

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

MEMBERS ABSENT: Vice-President Peter Blais

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.

A motion was made, duly seconded and unanimously voted to approve the minutes of March 3, 2015. All were in favor

A motion was made, duly seconded and unanimously voted to approve the minutes of March 17, 2015. All were in favor.

A motion was made, duly seconded and unanimously voted to approve the minutes of March 24, 2015. All were in favor.

President Cook explained that he would call to Suspend the Rules as there are a few presentations and that the Council would need to deviate from the normal schedule.

Voted on Roll Call—10 yeas—0 nays (Mr. Blais absent) to Suspend the Rules.

Continued from the Meeting of March 17, 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, South east, LLC, 500 East Washington Street, North Attleboro, MA 02760, dated May 4, 2011.

President Cook stated that this public hearing had been continued for some time and announced that this item was stricken from the Docket at the Special Meeting that was held on March 24, 2015.

PUBLIC HEARING relative to the Petition from National Grid and Verizon, to extend existing pole line 132’ from p3369 to p3368 and install a 40’ pole and anchor with secondary conductors to service 59 Lathrop Road.

Speaking in favor was Michael Parent, 14 Covert Street, Westerly, RI representing National Grid. He stated that the distance is too much of a span to run the service and a new pole needs to be installed to service a new home.

No one appeared to speak in opposition or neither for nor against.

President Cook asked Mr. Churchill if the public hearing should be continued.

Mr. Churchill answered no.

President Cook closed the public hearing.

PUBLIC HEARING relative to the application for a New 2015 Class 2 Auto License from Stateline Auto Brokers, Inc., 1115 Washington Street, Attleboro, MA for 6 Customer Parking Spaces and 42 Display Spaces and 55 Storage Spaces on Westminster Street (Plat 3, Lot 66).

Speaking in favor was Attorney Edward Casey, 8 North Main Street, Attleboro, MA representing the applicant. He stated that the owner of the used car dealership is John Moreau and that the number of vehicles on the site was in excess of the number of vehicles applied for on his 2015 application. He went on to say that this is a very successful business and that there have been no complaints in the three years that Mr. Moreau has operated at this location. He distributed site plans to the Council members. He stated that the problems were compounded when the police questioned the additional vehicles that were being stored in a fenced-in area and not on the car dealership site. He stated that Mr. Moreau was informed that this lot also requires a license to store the vehicles in conjunction with the 1115 Washington Street operation. He stated that the Council gave Mr. Moreau a Temporary License for 60 days and required Mr. Moreau to file the necessary paperwork. He testified that the previous owner owed back personal property taxes and that this delayed the submittal of the application. He asked the Council to determine that Mr. Moreau is a proper person to operate a used car dealership.

Mr. Churchill noted that the plans indicate 55+ vehicles and asked how many more vehicles would be located in the storage area.

Attorney Casey replied that the area would be used for no more than 55 vehicles. He also noted that there is a portion of Turner Street that was discontinued.

Mr. Kirby complimented Mr. Moreau on the significant renovations to the building and improvements to the parking lot that have taken place on the dealership property since Mr. Moreau has taken over.

Mr. Churchill asked Attorney Casey if there is a lease with the property owner for the lot where the vehicles are being stored.

Attorney Casey replied that there is a month to month rental agreement with the owner (Chartier Street Nominee Trust) and that Mr. Moreau does recognize the risk.

Mr. Denlea asked the purpose of the Westminster Avenue lot.

Speaking in favor was applicant John Moreau, 1115 Washington Street, Attleboro, MA. He stated that the additional lot is for storing the vehicles for the business and that he also stores vehicles for wholesaling. He stated that if the Council would prefer him to have a lease, he would obtain a lease.

Mr. Churchill asked if the majority of the access for the vehicles is right off of Turner Street.

Mr. Moreau replied yes.

Mr. Denlea asked if the Building Inspector has signed off of both site plans.

Attorney Casey answered yes.

