

MEMBERS PRESENT: President Frank B. Cook, Vice-President Jeremy Denlea. Councilors: Peter Blais, Richard Conti, Mark Cooper, James DiLisio, Julie Hall, Shannon Heagney, Kate Jackson, Heather Porreca, and Sara Lynn Reynolds.

MEMBERS ABSENT: None

President Cook led the Council and the audience in the Salute to the Flag.

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

President Cook held the Minutes and no vote was taken.

On motion of President Cook, voted on Roll Call (11 yeas, 0 nays) to Suspend the Rules. The rules were suspended to allow Mayor Dumas to make a presentation to the Council relative to two items in his communication involving the Water Department.

**The following Notice of Public Hearing was read by the Assistant City Clerk/Clerk of the Council, Sharon Rivard:**

**JOINT PUBLIC HEARING WITH PLANNING BOARD** relative to the rezoning petition of Juliana M. Morin, 144 Pleasant Street, Attleboro, MA; and Charles A. and Mona Fathallah, 146 Pleasant Street, Attleboro, MA; and Pegasus Estates LLC, 150 Pleasant Street; and Bayridge Realty LLC, 156 Pleasant Street; and Barone Realty Company, Inc., 152 Pleasant Street relative to 144, 146, 150, 152 and 156 Pleasant street, Assessor's Plat #52, Lots 51, 51A, 52, 53 & 54 to change the current zoning of the property from Single Residence-B to General Business.

Councilor Porreca, due to a Conflict of Interest, left the Council Chambers during this Public Hearing.

James Jacobi, from Law Offices located at of 144 Bank Street Attleboro, MA, and the attorney for the Petitioners, spoke in favor.

Attorney Jacobi referenced an aerial view map/picture of Pleasant Street. He stated that he has seen pictures of Pleasant Street from the 1940s and 1950s and that it looked differently back then than it does now. He went on to explain that the street was narrower and was mostly residential during that time period. Attorney Jacobi also used the arial view document to show the area that was being petitioned for rezoning and referenced the area where the auto supply store would be located.

Attorney Jacobi explained that while there would be no change to the group home that is in the area given the rezoning, that rezoning the district would provide the business owner with more flexibility. He also explained that the dentist and doctor's office that are also in the area, as currently zoned, only allow for one doctor/dentist and that the rezoning would allow for more practitioners at those locations. He went on to explain that it was

highly unlikely that a single-family home would be built on one of the lots, although he did suggest that a property owner might consider building an apartment building.

Attorney Jacobi discussed the proposal for the O'Reilly's Auto Parts store (attached to these Minutes as Attachment 1). He went on to explain what the normal operating hours would be, briefly described the site plan, parking and traffic issues, trash pick-ups, etc. He stated that the business wanted to be sensitive to the neighbors, as he continued to discuss issues related to merchandise trucks and the loading and unloading of merchandise deliveries, trash pick-ups, etc.

Attorney Jacobi stated that a traffic engineer was consulted to document the expected traffic generation of the proposed auto parts store (that study is attached to these Minutes as Attachment #2). He stated that the business would not be a large traffic generator given that research, mostly because the auto parts store does substantial delivery to businesses that place orders from it and this would decrease the amount of customer-based traffic. He also discussed the business lighting plan and stated that there wouldn't be any general disturbance based on that. Attorney Jacobi stated that he is of the opinion that the highest and best use for this area is for business/commercial use and not for single residence use.

A member of the Planning Board asked if the dentist and doctor's office was going to remain as such.

Attorney Jacobi stated that it was these two businesses intentions to stay the same, but rezoning would allow them to move beyond being a single doctor's or dentist's office.

Councilor Conti asked if Attorney Jacobi was representing five landowners.

Attorney Jacobi stated that yes.

Councilor Conti asked why the group (of petitioners) wasn't larger and why it stopped (with just 4 or 5 property owners).

Attorney Jacobi responded that he was able to put together a group and that other parties would be free to join the group. He went on to explain that the group was attempting to avoid spot zoning. He also explained that if there was another proposal for rezoning that piggy backed off of his petition that it would be acceptable.

President Cook stated that the Council cannot decide that it will rezone additional parcels by extending the district that would be rezoned after the Public Hearing was closed.

Attorney Jacobi stated that the Planning Board could make a recommendation to the Council to extend the area that would be rezoned.

President Cook responded that even if that happened, and the Council received a recommendation to rezoning beyond the area that is indicated in the Petition, that it would still require another Public Hearing.

Councilor Hall stated that the Municipal Council is leaving that option open if that is what the Planning Board decides to do.

Councilor Cooper clarified that there are several entities listed on the Petition (in Item #1) who could make a petition for rezoning, including the Municipal Council.

Edward Porreca, of 9 Gustin Avenue, Attleboro, MA spoke in opposition.

Mr. Porreca stated that Gustin Avenue is located across the street from where the proposed business would be. He asked for clarification about the plots of land that are requesting to be rezoned, asking if they were currently zoned as General Residence B and how the current businesses that are located there are allowed to be there now if the area is currently zoned as residential.

President Cook explained that the area that is being looked at now is General Residence B and that the other surrounding areas had been rezoned previously.

Councilor Cooper stated that the doctor's office and dentist's office are allowed by special permit to be located in a General Residence zoned area.

Mr. Porreca stated that rezoning the area as only Commercial Business would result in a loss of flexibility regarding what could be built in the area. He stated that doing so would be a detriment to the City. He also stated that Pleasant Street, based on his research, has gone 16 years before a more comprehensive traffic study has been done. He stated that there are not a lot of empty buildings on Pleasant Street and that the businesses in the former Texas Instruments area have unpredictable traffic patterns and that these are traffic concerns that need to be looked at on Pleasant Street. He stated that a comprehensive traffic study is needed and he could not support a rezoning of the area without such a study. Mr. Porreca also went on to state that we have 3 other like businesses within a one mile location and his concern would be over-saturating the market and jeopardizing those businesses.

