that you must conclude that no other practicable alternatives exist.

And by the way, when you are considering 'public convenience and necessity', does this mean just the residents on Harvard Street? What about the students and faculty of Bishop Feehan? What about their interest as members of the public at large? And finally, what about the long-suffering residents on Holcott Street as members of the public?

Given that Bishop Feehan has offered a compromise that would allow it to address its safety issues with limited use of Harvard Street, I suggest to you that there are insufficient facts for you to adjudge that public convenience and necessity require the loss of Feehan's legal right to use Harvard Street

Mr. Churchill asked Attorney Casey if there is any enabling legislation relative to streets being abandoned.

Attorney Casey replied that the Diocese will pursue the loss of the legal use of the street. He stated that he would research Mr. Churchill's question and report back to the Council.

Speaking in opposition was Chris Servant, 108 Freeman Street, North Attleboro, MA. He read the following statement into the record:

Bishop Feehan High School was built in 1961 as a response to the Attleboro Area's Catholic families who wanted a co-educational faith-based institution for their children. In those early years, close to 100% of the students were Catholics.

The building project had such wide spread support that the chairman of the fundraising campaign was the Honorable Edward A. Lee, a prominent Attleboro High School graduate.

The school opened in 1961 with a freshman class of 200 and was staffed by 6 Sisters of Mercy who lived in a convent on the school property at 70 Holcott Drive. Employing the sisters, (who worked for little or nothing), to operate the school made it affordable to those who wanted a Catholic education.

My older brother, younger sister and I all attended Bishop Feehan. Our family lived on the 1st floor of a 3-story tenement at 5 Hope Street in Attleboro. My mother, a widow at age 30 worked as a waitress at Heagney's restaurant on the corner of Union and Dunham. Although she made a modest income, she paid 18% of that income for us to attend. I have often asked myself, "Why did she make that sacrifice?"

Maybe it was because my dad had died at the age of 30, leaving her with 3 children under the age of 3, and she was desperately looking for help in raising 3 young children? Maybe it was because she believed so strongly in her faith, that she felt compelled to do it? Maybe it was both.

In the 1960's, parents did not send their children to Feehan because their parents were graduates. Feehan had no graduates.

Students did not attend it because the school was an athletic powerhouse. Feehan had never won a game.

In those early years 70% of Feehan's student population came from Attleboro and North Attleboro. My best friends lived on Cote Street (Walsh), East Street (Galligan), Maple Street (Shockro), Mayhew Road (Lee) and Daggett Road (Gazzola). In those days the difference in those locales may have been perceived as significant, but despite our differences, with out Feehan uniforms on, everyone was equal. That was and still is the beauty of that uniform.

Over the past, 50+ years, life has changed.... And so too has Feehan...up to a point.

In 1961 Feehan's mission was "to serve the sons and daughters of the Catholic families of the Attleboro area," and 54 years later that mission remains. Today there aren't as many Catholics at the school, and some of Irish and French kids have been replaced by Portuguese, Spanish, Haitian and Cambodian students.

In 1961, we had no graduates. Today we have over 10, 500.

Until recently, our facilities look just like any other 50 year old high school... old and in need of improvement, and so we have upgraded our athletic fields, classroom buildings, library, heating

system and gymnasium.... All at no expense to the City and with no intention to increase the school population now or in the future.

As the jewelry business has diminished, and the city's population has leveled, and the interstate roadways have reduced distances from cities and towns that were previously unreachable, Feehan's Attleboro and North Attleboro population is closer to 40%. Now we have students from Seekonk, Rehoboth, Norton, Mansfield, Foxboro and Franklin along with Cumberland, Pawtucket, Rumford and Central Falls.

But if I were a student at Feehan today, I could still list my friends as living on Pine Street, Union Street, Carpenter Street, James Street and John Street....because that's where some of our present students live.

One might ask, what all this has to do with opening Harvard Street. I respectfully reply... everything.

For some reason, Bishop Feehan has been portrayed as an elite, detached institution far removed from its original roots, and that perception is set against another mindset that portrays the school as a "taker" who contributes little or nothing to the community. Nothing could be farther from the truth.

An organization, an institution or a team reflects its leadership. Although the leadership of our school has changed from the Sisters of Mercy to lay leadership, those of us who are graduates and/or long-term employees, were all influenced by the Mercy culture—One that embraces the values of hospitality, mercy, service, and pursuit of excellence in all endeavors.

I graduated from Feehan in 1966, and I have worked at the school for 42 years. During that time, I have been a resident of Attleboro or North Attleboro, I have been a member of the Attleboro Rotary Club and the Attleboro YMCA. My physician, my mechanic, my insurance agent, my favorite restaurant, and my youngest daughter are all located in Attleboro.

I am proud to have my name on a military memorial on the Attleboro common for having served two tours of duty in Vietnam.

The City of Attleboro has always been a part of my life... and planted so firmly in the center of the Attleboro community, Bishop Feehan will always be a part of Attleboro as well.

- *For 30 years.. VFW Post #314 in South Attleboro, under the direction of the late Feehan graduate Bob Manosh, has played its summer baseball games at Feehan.*
- *For 20 years, the Attleboro YMCA Jaguars running program under the direction of Ed Poirier has used Feehan's track for their practices and their meets. In fact from 2006-2013, Attleboro High School ran its home track meets at the Feehan track when their track was in need of repair*
- *For 15 years, as part of our AMIGOS program, our top Spanish students have mentored non-English speaking students at Brennan and Wamsutta Middle Schools 2 days a week throughout the school year.*

- *And for 15 years these same students have staffed the St. Joseph's Food Pantry, every Friday night, 52 weeks a year*
- *For 15 years, every December, our students have run a "Santa Shop" in our cafeteria for 250 local families.*
- *The SAGRA girl's softball league and the White Hawks football league have run tournaments and played championship games in Walsh Field and McGrath Stadium.*
- *The local Boy Scouts conduct their annual Order of the Arrow installation in our auditorium.*

And this is just a small sampling of Bishop Feehan's service to the City of Attleboro. I think it is very unfair to paint Feehan as detached from the city or "takers"? Bishop Feehan and its students have brought honor and recognition to the City of Attleboro and will continue to do so into the future.

The history of Feehan's use of Harvard Street has also been misrepresented.

When the school opened in 1961, Harvard Street was one two entrances to the school. Photos and the physical layout of the buildings and grounds clearly prove this.

In 1964, when Rt.95, and later Rt. 495 and Rt. 295, were built changes started developing. The school, like the city was suddenly "on the map" and more accessible to out of the area traffic.

Harvard Street remained one of two main entrances until the early 1970's, when the administration voluntarily chose to discontinue use of the street. The entrance remained unused until the fall of 2001, when construction of the school's new guidance center carried into the school year, and necessitated the use of the Harvard Street entrance until the project was finished.

Following a serious parking lot injury to a student pedestrian in 2010, the school implemented a series of internal traffic improvements that included speed bumps, one-way designations, colored crossways and signage. This past year, the school contracted a professional traffic study group (McMahan & Associates) to analyze the school's traffic situation. The study revealed that the re-use of Harvard Street would have a significant favorable impact upon traffic flow and safety. It was at that time, that we approached the neighbors about using Harvard Street for a brief period of time before and after school.

That initial meeting with neighbors this past June was set against an article in the Sun Chronicle that had quotes from city officials who without even seeing the proposed plan, stated, "the issue is dead on arrival", despite the fact that the city's legal counsel stated that the school had a legal right to use the road.

Feehan listened to the neighbors' concerns in June, then met with them a second time in late August proposing a compromise limiting traffic flow to a 75 minute period in the morning and a 45 minute period in the afternoon on school days only, and we agreed not to open the street until we had the city's endorsement, despite the act that we had the legal right to use the road any time.

I have spoken to the Mayor, the Fire Chief and the Police Chief. I have called every member of the City Council, and I met with any council member, who responded to my call, to explain our position.

Although we could have simply opened Harvard Street, we decided to take the high road in these negotiations and demonstrate patience and sensitivity to the neighbors.

Sadly, I am disappointed that we have not been granted the same courtesy by the city and some of the neighbors. In September, someone illegally pick axed holes in Harvard Street adjacent to the present gate and planted two 5' arborvitaes in the middle of the road. To my knowledge, no city official, including the mayor, has made any attempt to address the matter.

Tonight, Bishop Feehan High School is requesting the City Council to vote down the attempt to discontinue the portion of Harvard Street which abuts our property allowing us to continue our legal access to the road for in-bound traffic only from 6:45 – 8:00 a.m. from 2:00- 2:45 p.m. on 180 school days.

We do not put our safety above that of the neighbors, however we do not put the neighbor's safety above the safety of our students.

And I am willing to say, that even though we have a legal right to use the road as we propose, that if for some reason our plan does not work, then we will make adjustments.

Ms. Porreca asked how many students are enrolled at Bishop Feehan High School.

Mr. Servant answered that 1063 students are enrolled.

Ms. Porreca asked how many students live in Attleboro.