It was noted that if more vehicles needed to be stored on the lot, a new site plan and application would have to be submitted and approved by the Council.

Speaking in opposition was Raymond Governo, owner of the abutting property. He stated that Mr. Moreau does not have a permit to store vehicles on the lot.

Mr. Churchill explained to Mr. Governo that a license is being applied for this evening and that all of the legal ramifications have been satisfied.

Mr. Governo stated that the parking lot (where the vehicles are stored) is illegal.

Mr. Thibodeau explained to Mr. Governo that Mr. Moreau had not obtained the necessary license to store the vehicles and that is why he is before the Council this evening. He went on to say that the Building Inspector has approved both sites and all other issues have been addressed. He also stated that from this point on, Mr. Moreau would have to stay within the requirements of the license.

Mr. Governo responded that he thought that Mr. Moreau had sixty days to clean the area up.

Mr. Churchill explained his visits to the properties and stated that Mr. Moreau had done what the Council has asked him to do. He stated that the number of vehicles allowed at both sites would be made part of the license.

Mr. Cooper requested that the access to the site and number of vehicles stored on the site be checked before the Council approves the license.

Ms. Heagney explained to Mr. Governo that the Council is amending a license and not approving a permit. She asked Mr. Governo what his opposition to the business is.

Mr. Governo responded that there are too many cars on the lot and that the owner is parking vehicles on the street which creates congestion in the neighborhood.

Mr. Denlea explained to Mr. Governo that he was the previous License Committee Chairperson. He assured Mr. Governo that Attorney Casey would make sure that his client would comply with the approved plan and that the Chairperson would visit the site.

Mr. Churchill advised Mr. Governo that he would make a site visit and make weekly checks.

Ms. Porreca asked Mr. Governo if the Council were to insert a condition relative to the traffic issues what he would recommend.

Mr. Governo responded that Mr. Moreau unloads vehicles, blocks traffic and drives unregistered vehicles on the street.

No one appeared to speak neither for nor against.

President Cook asked Mr. Churchill if the public hearing should be continued.

Mr. Churchill answered no.

President Cook closed the public hearing.

PUBLIC HEARING relative to the Administration's proposed Program Year 2015 Community Development Block Grant Entitlement Budget for the CDBG entitlement year July 1, 2015 through June 30, 2016, the proposed Program Year 2015 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.

Speaking in favor was Dorothy Brissette, Community Development Director. She read the following statement into the record:

Good evening, Dorothy Brissette Community Development Director.

I am please to be before Council this evening to present the PY'15 Community Development Block Grant budget. This evening marks the start of the 30 day comment period on the annual action plan. Copies of a draft plan is available in the Community Development Office, the city's web site, and at the Attleboro Public Library. Copies of said plan are also available for council's viewing in the council meeting room.

CDBG funds serve the community as a whole, but are primarily designated to assisting the City's low and moderate income residents.

In developing the five year consolidated plan last year, it was determined that the areas in which the City has most needs were:

Creating & Retaining Affordable Housing through the rehabilitation of existing single and multi family projects

Economic Opportunities through the creation of Jobs

The need for Public Facilities Improvements in a primarily low income neighborhoods or whose primary use is to serve low income people and the continued support of Public Services Agencies.

The hand out before you represents the proposed PY' 2015 budget. The Department of Housing and Urban Development released its PY'15 allocations in February. The City's allocation is 374,286.00 that is approximately \$300.00 less than what we received last year. (refer to attachment)

Related to the Public Service budget, the 2nd hand out lists funding recommendations. A needs meeting was held in January. The application was made available that evening. Agencies and departments had approximately one month to submit said request for funds.