Mr. Porreca concluded his presentation by again summarizing his three concerns: The loss of flexibility of the land as we could currently use it; The lack of a clear traffic study report of the Pleasant Street area; and here are already three like businesses already in the area and he would not want those businesses to be hurt.

John Conroy of 12 Gustin Avenue, Attleboro, MA spoke neither for nor against. Mr. Conroy asked the Municipal Council, the Planning Board and the Traffic Study Commission to please work together to fix the lights between Forest Street and Starkey Avenue. He went on to explain that he cannot take a left off of Gustin Street and he has to go to Forest Street and the light takes too long to change.

President Cook, after consultation with Ms. Hall and Mr. Danesi, declared this **JOINT PUBLIC HEARING** closed.

**The following Notice of Public Hearing was read by the Assistant City Clerk/Clerk of the Council, Sharon Rivard:**

**PUBLIC HEARING** relative to the following:

Amend Section 15-1.3 of the Revised Ordinances of the City of Attleboro by deleting Section 15-1.3 in its entirety and replacing that Section with the following:

### 15-1.3 Staff (Amended 9/4/07)

The Mayor, upon recommendation of the Police Chief and subject to appropriations, may employ no more than one deputy chief, three captains of police, five lieutenants of police, eleven sergeants of police, seventy police patrolmen, and such detention attendants, reserve officers, auxiliary officers, special officers, clerks, dispatchers, and building custodians as the Mayor, subject to the approval of the Municipal Council, may from time to time determine.

Kyle Heagney, Chief of Police, spoke in favor.

Chief Heagney started by thanking all of the police officers who were in attendance to support the Ordinance change.

Chief Heagney went on to state that the Ordinance change is being proposed for several reasons, including to increase the amount of supervision within the Police Department, to reduce overtime, and to decrease the fatigue and burnout of the current supervisory staff who are sergeants and lieutenants. He went on to explain that the uniformed patrol department has not changed in 40 years, that the position of lieutenant was added in 1975 and that since that time they have rotated supervision. He explained that these officers work a 4 and 2 rotation, meaning that when there are two supervisors on duty and there is always one supervisor off. Chief Heagney stated that the current staffing level in the three shifts of the patrol division, since 1975 when they created the lieutenant position in the police department, require two supervisors to be working. He explained that one of the positions was not backfilled, resulting in the situation where one of the sergeants was out of work there was only one supervisor on duty. He further explained that this may have been less of an issue back in 1975, but policing is more complex today and the public holds the police department to higher standards. He explained that in the Fall of 2014, there were a lot of police-related incidents nationally and with the support of the Mayor the Police Department decided to implement mandatory backfill for supervisors.

Chief Heagney also explained that the amount of overtime has increased due to contractual obligations and for other reasons, such as the need for having supervision on the street. He further explained that the Ordinance change (adding the 3 sergeant positions) saves overtime money because by using the current staffing level with the vacancies means that he can fund these three positions now. He further explained that adding these three sergeant positions will cost the police department approximately \$14,000 (the difference between the patrolman salary and sergeant salary...\$4,600 per each position). He continued to explain that the sergeants being forced to work the overtime was too much, and the Mayor allowed him to have Captains work overtime shifts to alleviate the burnout. He stated that despite this, the sergeants were still experiencing fatigue and that he had to institute a rotating shift.

Chief Heagney also explained to the Council what the new rotation system that would be put in place with the hiring of the 3 new sergeants would be, and how that new system would alleviate fatigue and decrease overtime. He projected that this Ordinance change would save approximately \$245,000 in overtime.

Councilor Hall asked if there would be 3 sergeants on the weekend.

Chief Heagney responded that the sergeants would remain on a 4 and 2 rotation so there would be 3 sergeants on a shift and lieutenants would work Monday through Friday. He explained that this would mean that there wouldn't be any overtime Monday through Friday, just on the weekends.

Councilor Blais stated that there was recently a discussion in his Committee about overtime at the Police Department, and that the proposal appears to be a significant step-up in terms of decreasing the overtime. He went on to explain that he has always maintained that we need a greater increase in Police and he thanked the Chief for doing a great job doing that.

Chief Heagney responded that in this year's upcoming budget and for future budget years, that he will be asking for the patrol positions to be returned so that there can be an even greater presence of police officers on the street.

Councilor Reynolds asked how many officers out of the 70 that he is approved to have he is down.

Chief Heagney responded that he is currently down 4 officers. He went on to explain that 2 of the 10 new hires recently resigned and that he has 1 new officer still in the academy. He went on to explain that his department was never at 70, but that at one point he had 65 officers although during the past few years he has been budgeted for 63 officers.

Councilor Hall asked out of the 3 sergeants, who would be in charge.

Chief Heagney stated that it would be the Senior Sergeant.

Wayne Reay of 814 Pleasant Street, Attleboro, MA also spoke in favor. He stated that he had been in the military, that everything that the Chief stated was correct and that he supports this proposal.

No one spoke in opposition.

No one spoke neither for nor against.

President Cook, after consultation with Councilor DiLisio, declared this **PUBLIC HEARING** closed.