Mr. Servant answered that 187 students live in Attleboro and adds that there are 112 employees.

Speaking in opposition was Maureen Chlebek, a professional engineer employed by McMahon Associates, 300 Miles Standish Boulevard, Taunton, MA. She stated that she is a registered professional engineer with thirty years of experience. She discussed the plan and the project goals and noted that the study has been shared with the Council members. She stated that she identified standard design deficiencies with car circulation, in the pick up/drop off areas, walkers and the conflicts with vehicles and the split island on Holcott Drive. She stated that she is familiar with the dropping off, etc. as her children were students at Feehan. She discussed the potential safety problems and studied how pedestrians leave the cafeteria area and travel to the athletic areas through a parking lot. She also explained the accident analysis report on the surrounding streets and the data that was collected from the traffic counts. She went on to say that input was given from parents, students and staff. She stated that the basic findings revealed a series of locations where there are conflicts that lead to safety concerns. She discussed the tight areas to maneuver vehicles and the safety problems with walkers in the parking lot areas. She went on to say that there would be no increase in the number of students and that the number of

students who are driving to school changes every year (more single new drivers-not allowed to have passengers). She discussed the ongoing modifications and that Bishop Feehan is working with GATRA to see if the bus service could be extended to Feehan with a bus stop. She went on to say that Mr. Servant's biggest goal is for safety and that there is a need to separate the pedestrian and vehicle traffic. She stated that ways to increase the parking capacity and special event parking, new parking areas, bicycle parking and the use of two driveways to drop off students were also included in the study and that there is a need for another driveway for the high school campus. She stated that significant grade changes would have to be made in another area and that this prevented the construction of another driveway. She stated that by using Harvard Street, it would separate some of the pedestrian movement throughout the campus. She estimated that during the morning peak hours approximately 300 vehicles would travel on Harvard Street. She went on to say that Harvard Street is wide enough to accommodate traffic coming into Harvard Street. She stated that at the present time the Harvard Street westbound traffic is at a level "b" from North Avenue and the proposed traffic brings it down to a level "c". She went on to say her firm has recommended that teachers could be supervising the traffic and that priority parking spaces would be given to car pool vehicles. She stated that the traffic on Harvard Street would be one way only for the Bishop Feehan students.

Ms. Porreca discussed the opening of Harvard Street and the discussion that by opening Harvard Street, it would bring relief to the traffic on Route 152.

Ms. Chlebek replied that it may bring a little relief but not a big amount.

Mr. Churchill asked how many vehicles would enter from Harvard Street and park at Bishop Feehan (for the day) and how many make the round trip in the morning.

Ms. Chlebek replied that 800 vehicles would enter in the morning and that 400 would enter and leave.

Planning Board member Kate Jackson asked if the vehicles travelling into Bishop Feehan would be entering only.

Ms. Chlebek answered yes.

Mr. Cooper asked Ms. Chlebek to clarify the difference in the number of vehicles during the peak morning and peak afternoon traffic.

Ms. Chlebek stated that there would be a shorter wait time and that many students stay after school and leave at different times.

Mr. Cooper requested that all the traffic information be forwarded to the Councilors.

Speaking in opposition was James Castro, 32 Hazelwood Avenue, Attleboro, MA read the following statement into the record:

City of Attleboro – James M. Castro
Public Hearing – re: closing of Harvard St.
1/20/2015

First I'd like to start out by saying that everyone can relate to the concerns of the residents on Harvard St. However, this is not a supermarket moving in—bringing additional traffic to the area, this is a long time neighborhood institution requesting to use a road it has every legal right to use-- for a maximum of 2 hours per day. Feehan has always tried to be a good neighbor and will continue to be. The residents of Harvard St. are being asked to bear much, much, less than their neighbors on Holcott Drive; their fellow citizens abutting other schools; and everyone that utilizes Rte 152.

The City is consistently seeking businesses to come and open their doors in Attleboro. The City grants tax incentives and spends millions of dollars in city, state and federal money to attract these businesses. Furthermore the City through its redevelopment authority has utilized its eminent domain powers and employed staff to fund economic development. For many of us long-time residents and local business owners it sometimes feels like the City is always bending over backwards to attract new businesses and takes for granted those of us that have been around and contributing for years.

▲ Why does the City do so much to attract businesses? The answer is always jobs and tax revenue. Businesses don't send kids to school...which as you know is the City's largest budgetary line item. Bishop Feehan provides jobs and not only doesn't send kids to school but educates Attleboro students at a tremendous savings to the City! BFHS is one of the City's largest taxpayers

Based on Annual Per Pupil Cost for the 2013 school year of \$13,527 (state website) and that BFHS historically averages about 200 students from Attleboro the City's budget is reduced by approximately \$2.7 million per year. That's \$2.7 Million that does not have to be paid for with tax dollars. In today's dollars that is well over \$100 million the BFHS has directly contributed to the City over the past five decades! BF receives no incentives, no thank you, no assistance for doing so. They just go about their business and do it.

Bishop Feehan is a Large Employer in the City
Feehan employs over 100 employees in the City of Attleboro. Of these ¼ are City residents and the vast majority live in our surrounding communities. These are permanent jobs for our friends and neighbors and the City, State and federal government didn't invest a dime to "create" them. Why is this relevant? The City has a history of expending incredible time money and effort to attract jobs, industry and tax revenue to the City, often at the sacrifice of neighboring property owners.

In this case, we have a long time contributor to the City's budget and a large employer; that has never received any assistance; that isn't looking for anything (other than to responsibly and legally use a public access way) **and the City is now spending money, time and effort to block this move!**

▲ So what is the City's response for this long standing contributor and employer when they propose to legally ...use.... thispublic.... roadwayin a limited and responsible manner?

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- It has allowed destruction of City property by looking the other way when trees are planted in the middle of a public road

- Some have outright dismissed the use of the road before hearing **any** proposal

- Certain city officials, before hearing, listening, or reviewing any proposal say the idea of legally using a public roadway is “**dead on arrival**”

BFHS has been a great contributor to the community for over fifty years and God willing will continue to be for many, many more. BF will continue to be a good neighbor, a responsible and valued member of this community, and an outstanding educational institution.

But what does all of this tell us about Attleboro?

What does it tell us about the leadership of Attleboro?

What does it tell us about the way the City treats its valued institutions?

What does it tell us about due process?

What does it tell us when neighbors and elected officials are willing to permanently shut down a road before even seeing it in use?

Why is the City taking action when its legal counsel has advised that BF has a legal right to use this roadway and that the City would have to pay damages if it were to take this action?

▲-----
This is the antithesis of everything the City preaches. Instead of spending money to create jobs and increase its tax base it is spending money to take punitive action against an institution that employs over 100 people within her borders, that has a long history of contributing directly and indirectly to her citizens, and that saves the City in excess of \$2M per year in education costs.

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As I said at the beginning, I have empathy for the residents of Harvard ST. but I believe that a legal, responsible and very limited use of a public roadway respects and protects the value, use, safety and enjoyment of their property. Furthermore, their right to protection and enjoyment certainly does not exceed those of BF, those of Holcott Dr., North Main St. or the THOUSANDS of motorists that travel Rte 152 every day.

Speaking in opposition was Duff White, 12 Carnegie Way, Attleboro, MA. He stated that he is a former city councilor and was Chairperson of the Transportation & Traffic Committee. He discussed the traffic issues on North Main Street and that he drops off his son at school at Bishop Feehan every day. He voiced concern of the message that the Council would send to businesses if the street is discontinued. He stated that Bishop Feehan has been a good corporate citizen, sought public input and did everything right and was still told no (to use Harvard Street). He explained that the faculty will make sure no one is speeding and if there is an issue on the street, Bishop Feehan will enforce it. He went on to say that the police and fire chief have not appeared to speak in support of the action (discontinuance of a portion of Harvard Street) that the council is taking.

Speaking in opposition was William Carline, 20 Tyler Street, Attleboro, MA. He read the following statement into the record.

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First I'd like to start out by saying that everyone can relate to the concerns of the residents on Harvard St. However, this is not a supermarket moving in bringing additional traffic to the area, this is a long time neighborhood institution requesting to use a road it has every legal right to use—for a maximum of 2 hours per day. Feehan has always tried to be a good neighbor and will continue to be. The residents of Harvard St. are being asked to bear much, much, less than their neighbors on Holcott Drive; their fellow citizens abutting other schools; and everyone that utilizes Rte 152.

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In this case, we have a long time contributor to the City's budget and a large employer; that has never received any assistance; that isn't looking for anything (other than to responsibly and legally use a public access way) and the City is now spending money, time and effort to block this move!