The City received 8 applications and through extensive review, it was determined that 2 applications either did not qualify based on the type of project proposed or the application submitted was not complete. With the very short amount of \$60,366, the block grant will be addressing the needs of over 600 low income residents

In conclusion, the mandated 30 day comment period on the action plan begins today through May 8th. Again, a copy of the action plan is also available for public review and comment in my office, on the City's web site and at the Attleboro Public Library. The deadline for submitting said plan to HUD is May 15th. I respectfully requests councils review and approval of the submission of the Action Plan to prior by May 15th

Mr. Denlea noted that the 20% Administration costs has not been reached and that is a good thing as the funds can be used on community projects.

Ms. Brissette agreed. She stated that all but two of the public service projects were being funded. She went on to say that she is impressed with the public service agencies in Attleboro as there are no overlaps with services and that there is very good networking.

Mr. Churchill asked if it is the same organizations each year.

Ms. Brissette responded that there was a new agency last year that reapplied this year but did not meet the new guidelines. She explained that the guidelines have changed and that a point system is used. She stated that the other agency that was denied had submitted an incomplete application.

No one appeared to speak in opposition or neither for nor against.

President Cook asked Mr. Conti if the public hearing should be continued.

Mr. Conti answered no. He stated that the Council would take a vote within the next few weeks and that the May 15th deadline would be met.

President Cook closed the public hearing.

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

April 7, 2015

Dear Municipal Councilors:

1. I respectfully submit for confirmation to Your Honorable Body the appointment of Ric G. Rose, 81 Tanager Road, to fill an expired term on the Cultural Council. Term to expire February 2018. (Copies in your packets)

1/4/7/15 – REFERRED TO COMMITTEE—PERSONNEL & HUMAN SERVICES

2. For Your Information: The Historical Commission has appointed Jack Rogers, 49 Claire Drive to a 2-year appointment as an Associate Member of the Historical Commission. Term to expire February 2017. Council confirmation is not needed for this appointment.

2/4/7/15

3. I respectfully submit a communication from Superintendent of Schools Kenneth M. Sheehan regarding a donation from Nancy Wall of a 2002 Volkswagen Jetta with an estimated retail value of \$845.00 for the Automotive Department at the High School. In accordance with Section 1-12 of the Revised Ordinances 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)

3/4/7/15 – REFERRED TO COMMITTEE—CITY PROPERTY & CLAIMS

4. For Your Information: I regret to inform Your Honorable Body we have received the resignation of Kate O’Neil from the Cultural Council. I know you will join me in thanking Ms. O’Neil for her service to the City. (Copies in your packets)

4/4/7/15

5. For Your Information: I regret to inform Your Honorable Body that Thomas Higgins is no longer an associate member of the Historical Commission. I know you will join me in thanking Mr. Higgins for his service to the City. (Copies in your packets)

5/4/7/15

6. I respectfully submit a communication from Legal Secretary Alison Wood regarding a surplus item that the Mayor’s Office 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>ITEM</u>	<u>MAKE/MODEL</u>	<u>CONDITION</u>
1	Typewriter	Nakajima / AE-710	No longer works

6/4/7/15 – REFERRED TO COMMITTEE—CITY PROPERTY & CLAIMS

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

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>VIN #</u>	<u>MILES</u>	
<u>CONDITION</u>				
2008	BMW / 528XI	WBANV135X8C256100	105,263	Fair

7/4/7/15 – REFERRED TO COMMITTEE—CITY PROPERTY & CLAIMS

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

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>VIN #</u>	
<u>DESCRIPTION</u>			
2007	Freightliner Chassis Bus	4UZABRCT37CW25120	
1998	Chevy Cutvan Minibus	1GBHG31R2W1090093	
1998	Chevy Cutvan Minibus	1GBHG31R2W1090045	
1990	Chevy SPOVAN Van	2GNEG25H5L4126431	
2006	Thomas Freightliner	4UZAAWDH66CV72663	33 passenger half bus
2007	Chevy Cut Away	1GBJG316871107183	Wheelchair lift equipped mini bus
2001	Chevy Express	1GNHB35R711127645	7 passenger van
2004	Chevy Express	1GNHG35U141120859	7 passenger van
2005	Ford Econoline	1FBNE31L45HB41748	7 passenger van
2006	Ford Econoline	1FTNE242X69B0428	Wheelchair lift equipped mini bus
2006	Ford Ecovan	1FTNE24WX6DB04028	278,648 miles