**The following communications were received from the Mayor and read by the Assistant City Clerk/Clerk of the Council, Sharon Rivard:**

February 16, 2016

Dear Municipal Councilors:

1. I respectfully submit for confirmation by Your Honorable Body the following reappointments to positions and for terms as indicated:

<b>Name</b>	<b>Appointment</b>	<b>Term</b>	<b>Expires</b>
Bertha Young	Conservation Commission	3 Years	February 2019
Melissa Riley	Conservation Commission	3 Years	February 2019
Terrance McCrosson	Constable	1 Year	February 2017
Tony Viveiros	Constable	1 Year	February 2017

Walter Chicoine	Constable	1 Year	February 2017
Marion Aspinall	Council on Aging	4 Years	February 2020
Lynda Thomas-LeGay	Council on Human Rights	3 Years	February 2019
John Carty	Library Trustees	3 Years	February 2019
Katherine Kristenson	Library Trustees	3 Years	February 2019
Diane Mangiaratti	Library Trustees	3 Years	February 2019
Victor Bonneville	Library Trustees	3 Years	February 2019
Shawn Moran	Municipal Building Commission	3 Years	February 2019
Hans Schaefer	Park Commission	5 Years	February 2021
Paul Danesi	Personnel Board	3 Years	February 2019
Anne Duffy	Personnel Board	3 Years	February 2019
Jason Gittle	Planning Board	5 Years	February 2021
May Gowen	Police Commissioner	3 Years	February 2019
Bruce Ziegler	Recreation Commissioner	3 Years	February 2019
Dee Larkin	Recreation Commissioner	3 Years	February 2019
Richard Correia, Sr.	Redevelopment Authority	5 Years	February 2021
Richard Oliver	Solid Waste Advisory Committee	3 Years	February 2019
Joseph Caponigro	Traffic Study Commission	3 Years	February 2019
Walter Rarus	Traffic Study Commission	3 Years	February 2019
Charles Oliver	Trust Fund Commissioner	3 Years	February 2019
Phil Audette	Veterans Graves Officer	1 Year	February 2017
Keith Hutchings	Zoning Board of Appeals	3 Years	February 2019
Sandra Varrier	Zoning Board of Appeals (Assoc)	2 Years	February 2018

I respectfully submit for confirmation by Your Honorable Body the following reappointments to positions and for terms as indicated:

<b>Name</b>	<b>Appointment</b>	<b>Term</b>	<b>Expires</b>
Stanley Nacewicz	Chief Assessor	3 Years	February 2019
Madeleine McNielly	Council on Aging Director	3 Years	February 2019
Randal Vincent	Alternate Inspector of Wiring	1 Year	February 2017
Steven Nunes	Assistant Inspector of Gas Piping and Gas Appliances	3 Years	February 2019
Laban O'Brien	Assistant Inspector of Wiring	1 Year	February 2017
Robert Mangiaratti	City Solicitor	1 Year	February 2017
Dorothy Brissette	Community Development Director	2 Years	February 2018
Ken Badertscher	Director of Veterans Services	1 Year	February 2017
	Veterans Agent/Veterans Burial Agent		
Scott Lachance	Forest Warden	1 Year	February 2017
Christopher Quinn	Health Officer	1 Year	February 2017
Kyle Heagney	Lockup Keeper	1 Year	February 2017
Douglas Semple	Mechanical Inspector	3 Years	February 2019
Catherine Rego	Parking Administrator	1 Year	February 2017

1/2/16/16 – REFERRED TO THE PERSONNEL & HUMAN SERVICES COMMITTEE

2. For Your Information: The following reappointments have been made to positions for which confirmation is not required and for the terms as indicated:

Name	Appointment	Term	Expires
Edward Stanton	Cable Advisory Commission	1 Year	February 2017
James Jones	Cable Advisory Commission	1 Year	February 2017
Domenic Cotoia	Cable Advisory Commission	1 Year	February 2017
Richard McKearney	Cable Advisory Commission	1 Year	February 2017
Jean Doyle	Cable Advisory Commission	1 Year	February 2017
Victor Bonneville	Historical Commission	3 Years	February 2019
Ellen Parker	Historical Commission	3 Years	February 2019
Jeremiah Raposa	Historical Commission – Alternate	2 Years	February 2018
Jeffery Keefer	Dog Officer	1 Year	February 2017
Carolyn Eaton	Dog Officer	1 Year	February 2017

2/2/16/16

3. I respectfully submit a communication from City Solicitor Robert Mangiaratti regarding the following “housekeeping” measures to update the City Ordinances. Therefore, I hereby request Your Honorable Body vote on the following amendments:

**1. The Acquisition and Disposition of Real Property**

As currently written, the Sections 2-11.1 and 2-11.2 are inconsistent with the Uniform Procurement Act, M.G.L. c. 30B; and Section 2-11.3 (2) makes reference to a state statute which has been replaced.

Delete in its entirety and replace with the following:

2-11.1 Acquisition of Real Property (Amended 1/21/03)

Prior to acquiring real property or an interest therein by purchase or rental at a cost exceeding *thirty-five thousand (\$35,000) dollars*, the city shall solicit written proposals by advertisement in the manner provided for in Section 2-11.3.

The Mayor's designee, with the advice and assistance of the appropriate department head and other City officials, will prepare the request for proposals. The request for proposals shall contain a description of the property needed by the City, shall indicate how the proposals will be evaluated, and shall set forth the submission requirements and the contract terms and conditions.

2-11.2 Disposition of Real Property (Amended 1/21/03)

Real property owned by the City shall not be disposed of by sale or rental until it has been declared available for disposition by the Mayor and the Municipal Council. The initial declaration shall be made in writing from the Mayor to the Municipal Council and shall suggest restrictions, if any, to be placed on the subsequent use of the property. Prior to the making of such determination, the Mayor shall determine if any department of the City has an interest in the property. The Mayor's designee shall maintain an inventory of City-owned property.

Upon receipt of the Mayor's request that any parcel of real estate be declared available for disposal, and before the City solicits proposals for the acquisition of said real estate, the Municipal Council shall hold a public hearing on such request. Notice of the time and place of the public hearing shall be published at least seven (7) days prior to the hearing date. The Municipal Council shall thereafter make a determination as to whether the subject real estate shall be declared available for disposition and shall specify the restrictions, if any, to be placed on the subsequent use of the property, and any other applicable conditions.

Prior to the disposal of any real property, the City shall determine its value through procedures customarily accepted by the appraising profession as valid. The assessed value of the property may be used if it is current. If the value of the property to be disposed of exceeds *thirty-five thousand (\$35,000) dollars*, the City shall solicit written proposals for the purchase or rental of the property by advertisement in the manner provided for in Section 2-11.3. The Mayor's designee shall prepare the request for proposals.