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~~As our long time City Planner says “the roads are made to be driven on”.~~

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~~Speaking in opposition was William Carline, 20 Tyler Street, Attleboro, MA. He read the following statement into the record:~~

~~Good Evening Honorable Members of the City Council and all in attendance tonight.~~

~~My name is William Carline and I reside at 30 Tyler Street, Attleboro and have been their since 1997.~~

~~Let me begin by acknowledging that each of you face so many challenges during your tenure on the Council~~

~~You are all empowered to make decisions that affect Attleboro residents that have significant impact, both positively and negatively, with each and every vote. This is not an easy task.~~

~~Time and time again you are entrusted with deciding matters and each time you must ask your selves what is equitable or fair?~~

~~Then you must balance your answer with matters of safety and then ground them with legal principles. Therein deciding what is in the best interests for the most people in our city.~~

~~The matter relative to Bishop Feehan’s continued use of its that pubic right of way known as Harvard Street is not different.~~

Bishop Feehan has been in existence for over 50 years, long before most, if not all residents of Harvard Street, purchased their homes. There is no doubt that Bishop Feehan is here to stay.

On the other hand, most if not all the Harvard Street homeowners purchased after Bishop Feehan opened its doors, knowing full well that Harvard Street was not a dead end.

So I ask all of you is what is equitable in the matter before you tonight?

Is it equitable for this Council to put the interests of those Harvard Street residents above and beyond the interests of the residents of Holcott Drive?

Is it equitable for the Council to close Harvard Street, gift public lands to create a private driveway for Harvard Street residents?

Is it equitable for this Council to interfere with Bishop Feehan's rights to access its property lawfully from Harvard Street thereby taking property without just compensation in violation of our Fifth Amendment?

Is it equitable to put the safety and needs of the few Harvard Street residents before the safety needs of 1000+ students, faculty currently attending Bishop Feehan and the tens of thousands to come after them?

Is it equitable that this Council has even considered taking away access from Bishop Feehan High School when we all know full well that if this were another Attleboro school this matter would have never made it to this floor?

Is it equitable that a group of residents on any given street in Attleboro can petition the City to dead end their street to the detriment of another property owner's right to access a public right of way?

I can certainly say that should this Council vote to carry out the proposal to take away the access rights of Bishop Feehan here tonight, I will be the first in line to have my street, Tyler Street, dead ended so that Locust Valley Golf Course patrons can no longer use my street to get to the golf course!

The answers to the foregoing are NO! Please ask yourselves how can any of these questions be answered otherwise.

Where is the equity in this matter? Let me suggest that it lies with Bishop Feehan who has more than graciously explained its offer to limit its use of its lawful access to just a few hours per day for the 180 school days each year? The Harvard Street residents can still use Harvard Street like a private driveway on weekends during the school year and all summer long without any concerns. I could only wish that is what I could get to happen on Tyler Street.

Painful as it is, we are all too well aware of the safety concerns facing our schools, both public and private. Al of our Attleboro schools, both public and private rely on the resources of our

City Fire and Police Departments. It is abundantly clear that all schools need as much access as possible for safety reasons. It pains me to think that this Council could remotely consider denial of a schools access to a public right of way especially where Harvard Street is the only access to the southern side of the campus.

This is on a very slippery slope.

For the reasons stated therein, any action to take away BFHS access via Harvard Street would set a new negative precedent, if not amount to an unlawful taking of land, from a non-profit organization whose doors were open to thousands of current and former taxpayers, voters, friends and family of the City of Attleboro.

Furthermore, please do not lose sight of the fact that the use of Harvard Street is part of a comprehensive plan to insure the safety of the children who are attending the school.

There is a proposal to work in harmony with those who reside on Harvard Street.

Let us all remind ourselves that bishop Feehan High School, through its students, faculty, alumni, friends and families have a proven track record of great contributions to this great City of ours.

Vote for the safety of the students. Vote that it is not proper to take property rights away. Vote for what is EQUITABLE!

Speaking in opposition was Mark and Denise Bigda, 109 Holcott Drive, Attleboro, MA who read the following statement into the record:

To whom it may concern:

It is with much certainty that Mark and Denise Bigda of 109 Holcott Drive completely support the efforts of Bishop Feehan to utilize access through Harvard Street. We have resided at Holcott Drive for 31 years. It has been our experience that the traffic has increased substantially over the years. Bishop Feehan is also a victim of the times. The school has soared in popularity and therefore, more and more applicants turn up every year seeking to attend. Because it is a regional school, public transportation is not an option for its student body. Feehan has done everything in its power to create a friendly, safe driving pattern for its students. We witnessed many changes over the years at the campus - all of which are positive changes to accommodate the ever increasing student body. A traffic light was also installed at the intersection of Holcott and North Main Street. Traffic signs and arrows on the pavement indicate the direction the students are to follow. As these upgrades have aided in their efforts to keep the flow of traffic mineralized, it is not enough.

Change can be difficult. However, changes are necessary in order to keep up with the growing environment we live in. We have all seen our major highways expanded over the years. More bus stops added. More commuter rail trains added. More seats placed on commercial airplanes in order to maintain cost-effectiveness and allow the increase of patrons to access

their destinations. All of these changes are necessary to accommodate our growing environment. What kind of a world would we live in if we protested every single issue that was put before us? We would still be traveling down dirt roads in horse and buggies. Furthermore, Harvard Street is a public street no different from Holcott Drive. There isn't limited access and gates at the ends of our street. The residents are aware of the fact that Feehan is being completely respectful of their boundaries so as to not infringe upon our privacy.

Without a doubt, traffic on Holcott Drive has increased over the past 30 years, primarily due to the popularity of the school and the car-pool restriction laws placed on new drivers. NEVER EVER have we encountered a situation where a student driver was disrespectful? Politeness and courtesy are enforced on a daily basis with the student body. We know this first-hand because our 4 adult children are graduates of Feehan. In fact, our neighbor across the street leaves every morning during peak time to drive her middle school student to public school. We watch every day, as Feehan drivers stop and allow her to exit her driveway. We are fully aware of the fact that on a daily basis, announcements are made over the intercom reminding students of their responsibility to their surrounding communities upon exiting the parking lot. If there were an incident, Feehan is user friendly. They welcome and encourage dialogue in order to maintain their respectful reputation. A student also signs a contract (along with their parents) at the beginning of each school year that ensures their liability to the school for such things as disruption of peace in the surrounding neighborhoods. This said student handbook language also changes yearly to update parents and students with the vast changes society presents us.

Once again, we will re-iterate that these drivers are always stopping to let us in and out of our driveway, sometimes even stopping to pick up trash barrels that have blown over into the street or even picking up trash. They are groomed to serve their communities beginning with prayer every morning. We've even seen students help the elderly or offer to help us and we don't even know them! They follow the rules. They drive within the speed limit. They are an important part of this Attleboro community and our hope is that the residents of Harvard Street will be able to see what wonderful people are passing through in order to get an education that will enable them to serve others in a greater capacity upon graduation.

It is our wish that the great Mayor, Kevin Dumas, along with the city council, recognizes the importance of the small request from one of our greatest assets - Bishop Feehan. They turn out hundreds of scholars each year with great dreams and aspirations. Let's think about the safety of these young people that are navigating many new things in their lives. Save it for the big stuff.

*Respectfully,
Mark and Denise Bigda
109 Holcott Drive*

Speaking in opposition was Tim Sullivan, 151 Fairway Drive, Attleboro, MA. He stated that as a parent, safety is the most important thing. He also discussed the importance of an emergency access and that the proposal not to open Harvard Street permanently reduces the access by 33% and that three entrances would be better. He stated that 1,000 students are at risk.

Speaking in opposition James Albanese, 24 McIntyre Lane, Attleboro, MA who read the following statement into the record:

January 19, 2015

Dear Mr. Cook,

I am writing to express my position and concerns regarding the topic of Bishop Feehan High School access to Harvard Street, which is scheduled for discussion at the upcoming public hearing on Tuesday January 20, 2015. I also wish to express my support of Bishop Feehan High School regarding:

(1) my strong opposition to any discontinuance of Harvard Street, because such discontinuance could jeopardize fire and life safety, by possibly severing current fire and other emergency response approaches and options for Bishop Feehan and the neighborhood.

(2) implementation of Feehan's proposed limited use of Harvard Street as an effort to improve safety, and alleviate excessive traffic, in and surrounding the other 2 current entrances;

I have lived in Attleboro since 1996, all this time at my current address on McIntyre Lane, which is also very close to the Feehan and Harvard St. area. My son is also a freshman at Feehan. I am also a registered professional fire protection engineer in Massachusetts, and 8 other states, with over 25 years of experience.

I truly believe that any discontinuance of Harvard Street, potential blockage, perhaps with walls, fences or plantings, and elimination of access between the Feehan property and Harvard could significantly reduce the fire safety, as well as life safety of persons on or surrounding the Feehan property, because one third of the approaches and options available to emergency responders would be eliminated. And the only direct approach to Feehan from the south would be severed. During the course of the year there are events, or there may be site conditions that could limit accessibility of emergency vehicles from the north across the Feehan driveways and parking lot. The Harvard Street access from the south allows a valuable alternative, should responders need to aid individuals in that area, when time is of the essence. It is also plausible that there might be situations in which student or other occupant rescue operations are needed in or near the south end of the campus buildings, and the fire or other emergency conditions at the particular time might not allow quick access to that area from the north. In such situations that south entrance from Harvard St. could be a critically needed point for responders when lives could be at stake.