7/4/7/15 – REFERRED TO COMMITTEE—CITY PROPERTY & CLAIMS

8. I respectfully submit a communication from Superintendent of Park and Forestry Aurelio Almeida regarding the donation of 55 rose bushes for the Anderson Rose Garden from the Garden Club. The total estimated value is \$1,210.00. 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)

8/4/7/15 – REFERRED TO COMMITTEE—CITY PROPERTY & CLAIMS

9. I respectfully submit a communication from Superintendent of Park and Forestry Aurelio Almeida regarding the need for funds for Animal Control overtime. The overtime for Animal Control has increased due to an unforeseen illness in the department as well as increased call volume during FY2015. Therefore, I hereby request Your Honorable Body to transfer \$4,825.60 from Account 11241000-5783000 (City Wide – Reserve Fund for Transfer) to Account 12921000-513000 (Animal Control – Overtime). Upon approval, the available balance in Reserve Fund for Transfer will be \$33,709.77. (Copies in your packets)

9/4/7/15 – REFERRED TO COMMITTEE—PERSONNEL & HUMAN SERVICES

10. I respectfully submit a communication from Fire Chief Scott T. Lachance regarding the need for funds for overtime. The Fire Department has experienced tremendous difficulty filling vacancies in a timely manner. Further compounding these problems, there have been numerous firefighters with long-term injuries/illnesses. Because of the unanticipated vacancies, hiring delays and injuries, there is insufficient overtime funding to maintain essential services for the rest of the fiscal year. Therefore, I hereby request

Your Honorable Body appropriate \$50,000.00 from Fund 1000-359000 (Undesignated Fund General Government/Free Cash) to Account 12201000-513000 (Fire – Overtime). (Copies in your packets)

10/4/7/15 – REFERRED TO COMMITTEE—PUBLIC SAFETY & EMERGENCY MANAGEMENT

11. I respectfully request Your Honorable Body to authorize the Mayor and appropriate department(s) to research and develop a plan to participate in a contract, or contracts, to aggregate the electricity load of the residents and businesses in the City of Attleboro, and for other related services, independently, or in joint action with other municipalities, and further authorizes the Mayor to execute all documents necessary to accomplish the same.

11/4/7/15 – REFERRED TO COMMITTEE—PUBLIC WORKS

12. I respectfully submit a communication from the Personnel Director Owen Bebeau regarding the need to make additions to the classification plan. These recommended additions are the result of changes within the Health Department and the Planning and Development Department. Therefore, I hereby request Your Honorable Body to add the following positions on the City Classification Plan for exempt employees:

Waste Reduction Enforcement Coordinator added to Grade 1
Assistant Conservation Agent added to Grade 3

(Copies in your packets)

12/4/7/15 – REFERRED TO COMMITTEE—PERSONNEL & HUMAN SERVICES

13. As you are aware, the city-owned property on Lamb Street has been selected for our Equipment & Maintenance Facility for the Department of Public Works - Highway Division, which is also the location of the newly constructed Central Fueling Depot and Storage Facility. This combined facility is located almost exactly in the geographical center of the City and is, therefore, perfectly situated especially for snow operations.

As you may recall, the need for this new building is to provide for the “functional replacement” of our existing Equipment & Maintenance Facility for the Department of Public Works – Highway Division which is currently located at the City's Wall Street facility. That existing building is expected to be demolished sometime this summer in order to continue our \$4.766m construction project at that site, including Riverfront Drive and Riverfront Park. The demolition of that existing building means that the new Equipment & Maintenance Facility for the Department of Public Works - Highway Division must be substantially completed prior to next winter.