### 2-11-3 Advertising for Proposals

The City shall place an advertisement in a newspaper having general circulation in the City inviting the submission of proposals for the acquisition or disposition of real property, as the case may be. The advertisement shall be published at least once a week for two consecutive weeks. The last publication shall occur at least eight days preceding the day for the opening of proposals. The advertisement shall specify the geographical area, terms and requirements of the proposed transaction, and the time and place for the submission of proposals. In the case of the acquisition or disposition of more than twenty-five hundred square feet of real property, the City shall also cause such advertisement to be published, at least thirty days before the opening of proposals, in the central register published by the State Secretary pursuant to Section 20A of Chapter 9 of the General Laws.

The City may shorten or waive the advertising requirement if:

- 1) The City determines that an emergency exists and the time required to comply with the requirements would endanger the health or safety of the people or their property; provided, however, it shall state the reasons for declaring the emergency in the central register at the earliest opportunity; or
- 2) In the case of a proposed acquisition, the City determines in writing that advertising will not benefit the City's interest because of the unique qualities or location of the property needed. The determination shall specify the manner in which the property proposed for acquisition satisfied the unique requirements. The City shall publish such determination and the reasons therefore, along with the names of the parties having a beneficial interest in the property pursuant to *Section 38 of Chapter 7C* of the General Laws, the location and size of the property, and the proposed purchase price or rental terms, in the central register not less than thirty days before the City executes a binding agreement to acquire the property.

## 2. Designer Selection Procedure

As currently written Section 2-16.1 makes reference to a state statute which has been repealed.

Delete in its entirety and replace with the following:

2-16.1 A Procedure for the selection of designers for building construction, reconstruction, alteration, remodeling or repair projects the estimated cost of which exceeds ten thousand dollars shall be established in accordance with the provisions of General Laws, *Chapter 7C, Sections 44-57*. No such procedure or amendment to such procedure shall be effective until it is approved by the Municipal Council, following a proper advertised public hearing. Such procedure shall not apply to the selection of designers for Public Works projects bid under General Laws Chapter 30, Section 39M.

### **3. License and Permit Fees**

The fee schedule in Section 9-2 of the City Ordinances contains fees for gun licensing which are inconsistent with state law. Because the fees for gun licenses are controlled by state law (M.G.L. c. 140 §§ 129B and 131), the following amendment is needed:

*Amend the list of fees in Section 9-2 of the City Ordinances by deleting the “Firearm Identification Card”, “Firearms, License to Carry or Possess”; and “Firearms, Permit to Purchase”.*

### **4. Dog License Late Fees**

Section 9-43 states the late fees collected for dog licenses shall be reserved for the Animal Shelter Building Fund. Because the Animal Shelter has now been completed, the following amendment is needed:

*Amend Section 9-43 of the City Ordinances by deleting the last sentence that states, “All late fees collected under this provision shall be reserved for the Animal Shelter Building Fund, subject to further appropriation.”*

### **5. Building Sewers and Connections**

As currently written, the Section 16-15.6 m is inconsistent with M.G.L. c. 83, s. 8.

Delete in its entirety and replace with the following:

#### **16-15.6 Building Sewers and Connections ( amended 10/16/07)**

m. *Whoever* is found installing or repairing a sewer connection or extension before applying and obtaining a signed proper permit *shall be punished by a fine of not more than fifty dollars for the first offense and one hundred dollars for any subsequent offense*. Until said amount is paid in full, said *person* will not be allowed to apply for any additional water or sewer permits in the City of Attleboro. All permits issued herein shall be physically present at the job site. If *any person* is found to be installing or repairing a sewer connection or extension without a permit at the job site, a fifty (\$50.00) dollar fine will be assessed to said *person*.

### **6. Sewer Use Rates**

The revised text deletes reference to water usage as a means to measure pre-treated sewage. Currently the actual amounts of such discharges are determined by metering of the sewage being discharged by from an Industrial User. This amendment also specifies how such surcharges are to be used making the old Section 16-18.7 unnecessary.

Delete in its entirety and replace with the following:

16-18.6 An Industrial User which is required as a condition of its Industrial Waste Permit to pre-treat its sewage shall pay a surcharge at the rate of ninety (.90) cents per 100 cubic feet. The surcharge shall be in addition to the charge established in Section 16-18.1 above. Billing and payment of the surcharge shall be in accordance with Section 16-18.4. The money received from said surcharge shall be applied to the payment of costs associated with the administration of the pre-treatment program requirements by the City, including purchasing and maintenance of equipment and utilization of contract services where deemed necessary by the Superintendent .

Delete in its entirety and replace with the following:

The revised text is a statement of what has been actual, past practice. The City requires Industrial Users to pay for the cost of outside analysis of sewage samples.

16-18.7 An Industrial User shall pay the cost for quarterly, semi-annual or more frequent sampling as deemed necessary by the Superintendent. Such sampling may be a condition of an Industrial Waste Permit or may be ordered by the Superintendent to prevent harmful effects upon the Treatment Works or the environment.

Furthermore, I hereby request Your Honorable Body to hold a Public Hearing at the appropriate time on the above ordinance changes. (Copies in your packets)

3/2/16/16 – REFERRED TO THE ORDINANCES, ELECTIONS & LEGISLATIVE MATTERS COMMITTEE (CALLED FOR A PUBLIC HEARING ON TUESDAY: MARCH 1, 2016)

4. I respectfully submit a communication from Zoo Director Jean Benchimol regarding the need to amend the current fee structure and ordinance in order to carry out functions of the Capron Park Zoo. The proposed changes are necessary to allow the Zoo Director to continue providing a first rate facility for Attleboro residents and visitors. Even with the modest proposed increases, Capron Park Zoo will continue to be the least expensive zoo facility in Southern New England. This increase will allow the Zoo Director access to increased funds for continued exhibit improvement, animal acquisition, and facility maintenance. All non-salary operational expenses for the zoo are now paid from this fund with no burden to the City’s finances.