I am not sure if a fire truck could drive under Feehan's 11'-0" bridge, and if not, then that route would not seem a reliable option. NFPA standards specify a higher clearance. Conversely, that access point between Feehan and Harvard could also be a vital emergency response route in the opposite direction, should the situation arise in which residents of Harvard, Yale, and Tufts streets and other nearby neighborhoods needed emergency aid during a time when North Ave was not accessible. The recent Attleboro 100-Year Anniversary Parade along North Ave, this

past September, is a perfect example of that condition. I personally witnessed the closing of North Ave for about 2 hours. The residents of the above areas are safer by having that Harvard-to-Feehan access because in such a road closure situation, responders could reach them via the Feehan frontage with Harvard St. I certainly would not speak for the Attleboro Fire Department, nor any other emergency responders as to how they choose to address any situation. They are the experts at emergency response and I most highly value and support their work. I have faith in these responders as to whatever methods, routes, etc. they deem appropriate for addressing emergency situations. I simply wish to convey my points as a concerned citizen, as a parent of a Feehan student, and with some influence from my professional background and interactions with fire authorities in my work. However, it would seem in everyone's best interest to allow emergency professionals the best access and resources with which they can do their job. Attleboro should definitely not reduce their options, which is what would happen if Harvard St. were to be discontinued, and its end area obstructed. I would encourage the invitation of Attleboro's Fire Department, Police Department, and other emergency services to participate in these discussions. And of course Ronald Churchill's opinions, as former Attleboro Fire Chief, would be very valuable.

The attached plan view of the area illustrates some of the points above. In addition, the hydrants in the immediate area are also depicted. There are at least 2 hydrants along Harvard St. which might be particularly valuable as options for fire fighters from which they might wish to connect hose lines should they be needed at Feehan. To my knowledge there only 3 private hydrants on the Feehan property itself—1 at the north side, 1 at the south side, and 1 at the west in front of Feehan's Doran building, but it is not on a vehicle drive to the main campus. Also note that Stobbs Dr. does not have any public hydrants. Only 1 hydrant is on the south side of Feehan. Hydrants can become impaired due to broken stems, closed valves, dropped gates, or frozen, so it is important to have readily available alternative hydrants for firefighter's use. The hydrants to the south along Harvard St. are the closest alternative public hydrants. There needs to be space and access for fire dept. pumper apparatus vehicles to suction from the hydrants and discharge to the hose lines. Note also that the Feehan buildings are not provided with automatic sprinklers.

I am seriously concerned with fire safety at Feehan if Harvard St. is discontinued, and I definitely do not want any impairment to fire fighter's use of those Harvard St. hydrants for emergencies at Feehan.

With regard to the proposed limited entry-only traffic flow along Harvard, I also believe that the community both on the Feehan property as well as the surrounding neighborhoods would realize an improvement to safety. Currently traffic backs up along Holcott, Stobbs and North Ave. Emergency vehicles would encounter traffic obstructions on these streets. Any reduction in traffic backups by allowing the limited entry traffic flow along Harvard would be an effort to improve emergency vehicle access around the area. It would also reduce or eliminate the need for an emergency vehicle to do a time-wasting U-turn on Harvard St. as current conditions require.

In addition, on the Feehan Property, students and others have to cross traffic lines as they walk to class in the morning. While drivers have been exhibiting caution and courtesy, the situation

would be made safer if the amount of vehicles that students had to cross could be reduced. Diverting some traffic to Harvard St. could alleviate this condition.

I hope that you are in agreement with my points above. We all as a community need to ensure the safety of the Bishop Feehan High School students, faculty and all who might be on the Feehan campus, as well as the neighbors, and those in the area.

Very Truly Yours, James D. Albanese

Mr. Thibodeau responded that the gate would be part of the restrictive covenant and that the Order of Taking would include that the roadway could not be blocked off to allow for emergency egress.

Mr. Albanese stated that it is discouraging to see two trees in front of the gate.

It was noted that the Council check into the removal of these trees.

Speaking neither for nor against was Robert Folan, 16 Harvard Street. He voiced his opposition.

Acting President Blais informed Mr. Folan that he is in opposition and was not allowed to speak neither for nor against.

Acting President Blais asked the Double ACS cameraman to scan the audience for a show of hands in favor (ten) and a how of hand in opposition (95% of the audience).

Acting President Blais asked Mr. Thibodeau if the joint public hearing should be closed.

Mr. Thibodeau answered yes. He went on to say that the matter would not be voted on or discussed until the Planning Board makes its recommendation to the Council.

Acting President Blais asked Ms. Shockroo to read the names and addresses of the correspondence that was submitted to her office relative to the joint public hearing.

Ms. Shockroo read the following communications into the record:

Communications in favor of the Discontinuance of Harvard Street:

- Edward & Lynn Smith, 4 Harvard Street, Attleboro, MA
- Richard and Ann Blackman, 11 Yale Street, Attleboro, MA

Communications in opposition of the Discontinuance of Harvard Street:

- Denise & Mark Bigda, 109 Holcott Drive, Attleboro, MA
- Tim Sullivan, 151 Fairway Drive, Attleboro, MA
- Lori Castro, 36 Hazelwood Avenue, Attleboro, MA
- James Castro, 36 Hazelwood Avenue, Attleboro, MA
- John J. Killion, MD, 21 Shady Lane, Attleboro, MA
- Ronald Ware, 10 Whineys Way, Attleboro, MA

- William T. Carline, III, Esq., Tyler Street, Attleboro, MA
- John & Joan Lepper, 311 Newport Avenue, Attleboro, MA
- Michele Brunelle, 47 Commonwealth Avenue, Attleboro, MA
- Joseph & Siobhan DeChristopher, 8 Elderberry Lane, Attleboro, MA
- David & Elizabeth Galvin, 102 Cathedral Drive, Attleboro, MA
- Wendi Metters, 19 Shady Lane, Attleboro, MA
- Keith Metters, 19 Shady Lane, Attleboro, MA
- Raymond Walton (no address given)
- Bill Cuddeback, 307 East Street, Attleboro, MA
- Suzette Brousseau, 65 Marlise Drive, Attleboro, MA
- Armand Brunelle, 47 Commonwealth Avenue, Attleboro, MA
- Margaret Crane, 45 Turnstone Drive, Attleboro, MA
- On-Line (Move-on) Petition signed by approximately 100 residents
- Michael Madden (No address)
- Rev. Thomas A. Frechette, 105 Stanley Street, Attleboro Falls, MA

Acting President Blais closed the joint public hearing.

VOTED TO RECESS AT 9:29 P.M. to hold a Capital Improvement & City Development Committee meeting.

Acting President Peter Blais called the meeting back to order at 10:34 P.M.

The following communications were received from the Mayor and read by the Clerk of the Council, Elizabeth Shockroo:

January 20, 2015

Dear Municipal Councilors:

1. I respectfully submit for confirmation by Your Honorable Body the following appointments to positions and for terms indicated: (Copies in your packets)

<u>Name</u>	<u>Appointment</u>	<u>Term</u>	<u>Expires</u>
Kasey Sullivan	Youth Commission	2 Year	February 2017
Jacob Vieira	Youth Commission	2 Year	February 2017
Paulina Janik	Youth Commission	2 Year	February 2017

1/1/20/15 – REFERRED TO COMMITTEE—PERSONNEL & HUMAN SERVICES

2. I respectfully submit a communication from Chief of Police Kyle P. Heagney regarding the donation of forty (40) Nikon AW120 Waterproof Digital Cameras with an estimated value of \$13,998.00 from the City of New Bedford through the Byrne Justice Assistance Grant. In accordance with Section 1-12 of the Revised Ordinance of the City of Attleboro, I hereby request Your Honorable Body to accept this generous gift to the City of Attleboro. (Copies in your packets)

2/1/20/15 – REFERRED TO COMMITTEE—PUBLIC SAFETY & EMERGENCY MANAGEMENT

3. For Your Information: I regret to inform Your Honorable Body we have received the resignation of Christopher Dickinson from the Cultural Council. I know you will join me in thanking Mr. Dickinson for his service to the City. (Copies in your packets)

3/1/20/15

4. I respectfully submit a communication from Building Commissioner Douglas A. Semple regarding the donation of seven (7) used 5-drawer filing cabinets to the Protective Inspection Department from Brian Germain. The total estimated value is \$350.00. In accordance with Section 1-12 of the Revised Ordinance of the City of Attleboro, I hereby request Your Honorable Body to accept this generous gift to the City of Attleboro. (Copies in your packets)