After numerous public meetings and in close consultation with personnel from the Department of Public Works-Highway Division, the architect for this project, Robinson Green Beretta Corporation (RGB), has put forth a very sensible, utilitarian design for this new building. The final design was approved by the Municipal Building Commission at its March 4, 2015 meeting. The project was then put out for bid, in accordance with Massachusetts procurement laws.

The filed sub-bids for this project were opened on March 25, 2015, and the general bids were opened on April 1, 2015. There were three (3) general bids submitted. In fulfilling their due diligence, RGB has recommended that two (2) of those bids did not meet certain legal requirements, and must be disqualified. Unfortunately, one of the companies that was disqualified was also the lowest bidder.

Based upon the qualified bid results, and the need to perform other improvements in connection with this new facility, I respectfully request Your Honorable Body to approve the following loan order:

ORDERED: that Nine Million, Nine Hundred Thousand Dollars (\$9,900,000.00) is appropriated for the construction of a municipal public works equipment and maintenance facility, including the payment of all costs incidental or related thereto and the costs of preparing, issuing and marketing any bonds or notes in connection therewith; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow Nine Million, Nine Hundred Thousand Dollars (\$9,900,000.00) under Section 7(3) of Chapter 44 of the Massachusetts General Laws or any other enabling authority; that One Hundred Thousand Dollars (\$100,000.00) of the amount appropriated shall be allocated to the costs of preparing, issuing and marketing any such borrowing, provided that any portion of such One Hundred Thousand Dollars (\$100,000.00) not needed for such costs of issue may be used for project expenses; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.

13/4/7/15 – REFERRED TO COMMITTEE—BUDGET & APPROPRIATIONS AND TO THE PLANNING BOARD FOR STUDY AND RECOMMENDATION

A motion was made, duly seconded and unanimously voted to hold a **PUBLIC HEARING** on Tuesday, April 21, 2015 the following loan order:

ORDERED: that Nine Million, Nine Hundred Thousand Dollars (\$9,900,000.00) is appropriated for the construction of a municipal public works equipment and maintenance facility, including the payment of all costs incidental or related thereto and the costs of preparing, issuing and marketing any bonds or notes in connection therewith; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow Nine Million, Nine Hundred Thousand Dollars (\$9,900,000.00) under Section 7(3) of Chapter 44 of the Massachusetts General Laws or any other enabling authority; that One Hundred Thousand Dollars (\$100,000.00) of the amount appropriated shall be allocated to the costs of preparing, issuing and marketing any such borrowing, provided that any portion of such One Hundred Thousand Dollars (\$100,000.00) not needed for such costs of issue may be used for project expenses; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.

--Approved by the Mayor on April 9, 2015

14. I respectfully submit a communication from City Solicitor Robert Mangiaratti, in agreement with Planning and Development and the Building Inspector, regarding proposed amendments to Zoning Ordinances. These amendments would specifically define “asphalt plant” and “concrete plant”. Therefore, I hereby request Your Honorable Body to amend the following sections of the Revised Ordinances of the City of Attleboro:

Amend §17–3.4 Table of Use Regulations – Wholesale, Transportation, and Industrial by inserting new land uses #15 and #16.

PRINCIPAL USES – WHOLESALE, TRANSPORTATION, AND INDUSTRIAL

	GR	SR	CB	GB	PHB	I	IBP
15. Bituminous Concrete/ Asphalt Plant	N	N	N	N	N	S	N
16. Concrete Plant	N	N	N	N	N	S	N

Amend §17–3.5 Table of Accessory Use Regulations by inserting new accessory uses #28 and #29.