Therefore, I hereby request Your Honorable Body to vote on the following ordinance change relating to the Capron Park Zoo:

Delete in its entirety and replace with the following:

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

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

	RESIDENTS	NON-RESIDENTS
Children (under age 3)	FREE	FREE
Youths (age 3 – 12)	<b>\$6.50</b>	<b>\$7.50</b>
Adults (age 13 and over)	<b>\$7.50</b>	<b>\$9.00</b>

Senior Citizens (age 65 and over)	\$5.75	\$6.75
Military	\$4.75	\$4.75

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

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

ANNUAL MEMBERSHIPS

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

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

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

Household Plus Membership – **\$80.00** - Includes two (2) adults over the age of eighteen (18) and up to four (4) children under the age of eighteen (18) plus one (1) caregiver.

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

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

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

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

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

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

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

This ordinance shall become effective immediately upon passage.

Furthermore, I hereby request Your Honorable Body to hold a Public Hearing at the appropriate time on the above ordinance changes.(Copies in your packets)

4/2/16/16 – REFERRED TO THE ORDINANCES, ELECTIONS & LEGISLATIVE MATTERS COMMITTEE

5. I respectfully submit a communication from Acting Water Superintendent Paul Kennedy regarding the need for funds to continue with the Water Department’s ongoing Water Meter Replacement Program for Fiscal Year 2016. These funds will be used to purchase approximately eleven hundred (1100) water meters, fifty (50) straight meter connections, fifty (50) bent meter connections and two thousand two hundred (2200) washers. Once the meters have been installed it will be determined how many meters were used at homes that are connected to sewer and the Wastewater Enterprise Fund will reimburse the Water Enterprise Fund for fifty percent (50%) of the cost for those meters and miscellaneous items. Therefore, I hereby request Your Honorable Body appropriate \$232,050.50 from Account 6100-359000 (Water Enterprise Fund – Retained Earnings) to Account 6100-553150 (Water Enterprise Fund – Water Meters). (Copies in your packets)

5/2/16/16 – REFERRED TO THE PUBLIC WORKS COMMITTEE

6. I respectfully submit a communication from Acting Water Superintendent Paul Kennedy regarding the need to a pay previous year bill to reimburse an employee for his Hoisting License renewal. Therefore, I hereby request Your Honorable Body transfer \$60.00 from Account 6100-515050 (Water Enterprise Fund – Special Licenses) to Account 6100-578020 (Water Enterprise Fund – Bills from Previous Year). (Copies in your packets)

6/2/16/16 – REFERRED TO THE PUBLIC WORKS COMMITTEE

7. I respectfully submit a communication from Acting Water Superintendent Paul Kennedy regarding the need for funding for the needed 3-phase power that will be provided by National Grid and is needed for the proposed temporary and permanent water interconnection with the Pawtucket Water Supply Board. The first step in moving forward with the interconnection would be to install a 3-phase electrical service to power two pumps which would be required to overcome the pressure in Attleboro’s water distribution system. Therefore, I hereby request Your Honorable Body appropriate \$7,547.66 from Account 6100-35900 (Water Enterprise Fund – Retained Earnings) to Fund 3320 – PWSB Connection. (Copies in your packets)

7/2/16/16 – REFERRED TO THE PUBLIC WORKS COMMITTEE

8. I respectfully submit a communication from Acting Superintendent of Water Paul Kennedy regarding the need for funding the newly assigned account number for the Pawtucket Water Supply Board Agreement. It will be necessary to fund this account for the expenses associated with the purchase of water from Pawtucket and for the connection fee. Therefore, I hereby request Your Honorable Body appropriate \$15,000.00 from Account 6100-359000 (Water Enterprise Fund – Retained Earnings) to Account 6100-561100 (Water Enterprise Fund – PWSB Intergov). (Copies in your packets)

8/2/16/16 – REFERRED TO THE PUBLIC WORKS COMMITTEE

9. I respectfully submit a communication from Director of Veterans' Services Ken Badertscher regarding the need for additional funding for Veteran's Aid. A major function of the Veterans' Services Department in the City of Attleboro is the administrations of Veteran's Benefits under M.G.L. ch. 115. Certified expenditures made by the City under this statute are reimbursed by the Commonwealth at the rate of 75%. The need for additional funding is the direct result of the Department receiving an unforeseeable increase of new applications for financial aid at an average of six (6) per month since the beginning of the fiscal year. Therefore, I hereby request Your Honorable Body appropriate \$165,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 15431000-577010 (Veterans' Benefits – Veterans' Aid). The funding for this request should be approved as soon as possible as the balance in this account is insufficient to continue operations through June 20, 2016. (Copies in your packets)

9/2/16/16 – REFERRED TO THE PERSONNEL & HUMAN SERVICES COMMITTEE

10. I respectfully submit a communication from Planning and Development Director Gary Ayrassian and hereby request Your Honorable Body to hold a public hearing on April 5, 2016 relative to the Administration's proposed Program Year 2016 Community Development Block Grant Entitlement Budget for the CDBG entitlement year July 1, 2016 through June 30, 2017, the proposed Program Year 2016 Annual Action Plan, and to request that the Mayor, on behalf of the City of Attleboro, be authorized to submit to the Department of Housing and Urban Development the proposed CDBG budget and proposed activities to be undertaken during the upcoming CDBG entitlement year. Upon approval, Mr. Ayrassian will submit the Community Development Block Grant budget to the U. S. Department of Housing & Urban Development on or before May 15, 2016. (Copies in your packets)

10/2/16/16 – REFERRED TO THE CAPITAL IMPROVEMENTS & CITY DEVELOPMENT COMMITTEE  
**(CALLED FOR A PUBLIC HEARING ON TUESDAY: APRIL 5, 2016)**