4/1/20/15 – REFERRED TO COMMITTEE—CITY PROPERTY & CLAIMS

5. I respectfully submit a communication from Police Chief Kyle P. Heagney regarding the need for additional funding to train and equip three (3) police recruits due to retirements and promotions. The tuition to attend a full-time police academy for each officer is \$3,500.00. Therefore, I hereby request Your Honorable Body to transfer \$10,500.00 from Account 11241000-578300 (City Wide-Reserve Fund for Transfer) to Account 12101000-532010 (Police-Tuition and Books). In addition, according to the Police Union contract, each new employee shall be granted an initial uniform allowance sufficient for the purchase of the uniforms required by the police recruit training academy. The cost for the uniforms and equipment for each officer is \$1,000.00. Therefore, I hereby request Your Honorable body to transfer \$3,000.00 from Account 11241000-578300 (City Wide-Reserve Fund for Transfer) to Account 12101000-558310 (Police-Uniforms). Additionally, ten new police officers are being hired. Each police officer will need to be issued a set of police badges. The associated cost for breast badges and hat badges is \$167.15. Therefore, I hereby request Your Honorable Body to transfer \$1,671.50 from Account 11241000-578300 (City Wide-Reserve Fund for Transfer) to Account 12101000-558208 (Police Supply). Upon approval, the available balance in Reserve Fund for Transfer will be \$49,938.00. (Copies in your packets)

5/1/20/15 – REFERRED TO COMMITTEE—PUBLIC SAFETY & EMERGENCY MANAGEMENT

6. I am very pleased to report that union members from the following associations have ratified three-year collective bargaining agreements with the City, for the period of July 1, 2014 through June 30, 2017: **Attleboro Public Safety Dispatchers Association, Municipal Laborers Union (Laborers and DPW), Municipal Clerks Association, and the Firefighters Local 848.**

I believe the settlement of these bargaining agreements to be reasonable and in the best interest of the employees and taxpayers. Now that these unions have ratified their agreements, it is fair and equitable to extend similar salary adjustment increases to non-union employees. Therefore, I urge Your Honorable Body to approve funding of the union agreements and non-union employees by appropriating \$289,469.87 from Fund 1000-359000 (Undesignated Fund General Government/Free Cash) to the following Salaries & Wages Accounts:

\$1,518.40 to Account 11111000-511000 (Department of Municipal Council-Salary & Wages)
 \$6,466.72 to Account 11211000-511000 (Department of Mayor-Salary & Wages)
 \$6,595.10 to Account 11331000-511000 (Department of Budget & Admin.-Salary & Wages)
 \$5,620.00 to Account 11351000-511000 (Department of Auditor/Accounting-Salary & Wages)
 \$4,593.16 to Account 11411000-511000 (Department of Assessor-Salary & Wages)
 \$4,997.72 to Account 11451000-511000 (Department of City Treasurer-Salary & Wages)
 \$5,837.14 to Account 11461000-511000 (Department of City Collector-Salary & Wages)
 \$4,839.38 to Account 11521000-511000 (Department of Personnel-Salary & Wages)
 \$4,494.62 to Account 11611000-511000 (Department of City Clerk-Salary & Wages)
 \$1,917.24 to Account 11621000-511000 (Department of Election-Salary & Wages)
 \$5,749.76 to Account 11751000-511000 (Department of Planning & Land Use-Salary & Wages)
 \$42,461.95 to Account 12101000-511000 (Department of Police-Salary & Wages)
 \$206.82 to Account 12111000-511000 (Department of Parking-Salary & Wages)
 \$128,500.00 to Account 12201000-511000 (Department of Fire-Salary & Wages)
 \$7,218.64 to Account 12401000-511000 (Department of Protective Inspection-Salary & Wages)
 \$2,223.32 to Account 12921000-511000 (Department of Animal Control-Salary & Wages)
 \$20,260.36 to Account 14201000-511000 (Department of Public Works-Salary & Wages)
 \$236.81 to Account 14231000-511000 (Department of Snow/Ice Control-Salary & Wages)
 \$8,140.52 to Account 15101000-511000 (Department of Health-Salary & Wages)
 \$6,366.62 to Account 15411000-511000 (Department of Council on Aging-Salary & Wages)
 \$2,297.10 to Account 15431000-511000 (Department of Veterans-Salary & Wages)
 \$18,928.49 to Account 16501000-511000 (Department of Park-Salary & Wages)

To further appropriate \$49,459.23 from Account 6100-359000 (Water Enterprise-Retained earnings) to Account 6100-511000 (Water Enterprise-Salary & Wages).

To further appropriate \$38,787.89 from Account 6000-359000 (Wastewater Enterprise-Retained Earnings) to Account 6000-511000 (Wastewater Enterprise-Salary & Wages).

Furthermore, I respectfully request Your Honorable Body to amend the Personnel Rules and Regulations for Exempt and Unrepresented Employees by replacing the current longevity amounts to the following amounts below and adding the new Article XXI Light Duty.

Amend to read as follows:

Article X Longevity

Ten (10) years	\$ 500.00
Fifteen (15) years	\$ 900.00
Twenty (20) years	\$1,100.00
Twenty-five (25) years	\$1,300.00

Add new article as follows:

Article XXI Light Duty

Exempt employees shall be eligible for temporary light duty assignments regardless of whether they are absent from duty due to personal illness or a work-related injury.

To be eligible for light duty an employee must be able to perform some or all of his/her regular duties on either a full or part time basis, or be able to perform a specific light duty assignment developed by the head of the his/her department.

To be eligible for light duty an employee must submit a note from his/her treating physician stating that the employee is able to perform light duty and any specific requirements concerning the employee ability to perform or inability to perform certain tasks.

If a department head believes an employee may be ready to return to work on a regular or light duty basis, he/she may contact the employee about returning to work. If the employee declines to return to work, the department head may require the employee to be examined by the City physician, or another physician designated by the City, for an evaluation for fitness for duty, at the City's expense. If the City physician finds the employee fit for full or light duty, the employee shall immediately return to work in full or light duty capacity, unless he/she provides a note from his/her treating physician disagreeing with the finding of the City physician. Both the City physician and the employee's physician shall be provided with a copy of the employee's job description and a description of any proposed light duty assignment.

The employee's physician shall be afforded full opportunity to consult with the City's physician as to the employee's fitness to perform a light duty assignment or return to full duty. If the employee's physician and the City physician disagree as to such "fitness", they shall thereupon jointly designate a physician agreeable to both who, at the City's expense, shall examine the employee and render a written medical opinion as to the employee's fitness, copies of which shall be transmitted by the employee to both the City physician and the employee's own physician. In the event of their inability to agree upon a third physician, a physician shall be jointly selected by the employee and the City.

Pending receipt of such opinion, the City shall not require the employee to return to duty and shall continue to fully compensate him/her on worker's compensation or sick leave for time lost due to any such absence, assuming the employee is otherwise eligible for said benefits.

If the third physician determines that the employee is not fit to return to full or light duty, the employee shall be continued on sick leave or worker's compensation benefits assuming he/she is otherwise eligible for said benefits.

If the third physician determines that the employee is fit to return to full duty or fit to return to limited duty, or that the employee's current disability is not related to the injury, the employee shall no longer be continued on paid leave, subjects to the provisions of M.G.L. chapter 152.

The opinion of the third physician shall be final and binding on the parties. His/her determination shall not be subject to the grievance /arbitration provisions of this Agreement.

These rules and regulations supersede all previously issued rules and regulations for the applicable employees.

6/1/20/15 – REFERRED TO COMMITTEE—PERSONNEL & HUMAN SERVICES

Sincerely,

Kevin J. Dumas, Mayor

The following communications were received and read by the Clerk of the Council, Elizabeth Shockroo:

Communication from Mayor Kevin J. Dumas calling for a Special Meeting on Thursday, January 15, 2015 for the purpose of an appropriation needed for architectural services and any other matter that may legally come before the Council.

MEMBERS GIVEN COPIES ON JANUARY 13, 2015

Application for a New 2015 Class 2 Auto License from State Auto Wholesalers, 885 Washington Street, Attleboro, MA for 7 Customer Parking Spaces and 34 Display Spaces.

REFERRED TO THE LICENSE COMMITTEE

A motion was made, duly seconded and unanimously to hold a **PUBLIC HEARING on Tuesday, February 3, 2015** relative to the application for a New 2015 Class 2 Auto License from State Auto Wholesalers, 885 Washington Street, Attleboro, MA for 7 Customer Parking Spaces and 34 Display Spaces.