ACCESSORY USES	GR	SR	CB	GB	PHB	I	IBP
28. Bituminous Concrete/ Asphalt Plant	N	N	N	N	N	S	N
29. Concrete Plant	N	N	N	N	N	S	N

Amend §17–11.2 Definitions by inserting the following definitions alphabetically:

Asphalt plant: a use of land, building or structure, or parts thereof, whether portable or non-portable, which produces and/or recycles asphalt or similar coated road stone and has equipment designed to heat and dry aggregate and to mix mineral aggregate with asphalt cement, bitumen, liquid asphalt, and/or tar. Asphalt plant includes, but is not limited to, the systems for screening, handling, storing and weighing hot aggregate, systems for loading, transferring and storing mineral filler, systems for mixing asphalt concrete, stockpiling and storage of bulk materials used in the process or finished product(s) manufactured on the premises, the storage and maintenance of equipment, and facilities for the administration or management of the business.

Concrete plant: a use of land, building or structure, or parts thereof, whether ready mix or central mix, which combines various ingredients such as, but not limited to, sand, water, aggregate (rocks, gravel), fly ash, potash, and/or cement, to form concrete. A concrete plant shall include those parts and accessories, including mixers, cement batchers, aggregate batchers, conveyors, radial stackers, aggregate bins, cement bins, heaters, chillers, cement silos, and batch plant controls.

14/4/7/15 – REFERRED TO COMMITTEE—ORDINANCE, ELECTIONS AND LEGISLATIVE MATTERS COMMITTEE AND TO REFER THE MATTER TO THE PLANNING BOARD FOR STUDY AND RECOMMENDATION.

A motion was made, duly seconded and unanimously voted to refer the following matter to the Planning Board for study and recommendation and to hold a **JOINT PUBLIC HEARING on Tuesday, May 5, 2015** relative to amend certain sections of the Zoning Ordinance relative to new sections pertaining to Bituminous/Asphalt Plants and Concrete Plants as follows: Amend §17–3.4 TABLE OF USE REGULATIONS – WHOLESALE,

--Approved by the Mayor on April 9, 2015

15. I respectfully submit a communication from Director of Planning and Development Gary Ayrassian regarding the acceptance of a guidebook entitled Attleboro Business and Development Guide. The City of Attleboro was awarded a Technical Assistance pass-through grant in early FY2014 from the South Coast Rail grant program to develop this guidebook. 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)

15/4/7/15 – REFERRED TO COMMITTEE—CITY PROPERTY & CLAIMS

16. I respectfully submit a communication from Acting Superintendent of Public Works-Highway Division Ron Dubuc regarding the need for funds for the design required for traffic signal improvements. This request is in response to a technical memorandum from the Southeastern Regional Planning & Economic Development District (SRPEDD) recommending that adjustments to the existing signal timing at the following intersections be made to improve the overall traffic operations in the downtown commercial district.

·Location 1- North Main Street/South Main Street/County Street/Park Street

·Location 2-Bank Street/Railroad Avenue/Park Street

·Location 3-Emory Street/Pleasant Street

·Location 4-Pleasant Street/Union Street/Park Street

Before the City pursues these improvements, a new signal timing plan should be designed and signed off by a professionally license engineer (PE). The Department of Public Works is recommending that Nitsch Engineering, who has designed many road reconstruction and traffic improvements for the City of Attleboro, perform this work. Funds are being requested from the Gasoline Account to fund this cost since expenses have been less than anticipated due to lower prices during FY2015. Therefore, I hereby request Your Honorable Body to transfer \$14,400.00 from Account 14201000-548010 (Public Works-Gasoline) to Account 14201000-530101 (Public Works-Professional Services). (Copies in your packets)

16/4/7/15 – REFERRED TO COMMITTEE—PUBLIC WORKS

17. I am excited to announce what I believe will be a milestone in how the residents of Attleboro engage with their City in another fashion. I am proud to announce the City of Attleboro has secured a grant through the [Boston] Metropolitan Area Planning Council to assist in launching “See Click Fix” which is an interactive tool residents will be to use to alert the City of non-emergency issues.

A free “Attleboro Connect Application” will be available in the future for download on the Apple App Store™ as well as Android platforms on Google Play™ once developed.

With implementing this software application in Attleboro, a resident will be empowered with the ability to report issues with the simple click of a button. The City will receive a report with all the pertinent information a resident can provide including but not limited to a picture of the issue, the GPS location, and a description of the issue.