11. I respectfully submit to Your Honorable Body the City's Capital Improvement Program for FY2017–2021. We look forward to working with the Municipal Council in the coming weeks to review the data as submitted. Furthermore, I hereby request Your Honorable Body to hold a Public Hearing at the appropriate time. (Copies in your packets)

11/2/16/16 – REFERRED TO THE CAPITAL IMPROVEMENTS & CITY DEVELOPMENT COMMITTEE  
**(CALLED FOR A PUBLIC HEARING ON APRIL 19, 2016)**

12. I respectfully submit a Grant of Easement from Verizon New England, Inc. and Massachusetts Electric Company that has been approved as to form by City Solicitor Robert Mangiaratti. This easement is needed to provide telephone and electric services to the newly built Department of Public Works – Highway Division facility at 101 Lamb Street. Therefore, I respectfully request that Your Honorable Body accept this Grant of Easement. This easement requires a majority vote. Please note that this is needed as soon as possible. (Copies in your packets)

12/2/16/16 – REFERRED TO THE ZONING & LAND USE COMMITTEE

13. I respectfully submit a communication from Legal Secretary Alison Wood regarding a surplus item that the Fire Department would like to declare surplus and hereby respectfully request Your Honorable Body to declare the following as surplus for trade-in or resale value and available for disposition: (Copies in your packets)

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>VIN #</u>	<u>MILES</u>	<u>CONDITION</u>
1984	GMC Brush Truck	1GDM7D2EXEV523187	12,000	Good

13/2/16/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

14. I respectfully submit a communication from Legal Secretary Alison Wood regarding a surplus item that the Fire Department would like to declare surplus and hereby respectfully request Your Honorable Body to declare the following as surplus and available for disposition: (Copies in your packets)

<u>DESCRIPTION</u>	<u>VIN #</u>	<u>CONDITION</u>
1991 Pierce Ladder Truck	4P1CA01G7MA000171	Poor

14/2/16/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

15. I respectfully submit a communication from Legal Secretary Alison Wood regarding surplus items that the Water Department would like to declare surplus and hereby respectfully request Your Honorable Body to declare the following as surplus and available for disposition: (Copies in your packets)

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>CONDITION</u>
200	Water Meters	Used
20	Hydrants (and associated parts & piping)	Damaged
1	Plow frame and pump, Fisher brand	Poor
1	HP Printer, Model CP1518ni, S/N – CNCC9530G5	Poor

15/2/16/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

16. I respectfully submit a communication from Superintendent of Wastewater Paul Kennedy regarding funding to rehabilitate the above ground 2000 gallon diesel tank located at the Wastewater Treatment Plant sludge landfill. The cost to replace a diesel system such as this would be over \$50,000.00; however the existing system can be rehabilitated and will service the City of several years to come. Therefore, I hereby request Your Honorable Body appropriate \$8,000.00 from Account 6000-359000 (Wastewater Enterprise Fund – Retained Earnings) to Account 6000-530101 (Wastewater Enterprise Fund – Professional Services).

Additionally, I respectfully submit a communication from Superintendent of Wastewater Paul Kennedy regarding funding to purchase a Godwin Diesel Dri-Prime Emergency By-Pass Pump. The proposed pump remains above ground and has the Dri-Prime feature allowing for more versatility and ease of operation when by-passing from one manhole to another. It is also capable of by-passing all City sewer mains including the

City's 42-inch sewer interceptor. Therefore, I hereby request Your Honorable Body appropriate \$48,000.00 from Account 6000-359000 (Wastewater Enterprise Fund – Retained Earnings) to Account 6000-584072 (Wastewater – Pumps/Motors).

Lastly, I respectfully submit a communication from Superintendent of Wastewater Paul Kennedy regarding funding to perform various upgrades, adjustments, network audit examining and recommendations for improvements for the SCADA System. Therefore, I hereby request Your Honorable Body appropriate \$22,300.00 from Account 6000-359000 (Wastewater Enterprise Fund – Retained Earnings) to Account 6000-530101 (Wastewater Enterprise Fund – Professional Services). (Copies in your packets)

16/2/16/16 – REFERRED TO THE PUBLIC WORKS COMMITTEE

17. For Your Information: As you aware, the Department of Public Works had Nitsch Engineering design a new signal timing plan for traffic signal improvements. The design has been completed and bids for the Downtown Attleboro Traffic Signal Improvements are scheduled to be opened on Wednesday, February 24, 2016. In anticipation of a successful bid opening, it will be necessary to appropriate the needed funds. The request for this funding will be before Your Honorable Body in the near future.

17/2/16/16

18. I respectfully submit a communication from Superintendent of Public Works Lance Hill regarding a request from a constituent to install a stop sign at Edgewood Avenue and Magnolia Street that is not included in City Ordinance Section 10-4.11, Isolated Stop Signs and 10-4.12, Multi-Way Stop Signs. Therefore, I hereby request Your Honorable Body refer this issue to the City's Traffic Study Commission for review and recommendation. (Copies in your packets)

18/2/16/16 – REFERRED TO THE TRANSPORTATION AND TRAFFIC COMMITTEE (**REFERRED TO THE TRAFFIC STUDY COMMISSION**)

Sincerely,

Kevin J. Dumas, Mayor

**The following other communications were received and read by the Assistant City Clerk/Clerk of the Council, Sharon Rivard:**

1. Letter from Bruce S. Auerbach, MD, President and CEO of Sturdy Memorial Hospital, respectfully requesting that the Municipal Council reappoint Mayor Kevin Dumas and Council President Frank Cook to the Board of Directors of Sturdy Memorial Foundation and Board of Managers of Sturdy Memorial Hospital.

**REFERRED TO THE PERSONNEL & HUMAN SERVICES COMMITTEE**

2. Two (2) letters from Paul Michaud, Joanne Troiano, Donald Allard, and “Margaret” to President Cook, dated February 8<sup>th</sup> and 11<sup>th</sup>, 2016 regarding the Anti-bullying Ordinance.