Communication from Attorney Lauren C. Galvin relative to the Conflict of Interest Opinion regarding municipal employee running for the Municipal Council

MEMBERS GIVEN COPIES

Communication from City Solicitor Robert Mangiaratti relative to the Harvard Street layouts

REFERRED TO THE TRANSPORTATION & TRAFFIC COMMITTEE AND MEMBERS

GIVEN COPIES

Communication from McMahon Transportation Engineers & Planners relative to Bishop Feehan High School: Proposed Alternatives Summary

REFERRED TO THE TRANSPORTATION & TRAFFIC COMMITTEE AND MEMBERS

GIVEN COPIES

Communications in favor of the Discontinuance of Harvard Street:

- Edward & Lynn Smith, 4 Harvard Street, Attleboro, MA
- Richard and Ann Blackman, 11 Yale Street, Attleboro, MA

REFERRED TO THE TRANSPORTATION & TRAFFIC COMMITTEE AND MEMBERS

GIVEN COPIES

Communications in opposition of the Discontinuance of Harvard Street:

- Denise & Mark Bigda, 109 Holcott Drive, Attleboro, MA
 - Tim Sullivan, 151 Fairway Drive, Attleboro, MA
 - Lori Castro, 36 Hazelwood Avenue, Attleboro, MA
 - James Castro, 36 Hazelwood Avenue, Attleboro, MA
 - John J. Killion, MD, 21 Shady Lane, Attleboro, MA
 - Ronald Ware, 10 Whineys Way, Attleboro, MA
 - William T. Carline, III, Esq., Tyler Street, Attleboro, MA
 - John & Joan Lepper, 311 Newport Avenue, Attleboro, MA
 - Michele Brunelle, 47 Commonwealth Avenue, Attleboro, MA
 - Joseph & Siobhan DeChristopher, 8 Elderberry Lane, Attleboro, MA
 - David & Elizabeth Galvin, 102 Cathedral Drive, Attleboro, MA
 - Wendi Metters, 19 Shady Lane, Attleboro, MA
 - Keith Metters, 19 Shady Lane, Attleboro, MA
 - Raymond Walton (no address given)
 - Bill Cuddeback, 307 East Street, Attleboro, MA
 - Suzette Brousseau, 65 Marlise Drive, Attleboro, MA
 - Armand Brunelle, 47 Commonwealth Avenue, Attleboro, MA
 - Margaret Crane, 45 Turnstone Drive, Attleboro, MA
 - On-Line (Move-on Petition signed by approximately 100 residents)
 - Michael Madden (No address)
 - Rev. Thomas A. Frechette, 105 Stanley Street, Attleboro Falls, MA
- REFERRED TO THE TRANSPORTATION & TRAFFIC COMMITTEE AND MEMBERS GIVEN COPIES

VOTED: TO GO INTO COMMITTEE OF THE WHOLE at 10:43 P.M. to hear anyone who wishes to speak on any matter pertaining to City business.

No one appeared at the Committee of the Whole.

VOTED: TO ARISE at 10:43 P.M.

Committee Reports:

Mr. Denlea called for an Ordinance, Elections and Legislative Matters Committee meeting on Tuesday, January 27, 2015.

On recommendation of the **License Committee** and on motion of Mr. Churchill, the following vote was taken:

1. Voted unanimously to approve the request to withdraw the following applications:
 - the application for a New 2014 Junk Dealer’s License from EcoAtm, Inc, 10121 Barnes Canyon Road, San Diego, CA to buy back used electronics through a fully automated Kiosk machine to be located at 251 Washington Street, Attleboro, MA.
 - the application for a New 2014 Junk Dealer’s License from EcoAtm, Inc, 10121 Barnes Canyon Road, San Diego, CA to buy back used electronics through a fully automated Kiosk machine to be located at 469 Pleasant Street, Attleboro, MA.

--Approved by the Mayor on January 26, 2015

Mr. Churchill called for a License Committee meeting on Tuesday, January 27, 2015.

On recommendation of the **Public Works Committee** and on motion of Mr. Churchill on behalf of Mr. Blais, the following votes were taken:

1. Voted on Roll Call—10 yeas—0 nays (Cook absent) to approve the request of the Mayor to appropriate \$34,026.92 from Account 1000-359000 (UNDESIGNATED FUND BALANCE/GENERAL GOVERNMENT) as follows:
 - \$379.00 to Account 16501000-558090 (Park & Forestry- Supplies Other)
 - \$1,269.06 to Account 16501000-553020 (Park & Forestry- Safety Signs Supplies)
 - \$1,815.58 to Account 16501000-548040 (Park & Forestry- Supplies Equipment)
 - \$2,213.28 to Account 16501000-558320 (Park and Forestry- Foul Weather Gear)
 - \$4,842.50 to Account 14201000-558090 (Public Works- Supplies Other)
 - \$19,386.83 to Account 14201000-548040 (Public Works- Supplies Equipment)
 - \$4,120.67 to Account 14201000-558320 (Public Works- Foul Weather Gear)

--Approved by the Mayor on January 26, 2015

2. Voted on Roll Call—10 yeas—0 nays to approve the request of the Mayor to transfer \$4,524.89 from Account 6100-578300 (Water Enterprise Fund- Reserve Fund for Transfer) to the following accounts:
 - \$151.60 to Account 6100-558090 (Water Enterprise Fund- Supplies Other)
 - \$4,373.29 to Account 6100-558320 (Water Enterprise Fund- Foul Weather Gear)

--Approved by the Mayor on January 26, 2015

3. Voted on Roll Call—10 yeas—0 nays to approve the request of the Mayor to transfer \$9,902.68 from Account 6000-578300 (Wastewater Enterprise Fund- Reserve Fund for Transfer) to the following accounts:
 - \$4,577.08 to Account 6000-558090 (Wastewater Enterprise Fund- Supplies Other)
 - \$3,142.00 to Account 6000-548030 (Wastewater Enterprise Fund- Supplies Equipment)
 - \$2,183.60 to Account 6000-558320 (Wastewater Enterprise Fund- Foul Weather Gear)

--Approved by the Mayor on January 26, 2015

4. Voted on Roll Call—10 yeas—0 nays to approve the request of the Mayor to transfer \$11,990.00 from Account 6100-578300 (Water Enterprise Fund-Reserve Fund for Transfer) to Account 6100-569010 (Water Enterprise Fund-Taxes to Other Communities) regarding funds to pay upcoming real estate taxes to other communities for the remainder of FY2015.

--Approved by the Mayor on January 26, 2015

5. Voted on Roll Call—10 yeas—0 nays to approve the request of the Mayor to appropriate \$88,000.00 from account 6100-359000 (Water Enterprise Fund-Retained Earnings) to fund 3316 (Water Storage Facility) to fund the Robinson Green Beretta Corporation's

(RGB) fee for the design of the Water Department's Maintenance and Storage Building on West Street.

--Approved by the Mayor on January 26, 2015

On behalf of Mr. Blais, Mr. Churchill called for a Public Works Committee meeting on Tuesday, January 27, 2015.

On recommendation of the **Capital Improvements & City Development Committee** and on motion of Mr. Conti, the following votes were taken:

A motion was made by Mr. Conti and duly seconded to approve the request of the Mayor to appropriate \$134,455.87 from Account 1000-359000 (Undesignated Fund Balance/General Government) to Account 11241000-569450 (ARA Intergovernmental) relative to the bid for remediation, demolition and the heating costs of the Swank building, located on Hazel Street. A discussion followed

The following amendment was offered by Mr. Cooper: that the ARA and the Administration execute a Memorandum of Understanding within sixty (60) days of the signing of the vote by the Mayor between the City and the ARA for repayment of \$134,455.87.

1. Voted on Roll Call—10 yeas—0 nays to adopt the following amendment: that the ARA and the Administration execute a Memorandum of Understanding within sixty (60) days of the signing of the vote by the Mayor between the City and the ARA for repayment of \$134,455.87.
2. Voted on Roll Call—9 yeas—1 nay (Heagney voting nay) to approve the request of the Mayor to appropriate \$134,455.87 from Account 1000-359000 (Undesignated Fund Balance/General Government) to Account 11241000-569450 (ARA Intergovernmental) relative to the bid for remediation, demolition and the heating costs of the Swank building, located on Hazel Street. Further, that the ARA and the Administration execute a Memorandum of Understanding within sixty (60) days of the signing of the vote by the Mayor between the City and the ARA for repayment of \$134,455.87.

--Approved by the Mayor on January 26, 2015

3. Voted on Roll Call—9 yeas—1 nay (Kirby voting nay) to approve the request of the Mayor to appropriate \$236,974.45 from 6100-359000 (Water Enterprise Fund Retained Earnings) for Water Capital Improvement item:

Water Enterprise Fund	
6100-553150 Water Enterprise Fund-Water Meters Supplies (Replacement of 1,100 Water Meters)	\$236,974.45

Mr. Conti called for a Capital Improvements & City Development Committee meeting on Tuesday, January 27, 2015.

On recommendation of the **Budget & Appropriations Committee** and on motion of Mr. Kirby, the following vote was taken:

1. Voted on Roll Call—10 yeas—0 nays to approve the request of the Mayor to transfer \$34,830.35 to Account 11241000-578300 (City Wide- Reserve Fund for Transfer) relative to the City of Attleboro’s 100th celebration from the following accounts:
 - \$3,071.41 from Account 11241000- 512015 (City Wide- Special Event Salaries)
 - \$5,449.70 from Account 11241000- 530150 (City Wide- Special Event)
 - \$18,825.00 from Account 11241000- 577210 (City Wide- Parades)
 - \$7,484.24 from Account 11241000- 578030 (City Wide- Amusements)--Approved by the Mayor on January 26, 2015

Mr. Kirby called for a Budget & Appropriations Committee meeting on Tuesday, January 27, 2015.

