

MEMBERS PRESENT: President Frank B. Cook, Vice-President Peter Blais. Councilors: Richard Conti, Mark Cooper, Jeremy Denlea, Shannon Heagney, Brian Kirby, Heather Porreca, Walter Thibodeau and Jonathan Weydt.

MEMBERS ABSENT: Ronald Churchill

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.

City Clerk Elizabeth Shockroo read the call to the Special Meeting:

Date: MARCH 20, 2015
To: Members of the Municipal Council
From: Frank Cook, Council President

Councilors:

By authority of Article 2, Section 2-7 (c) of the Attleboro Home Rule Charter, I hereby call a special meeting of the Municipal Council as follows:

Date: MARCH 24, 2015
Time: 7 P.M.
Place: Council Chambers
Purpose: To rescind Vote #12 from the Council meeting of September 11, 2007 relative to the acceptance of "Attleboro Business Row" (Roadway A), strike from the Docket "Opportunity Drive" (Roadway D) and any other legal matters that may come before the Council.
cc: Mayor Kevin J. Dumas

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

March 24, 2015

Dear Municipal Councilors:

1. On March 20, 2015, you were sent a memorandum from City Solicitor Robert Mangiaratti regarding the sale of land by the Attleboro Redevelopment Authority in the Industrial Business Park. As stated in the memo, the Council would have to rescind the vote to accept “Attleboro Business Row” (Roadway A) as well as strike from the docket the proposal of June 26, 2012 to accept “Opportunity Drive” (Roadway D). The buyer requires that the City take formal action demonstrating that the two streets are not public ways.

Therefore, I respectfully ask Your Honorable Body to rescind Vote #12 from the Council meeting of September 11, 2007 relative to the acceptance of “Attleboro Business Row” (Roadway A) in the Industrial Business Park. (Copies in your packets)

In accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro, I respectfully request Your Honorable Body to consider this as an emergency measure.

1/3/24/15 – REFERRED TO COMMITTEE—PUBLIC WORKS

2. The City of Attleboro has been notified by the Commonwealth of Massachusetts of the award of \$181,219.00 for the Winter Recovery Assistance Program. This one-time FY2015 program was announced by the Baker-Polito Administration on March 19, 2015. We are required to complete the work by June 30, 2015. These funds will allow the City of Attleboro to repair potholes, crack sealing, repair damaged signage and guardrails or other damage resulting from the harsh winter. Therefore, I hereby request Your Honorable Body to approve the expenditure of such funds as soon as possible. (Copies in your packets)

In accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro, I respectfully request Your Honorable Body to consider this as an emergency measure.

2/3/24/15 – REFERRED TO COMMITTEE—PUBLIC WORKS

Sincerely,

Kevin J. Dumas, Mayor

No other communications were received.

President Cook recognized two ARA members, Jay DiLisio and Rick Correia, who were in the audience.

City Solicitor Robert Mangiaratti appeared before the Council to address Item #1 of the Mayor's Communication pertaining to "Attleboro Business Row" (Roadway A) and "Opportunity Drive" (Roadway D). He distributed plans to Council members.

He stated that the Attleboro Redevelopment Authority has been attempting to complete the sale of a large piece of land in the Industrial Business Park for the construction of a sports complex. He advised the Council that he met with Attorney Edward Casey (representing Bristol County Savings Bank, the lender). He explained that a title examination was performed and that there were "housekeeping" issues that needed to be resolve. He stated that the buyer's financial team has requested the elimination of any question of the existence of Roadway A and Roadway D. He explained by use of the plan and identified the area (sports complex) and the Mars Seafood site. He testified that Roadway A was accepted by the City Council but that the land is still owned by the Attleboro Redevelopment Authority and has never been conveyed from the Attleboro Redevelopment Authority to the City of Attleboro. He went on to say that in the law of establishing public ways, many steps have to be followed and that the acceptance of the interest in land as well as the street must be completed. He stated that the acceptance plan was never recorded; the land was never conveyed to the City of Attleboro; and the construction of the roadway was never started. He advised the Council that these are fatal defects in the project and that to satisfy the buyer and buyer's finance team he is suggesting that the vote to accept Attleboro Business Row (Roadway A) be rescinded. He stated that there would be not be a negative effect on the interest of Attleboro.