**REFERRED TO THE PERSONNEL & HUMAN SERVICES COMMITTEE**

**VOTED: at 8:32 P.M. TO ARISE**

**The meeting was called back to Order at 8:37 P.M.**

Mayor Kevin J. Dumas spoke briefly to the members of the Municipal Council about two items that he presented to the Council in his Communication.

Mayor Dumas explained that Superintendent Kennedy will discuss the issue in more detail at the Council Committee Meetings next week. He explained that in 2015 the City issued a Water Ban because a reservoir had to be drained completely and that all of the water was used. He further explained that there were several weeks of no rain after that, and therefore another reservoir had to also be drained. He explained that after all of this occurred, discussions started up again that originated in 1989 under former Attleboro Mayor Shang, the City of Pawtucket and DEP to have a backup supply of water provided to the City through Pawtucket's water supply. He further explained that an agreement was recently reached for long-term water sustainability and that is the basis for his two requests in his recent Communication to the Council.

Mayor Dumas explained that during non-peak times the City uses approximately 4 million gallons per day, and during peak periods the amount of usage doubles. He explained that if there was an emergency need for water that the interconnection with Pawtucket's water supply could provide water to one section of the City. He explained that what is being requested via his Communication is the cost for the actual connection to National Grid in the approximate amount of \$7,500 and the other amount is approximately \$15,000 to cover Pawtucket's cost for setting up the interconnection and, if necessary, to purchase the first million gallons of water. The Mayor explained that the City of Flint, Michigan has been in the media recently given problems with their quality of water, but he explained that DEM and DEP and the Public Health Department of the State of Rhode Island have stringent measures in place to protect the quality of water.

Councilor Hall asked the Mayor if there are any maintenance fees that will be paid to Pawtucket to maintain the interconnection.

The Mayor responded that approximately \$225,000-\$250,000 would be the only other dollar amount spent, but that amount would not be payable as a maintenance fee to Pawtucket. He explained that this cost would be paid using cash from the Water Enterprise Fund to pay for the pumps, emergency generators, and the storage unit structure that will house all of the mechanics necessary for the interconnection.

Councilor Porreca requested the balances for the Water and Wastewater funds.

Councilor Conti asked if this Agreement would be a part of a budgeted item going forward.

The Mayor responded that the electric bill would be the only budgeted item. He explained that there is a specific process that has to happen before they turn on the process and that this process wasn't identified as an additional expense. He also explained that there is an established fee established for municipalities that purchase water from them as set by the Rhode Island Public Utilities Commission and isn't a negotiated rate.

**VOTED: TO GO INTO COMMITTEE OF THE WHOLE at 8:51 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.

## Committee Reports:

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

1. Voted on Roll Call (11 yeas, 0 nays) to approve the Mayor's request to expend approximately \$15,600.00 in 2016 Senator Charles E. Shannon Jr. Community Safety Initiative grant funds and any future grant amendments by the Attleboro Police Department to combat gang and youth violence through coordinated programs for prevention and intervention.
2. Voted on Roll Call (11 yeas, 0 nays) in accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, to approve the Mayor's request to expend approximately \$9,052.00 in FY2016 Student Awareness of Fire Education (SAFE) and FY2016 Senior SAFE grant funds from the Commonwealth of Massachusetts any future grant amendments by the Attleboro Fire Department to provide fire and life safety education within the community, with an emphasis on educating children and seniors about fire and other related dangers.
3. Voted on Roll Call (11 yeas, 0 nays) to approve the Mayor's request to transfer \$1,501.50 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 12401000-558030 (Protective Inspection-Other Books) to be used by the Building Inspection Department to purchase new codebooks for upcoming training classes and for proper code enforcement by the Building Inspectors.
4. Voted on Roll Call (10 yeas, 0 nays, Ms. Jackson abstained) to approve the Mayor's request to appropriate \$125,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to the following accounts to cover the cost of Fire Department salaries and overtime for the remainder of Fiscal Year 2016:  
  
Account 12201000-511000 (Fire – Salary & Wages) \$85,000.00  
  
Account 12201000-513000 (Fire – Overtime) \$40,000.00.
5. Voted on Roll Call (11 yeas, 0 nays) to approve the Mayor's request to appropriate \$100,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 12101000-513000 (Police – Overtime) to cover the cost of Police Department overtime for the remainder of Fiscal Year 2016.
6. Voted on Roll Call (11 yeas, 0 nays) to approve the Mayor's request to transfer \$18,500.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 12101000-530101 (Police – Professional Services) to cover the Police Department's associated costs for 7 participants for the Lieutenant Assessment Center exam and 15 participants for the Sergeant Assessment Center exam.

Mr. Blais also called for a Committee meeting at the next appropriate time.

Mr. DiLisio stated that the **Ordinances, Elections & Legislative Matters Committee** had no business, and he called for a Committee meeting at the next appropriate time.

Ms. Hall stated that the **Zoning and Land Use Committee** had no business and she called for a Committee meeting at the next appropriate time.

Mr. Conti reported that the **Capital Improvements & City Development Committee** had no business and he called for a Committee meeting at the next appropriate time.

On the recommendation of the **Transportation & Traffic Committee** and on the motion of Mrs. Porreca, the following motion was made:

1. To adopt the following ordinance:

“ORDINANCE RELATIVE TO STOP SIGNS”

BE IT ORDAINED by the Municipal Council of the City of Attleboro as follows: that Section 10-4.11 Isolated Stop Signs of the Revised Ordinances of the City of Attleboro is hereby amended by inserting the following in alphabetical order:

Northbound drivers on Colts Way at Kennedy Drive

On the Motion of Mr. Conti, a motion was made to Lay the issue on the Table.

Voted on Roll Call (5 yeas, 5 nays, Mr. Blais absent, Ms. Jackson, Mr. Cooper, Mr. Denlea, Mrs. Porreca, and Mr. DiLisio voting nay) to Lay on the Table the previous vote.

The motion failed, Mr. Denlea withdrew his previous 2<sup>nd</sup> of Mrs. Porreca’s motion, and the issue was referred back to the Transportation & Traffic Committee.