Mr. Thibodeau called for a Transportation & Traffic Committee meeting on Tuesday, January 27, 2015.

On recommendation of the Public Safety & Emergency Management Committee and on motion of Mr. Cooper, the following votes were taken:

1. Voted on Roll Call—10 yeas—0 nays, in accordance Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, to approve the request of the Mayor to allow the Police Department to expend approximately \$15,600.00 of the 2015 Senator Charles E. Shannon Jr. Community Safety Initiative grant. This grant requires a 25% match which will be met by use of the Recreation Department facilities and salaries of existing employees.
--Approved by the Mayor on January 26, 2015
2. Voted on Roll Call—10 yeas—0 nays, in accordance Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, to approve the request of the Mayor to allow the Fire Department to expend approximately \$9,318.00 of the FY2015 Student Awareness of Fire Education (SAFE) Grant and an FY2015 Senior SAFE Grant from the Commonwealth of Massachusetts. There is no matching requirement for this grant.
--Approved by the Mayor on January 26, 2015
3. Voted unanimously to refer the following matter to the Planning Board for study and recommendation and to hold a **JOINT PUBLIC HEARING ON TUESDAY, MARCH 3, 2015** relative to the following ordinance:

“MEDICAL MARIJUANA USES REGISTERED MARIJUANA DISPENSARY”

BE IT ORDAINED by the Municipal Council that certain sections of the Revised Ordinances of the City of Attleboro, are hereby amended as follows:

1. Amend §17-3.4 TABLE OF USE REGULATIONS – COMMUNITY FACILITIES by inserting new principal use “10c Registered Marijuana Dispensary”, as follows:

	<u>BUSINESS</u>		<u>RESIDENTIAL</u>				SMC	SMC
	<u>GR</u>	<u>SR</u>	<u>CB</u>	<u>INDUSTRIAL</u>				
	<u>IBP</u>	<u>GB</u>		<u>PHB</u>	<u>I</u>			
10c. Registered Marijuana Dispensary	N	N	N	N	N			

2. Amend §17-8.6, FEE SCHEDULE by inserting the following:
 - b. Special Permit Registered Marijuana Dispensary.....\$1,500.00
and renumber the existing b. to c. etc. through q. to r.

3. Amend §17-10 SPECIAL REGULATIONS by inserting §17-10.15 REGISTERED MARIJUANA DISPENSARY USES, as follows:

§17-10.15 REGISTERED MARIJUANA DISPENSARY USES

- A. Purpose and Intent: The purpose of this ordinance is to allow by special permit the establishment of registered marijuana dispensaries registered under 105 CMR 725.100 where the primary purpose is to provide the lawful distribution of medical marijuana that has been recommended by a licensed physician, to minimize the adverse impacts of registered marijuana dispensaries on adjacent properties, residential neighborhoods, schools, and recreational facilities, and to regulate the sight, design, placement, and security of a registered marijuana dispensaries.
- B. Permit Required:
 1. No registered marijuana dispensary, as defined in §17-11.0 DEFINITIONS hereof, shall be established or operated in the City unless a special permit therefore has been granted by the Municipal Council.
 2. Special Permit Application Requirements – A special permit application for a registered marijuana dispensary must include all of the following information:
 - a. If the application is being filed by an agent for the owner, documentation from the owner must explicitly acknowledge that the owner is aware that the proposed use of the property is a registered marijuana dispensary.
 - b. The legal name of the registered marijuana dispensary.
 - c. A notarized copy of the name, address, and date of birth of each principal officer and member of the registered marijuana dispensary and a notarized copy of the name, address, and date of birth of each a registered marijuana dispensary agent.
 - d. A copy of the registered marijuana dispensary’s Certificate of Registration.
 - e. The proposed activities, including how the registered marijuana dispensary intends to operate as an MMDC and/or an MMCC.

- f. Evidence that the applicant has adequate liability insurance.
- g. Detailed written operating procedures as required by the Massachusetts Department of Public Health in 105 CMR 725.105 and as otherwise required by other applicable law or regulation.
- h. The identity and location of any other registered marijuana dispensaries for which the applicant may cultivate marijuana.
- i. The proposed waste disposal procedures manual for the registered marijuana dispensary.
- j. A list of any waivers from the Massachusetts Department of Public Health regulations granted for the registered marijuana dispensary.
- k. A detailed floor plan of the premises of the proposed registered marijuana dispensary that identifies the gross square footage and describes the functional areas of the establishment, including areas for any preparation of marijuana-infused products.
- l. The name, telephone number, and email address of an emergency/after-hours contact person for the establishment.

C. Applicability:

- 1. The production, processing, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited unless permitted by special permit as a registered marijuana dispensary under this section.
- 2. A registered marijuana dispensary shall not be established in the City except in compliance with the provisions set forth under this section.
- 3. Nothing in this ordinance shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

D. Standards for the Granting of a Special Permit: In addition to the special permit requirements contained in §17-9.0 SPECIAL PERMIT, no special permit may be granted hereunder for a registered marijuana dispensary use unless all of the following standards are satisfied:

- 1. No registered marijuana dispensary use shall be located within the following designated areas. The distance between the registered marijuana dispensary and uses cited below, shall be measured in a straight line, without regard for intervening structures, from any parcel line of the real property on which the registered marijuana dispensary is located or to be located, to the nearest point on a parcel line of the real property referenced herein.
 - a. One hundred (100') feet from any residential zoning district.
 - b. One thousand (1,000') feet from a parcel on which another registered marijuana dispensary (including the site of the dispensary and/or any cultivation activities) is established.
 - c. One thousand (1,000') feet from a parcel on which any adult entertainment use is established.

- d. One thousand hundred (1,000') feet from a parcel containing a public or private school
 - e. Five hundred (500') feet a registered daycare center, and any family day care home and group day care home.
- 2. Five hundred (500') feet from any public park, recreational area, or facility in which children commonly congregate.
- 3. The Municipal Council shall refer a copy of the special permit application, floor plan and site plan to the Inspection Department, Fire Department, Police Department, Health Department, and the Department of Planning and Development. These departments shall review the application and submit written comments to the Municipal Council within thirty (30) days of the date of distribution of the application to said departments, but prior to the close of the public hearing. The lack of any department submitting written comments to the Municipal Council within the timeline specified herein shall not preclude the Municipal Council from rendering a decision on the special permit application.
- 4. Minimum Design Standards:
 - a. The maximum permissible gross floor area of a registered marijuana dispensary establishment operating as a medical marijuana dispensary center is three thousand (3,000) square feet or less.
 - b. The entrance shall be visible from a public street or from the establishment's frontage.
 - c. A registered marijuana dispensary establishment must be located in a permanent building and shall not be located in a trailer, cargo container, motor vehicle, or in any other impermanent space.
 - d. A registered marijuana dispensary use shall comply with the applicable dimensional requirements contained in §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS.
 - e. A registered marijuana dispensary use shall comply with the off-street parking requirements contained in §17-5.0 OFF-STREET PARKING AND LOADING REGULATIONS.
 - f. The site shall be properly landscaped, including lawn areas, trees, and shrubbery provided that any shrubs shall have a maximum mature height of not more than two and one-half (2.5') feet.
 - g. The site shall be properly illuminated both for aesthetic purposes and security purposes.
 - h. The security of the facility and the site shall comply with 105 CMR 725.110.
 - i. Signage and Wares:
 - 1. A registered marijuana dispensary may only identify the establishment by the registered name.
 - 2. Any exterior signage shall conform to the requirements set forth in 105 CMR 725.105(L).