The intent of this reporting is to identify non-emergency issues such as potholes, graffiti, and rubbish removal to name a few. Once issues are reported, ample data is continuously evolving and available to the public including mapping of issues, progress of remediating the issue as well as define expectations for remediation.

Prior to launching this application for public use, the City will first create a beta group to test the initial application of the software to test its effectiveness.

The grant covers \$2,500.00 of the first year of implementation and thus leaves a balance of \$2,650.00 needed. Fortunately, costs in specific accounts within the Department have funds available as expenses have come in less than anticipated and can be transferred to cover this expense.

Therefore, I hereby request Your Honorable Body to transfer \$2,650.00 to Account 11331000-541010 (Budget Admin – Software) from the following Accounts:

·\$2,161.36 from Account 11331000-524214 (Budget Admin – Maintenance of Payment Processor)

·\$488.64 from Account 11331000-524211 (Budget Admin – Maintenance of Software)

17/4/7/15 – REFERRED TO COMMITTEE—PUBLIC SAFETY & EMERGENCY
MANAGMEENT

Sincerely,

Kevin J. Dumas, Mayor

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

Recommendation from the Planning Board requesting the Municipal Council to request Bishop Feehan High School to prepare and submit a full and comprehensive traffic study.(copy of the SRPEDD comment letter to the Planning Board attached)

REFERRED TO THE TRANSPORTATION & TRAFFIC COMMITTEE

Communication from VFW Post 115, 122 Park Street, Attleboro, MA requesting permission to hold the annual Poppy Drive on Saturday, May 9, 2015 with a rain date of Saturday, May 16, 2015.

REFERRED TO THE LICENSE COMMITTEE

Application for a New 2015 Class 2 Auto License from Automazed, Inc., 923 Washington Street, Attleboro, MA for 7 Customer Parking Spaces and 33 Display Spaces.

REFERRED TO THE LICENSE COMMITTEE

A motion was made, duly seconded and unanimously voted to hold a **PUBLIC HEARING on Tuesday, April 21, 2015** relative to the application for a New 2015 Class 2 Auto License from Automazed, Inc., 923 Washington Street, Attleboro, MA for 7 Customer Parking Spaces and 33 Display Spaces.

Application for an Amended License for three (3) 10,000 gallon gasoline underground storage tanks and one (1) 8,000 gallon diesel tank from Cumberland Farms, Inc., 100 Crossing Boulevard, Framingham, MA for the property located at 220 Pleasant Street, Attleboro, MA said premises being Assessor's Plat #58, Lot #22.
REFERRED TO THE LICENSE COMMITTEE

A motion was made, duly seconded and unanimously voted to hold a **PUBLIC HEARING on Tuesday, April 21, 2015** relative to the application for an Amended License for three (3) 10,000 gallon gasoline underground storage tanks and one (1) 8,000 gallon diesel tank from Cumberland Farms, Inc., 100 Crossing Boulevard, Framingham, MA for the property located at 220 Pleasant Street, Attleboro, MA said premises being Assessor's Plat #58, Lot #22.

Mayor Dumas appeared before the Council to discuss the Community Electricity Aggregation Program. He introduced SRPEDD Director of Municipal Management Ross Perry and Good Energy Business Development Director Stefano Loretto.

Mayor Dumas explained the concept of bulk purchasing as a way to lower the energy costs for residents and businesses. He stated that at the MMA Conference last January there was an in-depth discussion about this opportunity. He explained that the City would enter into an agreement and homeowners would probably see a \$150.00 in annual savings. He stated that through SPREDD, companies were vetted and Good Energy was chosen. The Mayor added that he and President Cook had recently met with Mr. Ross and Mr. Loretto and wanted to present this opportunity to the Council. He went on to say that this would provide an opportunity to put money into the pockets of the residents.