Attorney Mangiaratti then discussed Opportunity Drive (Roadway D) street acceptance. He stated that this is a small stub of road that has been on the Council docket for years and that Attleboro Redevelopment Authority has requested that this item be stricken from the docket. He advised the Council that this stub was put in place for the Army land swap, but that this swap had never materialized. He requested that this item be stricken from the docket.

President Cook discussed the public hearing that has been continued for a very long time at the request of the Attleboro Redevelopment Authority.

President Cook advised the Council that a brief recess would be held so that the Public Works Committee could meet and that the Special Meeting would reconvene following the Public Works Committee meeting.

VOTED: TO HOLD A BRIEF RECESS TO HOLD A PUBLIC WORKS COMMITTEE MEETING AT 7:23.

The Special Meeting was called back to order at 7:31 P.M.

Committee Reports:

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

1. Voted on Roll Call—10 yeas—0 nays (Mr. Churchill absent) to adopt the following **Emergency Preamble:**

That the Attleboro Municipal Council vote to take action as provided in the City Charter, Section 2-9(b) regarding the emergency which presently exists relative to the request of the Mayor to rescind vote #8 from the Attleboro Municipal Council meeting of September 11, 2007: Voted on Roll Call—11 yeas—0 nays to accept the street entitled, “Attleboro Business Row” (Roadway A) defined on the plan as parcels G, H, I and J, having a length of approximately 1,828 feet, (Parcel G-19,600 square feet; Parcel H-35,149 square feet; Parcel I-47,959 square feet; and Parcel J-12,805 square feet) located in the Attleboro Industrial Business Park, as shown on the plan entitled, “Layout Plan of Road Commonwealth of Massachusetts in the City of Attleboro, Bristol County, prepared by the Attleboro Redevelopment Authority, drawn and surveyed by Vanasse Hangen Brustlin, Inc, 530 Broadway, Providence, RI, dated January 17, 2007.

Due to time constraints involved the nature of the emergency makes it necessary to take action without waiting the prescribed time as provided in the City Charter.

2. Voted on Roll Call—10 yeas—0 nays to approve, as an emergency measure, the request of the Mayor to rescind vote #8 from the Attleboro Municipal Council meeting of September 11, 2007: Voted on Roll Call—11 yeas—0 nays to accept the street entitled, “Attleboro Business Row” (Roadway A) defined on the plan as parcels G, H, I and J, having a length of approximately 1,828 feet, (Parcel G-19,600 square feet; Parcel H-35,149 square feet; Parcel I-47,959 square feet; and Parcel J-12,805 square feet) located in the Attleboro Industrial Business Park, as shown on the plan entitled, “Layout Plan of Road Commonwealth of Massachusetts in the City of Attleboro, Bristol County, prepared by the Attleboro Redevelopment Authority, drawn and surveyed by Vanasse Hangen Brustlin, Inc, 530 Broadway, Providence, RI, dated January 17, 2007.

--Approved by the Mayor on March 26, 2015

3. Voted unanimously to strike the following item from the Supplemental Docket 2 of July 17, 2012: 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”, 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 and further in accordance with Section 1-12, of the Revised Ordinances of the City of Attleboro, accept this donation.

--Approved by the Mayor on March 26, 2015

4. Voted on Roll Call—10 yeas—0 nays to adopt the following **Emergency Preamble:**

That the Attleboro Municipal Council vote to take action as provided in the City Charter, Section 2-9(b) regarding the emergency which presently exists relative to the request of the Mayor to accept the award of \$181,219.00 for the Winter Recovery Assistance Program and to allow the Department of Public Works to expend approximately \$181,219.00 to repair potholes, crack sealing, repair damaged signage and guardrails or other damage resulting from the harsh winter.

Due to time constraints involved the nature of the emergency makes it necessary to take action without waiting the prescribed time as provided in the City Charter.

5. Voted on Roll Call—10 yeas—0 nays to approve, as an emergency measure, the request of the Mayor to accept the award of \$181,219.00 for the Winter Recovery Assistance Program and to allow the Department of Public Works to expend approximately \$181,219.00 to repair potholes, crack sealing, repair damaged signage and guardrails or other damage resulting from the harsh winter.

--Approved by the Mayor on March 26, 2015

President Cook announced that with the striking of “Opportunity Drive” (Roadway D), the public hearing on this matter is now over.

VOTED: TO ADJOURN at 7:43 P.M.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)