3. Any exterior signage shall not depict figures or symbols related to marijuana.
 4. Any exterior signage shall not display advertisements for marijuana or any brand name or utilize graphics related to marijuana or marijuana paraphernalia.
 5. Off-site signage in any form, including billboards, shall not be allowed.
 6. Any illumination of exterior signage shall be turned off at closing in accordance with 105 CMR 725.105(L).
 7. Marijuana, marijuana-infused products, or associated products shall not be displayed or clearly visible to a person from the exterior of a registered marijuana dispensary establishment.
 8. A registered marijuana dispensary establishment shall not have a drive-thru or provide/offer any drive-thru service.
- j. The disposal of waste shall comply with 105 CMR 725.105(J).
5. A site plan shall be submitted by the applicant in order that the Special Permit Granting Authority may determine that the proposed establishment complies with the above standards. The site plan shall show among other things the proposed registered marijuana dispensary, parking spaces, driveways, service areas and other open uses. The site plan, pursuant to subparagraph ~~§17-10.15(D)(1)(A) STANDARDS FOR GRANTING SPECIAL PERMIT~~ through ~~§17-10.15(D)(1)(F) STANDARDS FOR GRANTING SPECIAL PERMIT~~ above, shall also show the distances between the proposed registered marijuana dispensary and any residential zoning district, public or private school, church or other religious facility, public park or recreation area, group day care center, family day care center, and any other adult entertainment establishment.
- E. Openness of Premises: Any and all distribution, possession, storage, display, sales or other distribution of marijuana shall occur only within the restricted interior area of a registered marijuana dispensary and shall not be visible from the exterior of the business. Therefore, a registered marijuana dispensary shall be designed and constructed such that no area or portion where marijuana is cultivated or stored is visible from the exterior. Consumption of marijuana on the premises or grounds of a registered marijuana dispensary is prohibited, provided however that the RMD may administer marijuana for the purposes of teaching use of vaporizers, or demonstration of use of other products as necessary.
- F. Cultivation, Acquisition and Distribution Requirements: Cultivation of medical marijuana, marijuana-infused products, or associated products shall follow the regulations set forth in 105 CMR 725.105(B).
- G. Additional Conditions, Limitations, and Safeguards:

1. Implementation of an Act for the Humanitarian Medical Use of Marijuana (105 CMR 725.000) – Applicants shall be required to follow the regulations set forth in 105 CMR 725.000.
2. No Entitlement Or Vested Rights To Permitting – No person shall be deemed to have any entitlement or vested rights to permitting under this ordinance by virtue of having received any prior permit from the City including, by way of example only, any zoning permit or any wholesale food manufacturer’s license. In order to lawfully operate a registered marijuana dispensary, any person must qualify for and obtain a special permit in accordance with the requirements of this ordinance.
3. Conditions – The Municipal Council shall attach conditions, limitations and other appropriate safeguards to the special permit. Conditions shall include, but not be limited to:
 - a. The special permit shall not be assignable or transferable to any other person, and shall remain exclusively with the applicant.
 - b. The registered marijuana dispensary shall supply the Municipal Council on a continuing basis of any change in the name and contact information for the emergency/after-hours contact.
 - c. That the recipient of the special permit shall obtain an RMD registration and Compliance Certificate from the Department of Public Health to operate the registered marijuana dispensary within the City of Attleboro.
 - d. In the event the Massachusetts Department of Public Health cancels, revokes or non-renews the Certificate of Registration for the registered marijuana dispensary, the Municipal Council shall immediately commence proceedings to revoke special permit.
 - e. The registered marijuana dispensary shall be required to remove all materials, plants, equipment and other paraphernalia upon the revocation, abandonment, cancellation, lapse, non-renewal or termination of the Certificate of Registration and the special permit. The Municipal Council may require the applicant to post a bond as a condition of approval to cover the costs of any demolition or dismantling associated with the registered marijuana dispensary.
 - f. No later than January 31 of every year in operation, the registered marijuana dispensary shall file a copy of all current applicable state licenses and registrations for the establishment, any updates to its operating policies, the current insurance policies for the establishment, and demonstrate compliance with the conditions of the special permit.
 - g. The registered marijuana dispensary shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Municipal Council within twenty-four (24) hours of creation. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.

- h. The registered marijuana dispensary shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, or final action regarding the establishment issued by the Massachusetts Department of Public Health or other state agency, as applicable, with the Municipal Council within forty-eight (48) hours of receipt by the registered marijuana dispensary.
- i. The Municipal Council may impose, in addition to any applicable conditions specified herein, such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this ordinance, including, but not limited to, the following – front, side, or rear yards greater than the minimum required by this ordinance; screening buffers or planting strips, fences or walls; limitation upon the size, method and time of operation; time duration of the permit; regulation of number and location of driveways or other traffic features; and off-street parking. Furthermore, all standards and conditions of §17–9.4 SPECIAL PERMITS shall be applicable to the granting of a special permit under this section.

- I. Lapse of Permit: Any special permit granted hereunder for a registered marijuana dispensary use shall lapse after one (1) year, including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or in the case of a permit for construction, if construction has not begun by such date except for good cause.
- J. Conflict of Laws: In the event of any conflict between the provisions of this ordinance and any other applicable state or local law, the stricter provision, as deemed by the Zoning Enforcement Officer, shall prevail. In addition, any terms not defined in this section but defined elsewhere in the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended, Building and Board of Health Regulations, or any Commonwealth of Massachusetts Laws and regulations shall have the meanings given therein to the extent the same are not inconsistent with this section.

4. Amend §17–11 DEFINITIONS by inserting the following in alphabetical order:

Medical Marijuana Dispensary Center (MMDC): means a not-for-profit entity registered under 105 CMR 725.100, to be known as a registered RMD that acquires, possesses, processes (including development of related products such as edible marijuana-infused products), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, MMDC refers to the site(s) of dispensing and preparation of marijuana.

Medical Marijuana Cultivation Center (MMCC): means a not-for-profit entity registered under 105 CMR 725.100, to be known as a registered RMD that cultivates, possesses, processes (including development of related products such as edible marijuana-infused product, tinctures, aerosols, oils, or ointments), transfers, transports, sells or distributes marijuana, products containing marijuana, and related supplies to a qualified Medical Marijuana Dispensary Center. Unless otherwise specified, MMCC refers to the site(s) of cultivation of marijuana.

Personal Caregiver: means a person, registered by the Department, who is at least twenty-one (21) years old, who has agreed to assist with a registered qualifying patient’s medical use of marijuana, and is not the registered qualifying patient’s certifying physician. An employee of a hospice provider, nursing, or medical facility or a visiting nurse, personal care attendant, or home health aide providing care to a qualifying patient may serve as a personal caregiver, including to patients under eighteen (18) years of age as a second caregiver.

Qualifying Patient: means a Massachusetts resident eighteen (18) years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as having a debilitating medical condition, or a Massachusetts resident under eighteen (18) years of age who has been diagnosed by two Massachusetts licensed certifying physician, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J) (or its successor regulation).

Registered Marijuana Dispensary (RMD): means a not-for-profit entity registered under 105 CMR 725.100 (or its successor regulation), which operates as a Medical Marijuana Dispensary Center (MMDC) and/or a Medical Marijuana Cultivation Center (MMCC).

--Approved by the Mayor on January 26, 2015

Mr. Cooper called for a Public Safety & Emergency Management Committee meeting on Tuesday, January 27, 2015.

On recommendation of the **City Property & Claims Committee** and on motion of Ms. Porreca, the following votes were taken:

1. Voted on Roll Call—10 yeas—0 nays, in accordance with Chapter 2, Section 12 of the Revised Ordinances of the City of Attleboro, to declare the following Police Department vehicles as surplus and available for disposition:

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>VIN #</u>	<u>MILES</u>	<u>CONDITION</u>
2008	Ford / C.V.	2FAFP71VX8X146062	117,097	Poor
2008	Ford / C.V.	1FAFP71V08X110770	140,285	Poor

--Approved by the Mayor on January 26, 2015

2. Voted on Roll Call—10 yeas—0 nays, in accordance with Chapter 2, Section 12 of the Revised Ordinances of the City of Attleboro, to declare the following Water Department items for trade-in or resale value and to declare the following as surplus and available for disposition:

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>VIN #</u>	<u>MILES</u>	<u>CONDITION</u>
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2001	Ford/Ranger	1FTYR10U81TA25195	129,000	Poor
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--Approved by the Mayor on January 26, 2015

3. Voted on Roll Call—10 yeas—0 nays, in accordance with Chapter 2, Section 12 of the Revised Ordinances of the City of Attleboro, to declare the following Water Department items for trade-in or resale value and to declare the following as surplus and available for disposition:

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>VIN #</u>	<u>MILES</u>	<u>CONDITION</u>
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2000	Ford/F-350 Pick-Up	1FTWF32LXYEA60271	173,098	Fair to poor
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--Approved by the Mayor on January 26, 2015

4. Voted on Roll Call—10 yeas—0 nays, in accordance with Chapter 2, Section 12 of the Revised Ordinances of the City of Attleboro, to declare the following Park and Forestry Department items as surplus and available for disposition:

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>MODEL</u>	<u>SERIAL NO.</u>	<u>CONDITION</u>
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1	1960 Gravely Mower Deck	L202	XXX123	Poor
1	Gravely Snow Blower Attachment		05118375	Poor

--Approved by the Mayor on January 26, 2015

5. Voted on Roll Call—10 yeas—0 nays, in accordance with Chapter 2, Section 12 of the Revised Ordinances of the City of Attleboro, to declare the following Water Department items as surplus and available for disposition:

<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>CONDITION</u>
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Water Meters	100	Used
Scrap Metal	100 lbs.	
UPS battery backup/APC brand	1	No longer works
Lab-line Refrigerator	1	No longer works

--Approved by the Mayor on January 26, 2015

Ms. Porreca called for a City Property & Claims Committee meeting on Tuesday, January 27, 2015.

Ms. Heagney called for a Personnel & Human Services Committee meeting on Tuesday, January 27, 2015.

OLD BUSINESS: None

NEW BUSINESS: None

VOTED: TO ADJOURN at 11:27 P.M.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)