Mrs. Porreca also called for a Committee meeting at the next appropriate time.

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

1. Voted on Roll Call (10 yeas, 0 nays, Mr. Blais absent) to approve the application for a new Class 2 license received from Best Buy Automotive and Tires, Inc., 931 Washington Street, Attleboro, MA for 4 customer parking spaces and 10 display spaces.

Mr. Denlea called for a Committee meeting at the next appropriate time.

On recommendation of the **Budget and Appropriations Committee** and on motion of Ms. Heagney, the following vote was taken:

1. Voted on Roll Call (10 yeas, 0 nays, Mr. Blais absent) to approve the Mayor’s request to transfer \$24,599.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11241000-530101 (City Wide – Professional Services) for additional funds for special legal counsel services for bankruptcy matters and for asphalt plant court cases for the remainder of fiscal year 2016.
2. Voted on Roll Call (10 yeas, 0 nays, Mr. Blais absent) to approve the Mayor’s request to transfer \$1,800.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11211000-530890 (Mayor – City Solicitor) for payment of court costs, filing fees, sheriff’s fees,

deposition expenses, recording fees, outside printing, expert witness fees and similar legal costs incurred by the City Solicitor's Office for fiscal year 2016.

3. Voted on Roll Call (10 yeas, 0 nays, Mr. Blais absent) to approve the following **LOAN ORDER** to rehabilitate the Oakhill Water Storage Tank:

**ORDERED:** that Two Million, Six Hundred Seventy Thousand Dollars (\$2,670,000.00) is appropriated for the permitting, bidding, construction oversight and construction costs associated with the rehabilitation of the Oak Hill Water Storage Tank, located in Attleboro, Massachusetts (the "Project"), including the payment of all costs incidental or related thereto; that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow Two Million, Six Hundred Seventy Thousand Dollars (\$2,670,000.00) under Section 8(4) of Chapter 44 of the General Laws, or any other enabling authority; that the Mayor is authorized to contract for and expend any federal or state aid available for the Project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds or notes under this order; that the Mayor is authorized to take any other action necessary or convenient to carry out this Project; and that Seventy Thousand Dollars (\$70,000.00) of the amount appropriated shall be allocated to the costs of preparing, issuing and marketing any such borrowing, provided that any portion of such Seventy Thousand Dollars (\$70,000.00) not needed for such costs of issue shall be made available for Project costs.

Ms. Heagney also called for a Committee meeting at the next appropriate time.

Ms. Reynolds stated that the **City Property & Claims Committee** meeting had no business and she called for a Committee Meeting at the next appropriate time.

On recommendation of the **Personnel & Human Services Committee** and on motion of Mr. Cooper the following vote was taken:

1. Voted unanimously (Mr. Blais absent) to confirm the appointment of Vicki Cassidy Nason, 17 Lorusso Drive, Attleboro, to fill an unexpired term on the Council of Aging Board of Directors. Term to expire February 2020.
2. Voted unanimously (Mr. Blais absent) to confirm the appointment of John Hanrahan, 38 Falcon Drive, Attleboro, to fill an unexpired term on the Municipal Building Commission. Term to expire February 2018.

Mr. Cooper also called for a Committee meeting at the next appropriate time.

On recommendation of the Public Works Committee and on the recommendation of Ms. Jackson, the following vote was taken:

1. Voted on Roll Call (10 yeas, 0 nays, Mr. Blais absent) to approve the Mayor's request to transfer \$4,600.00 from Account 6100-578300 (Water Enterprise Fund-Reserve Fund for Transfer) to Account 6100-569010 (Water Enterprise Fund-Taxes to Other Communities) to be used by the Water Department to pay upcoming real estate taxes to other communities for the remainder of FY2016.

**NEW BUSINESS**

1. On the motion of Mr. Cooper, voted unanimously (Mr. Blais absent) to refer the following matter to the appropriate Committee for further study and recommendation:

To confirm the appointments of **Mayor Kevin J. Dumas and Council President Frank Cook as representatives of the City on the Sturdy Memorial Hospital Board of Managers subject to the confirmation of the Mayor. Terms to expire December 2017.**

REFERRED TO THE PERSONNEL & HUMAN SERVICES COMMITTEE

2. On the motion of Mr. Cooper, voted unanimously (Mr. Blais absent) to refer the following matter to the appropriate Committee for further study and recommendation:

To re-elect Deborah Gould, 386 South Washington Street, North Attleboro, MA, to the position of City Auditor. Term to expire February 2018.

REFERRED TO THE PERSONNEL & HUMAN SERVICES COMMITTEE

3. On the motion of Mr. Cooper, voted unanimously (Mr. Blais absent) to refer the following matter to the appropriate Committee for further study and recommendation:

To re-elect Kenneth Owens, 14 Perrin Street, to the position of Administrative Assistant of the Municipal Council. Term to expire February 2018.

REFERRED TO THE PERSONNEL & HUMAN SERVICES COMMITTEE

4. On the motion of Ms. Heagney, voted unanimously (Mr. Blais absent) to refer the following matter to the appropriate Committee for further study and recommendation:

That Section 10-4.11 Isolated Stop Signs of the Revised Ordinances of the City of Attleboro is hereby amended by inserting the following in alphabetical order:

Northwest drivers on Baker Street at Camp Street.

REFERRED TO THE TRANSPORTATION & TRAFFIC COMMITTEE

5. Voted unanimously (Mr. Blais absent) to refer the above matter to the **Traffic Study Commission.**

**VOTED: TO ADJOURN** at 9:13 P.M.

**A TRUE COPY**

**ATTEST:** \_\_\_\_\_  
**Assistant City Clerk/Clerk of the Council**

**MINUTES APPROVED BY COUNCIL:** \_\_\_\_\_  
**(DATE)**

\_\_\_\_\_  
**Assistant City Clerk/Clerk of the Council**