Appearing before the Council was SRPEDD Director of Municipal Management Ross Perry. He discussed the proposal process and that Good Energy was chosen as this company had the strongest level of marketing. He explained that it is not just about the buying power but that public education is also very important. He discussed the concept of bulk purchasing with the 16,000 plus households in Attleboro. He stated that fourteen SRPEDD communities have signed on and that four other communities are in the process of signing on. He explained that post cards would be mailed to residents and if the resident did not want to opt in, they would return the post card. He explained that this would give residents as much clout as the largest industrial business in area. He went on to say that there would be lower rates for residents and that they would go out to bid every two or three years. He discussed the 30%+ increase in the National Grid electric bills. He went on to say that residents would still get a single bill from National Grid and that services would still be provided from National Grid. He testified that residents would have a choice as to where the power comes from—green or other sources. He discussed the recent problems with contracts from other electric companies and that in the beginning the rates are low, but then the rates increase and the users are charged large fees to opt out of the contract. He stated that this would not happen under this proposal and that residents could opt out at any time with no cancellation fee. He explained that this would require a Council vote and that Good Energy would file the

application. He went on to say the \$1.7 million dollars would stay in residents pockets and that this is a grass root economic stimulation.

Appearing before the Council was Stefano Loretto, Business Development Director, Good Energy. He explained that 150,000 households are equivalent to 200 Wal-Mart Stores which would give residents an incredible buying power and that residents can terminate at any time. He stated that Good Energy has done this in over 150 communities in the country and has never had a community leave the program. He went on to say that public education is very important.

President Cook thanked everyone for their presentations and stated that he is very excited about this proposal and discussed the many calls he has received from residents about very high electric bills. He discussed how he started this effort in January and thanked the Mayor's intern, Scott Folan, for his assistance in this process, as well as Mr. Perry and Mr. Loretto, for the information and guidance they provided during this time.

Mr. Conti asked if a person does not want to opt in at the time of enrollment, could the resident opt in at a later date.

Mr. Loretto answered no. He stated that if the person is with a third party at the time of enrollment, the person could wait until his/her contract expired and would be allowed to enroll in the program. He stated that if a person has no contract and decided not to enroll, they could not opt in later. He explained that the state does not want people opting in for six months when rates may be higher and the opting out when rates are lower as every month is different.

Mr. Conti asked what if a person sold their home and purchased another home.

Mr. Loretto stated that the person's number for the old home would be terminated and he/she would be issued a new number for the new property.

Ms. Porreca stated that she recently received a \$600.00 electric bill. She discussed the last pages of the proposal listing the participating cities and towns.

Mr. Loretto responded that these communities are in the process of being enrolled. He stated that the process started last fall and these communities have approved the program. He stated that the next step is to go out to bid on November 1st. He explained that this is when the program would start.

Ms. Porreca asked Mr. Loretto for an example of the savings in other states that are in the program.

Mr. Loretto responded that the costs were upward of 40% and it was reduced to 7% and now it went back up to 20%. He explained that communities have saved over \$100,000.00. He went on to say that Massachusetts has the highest rate in the country next to Hawaii. He stated that his company has received nothing but positive responses and that by approving the proposal Attleboro is under no obligation to do anything at this point.

Ms. Porreca asked if any of the SRPEDD communities have opted out.

Mr. Loretto answered no.

Ms. Porreca stated that her initial concern is that residents would ignore the post card.

Mr. Loretto responded that he often hears this but that it would give the resident an opportunity to opt out and have his/her own purchasing power. He explained that there are people who do not pay attention but that Good Energy would do a good job to notify the residents.

Mr. Cook stated that he also received a large bill from National Grid and had received several offers to purchase electricity from other companies but with a high fee to cancel.

Mr. Denlea asked Mr. Loretto what is the percentage of residents who opt out in the beginning.

Mr. Loretto responded that less than five percent opt out initially. He explained that when a resident terminates his/her contract with other suppliers, then he/she can opt into the plan. He went on to say that the City of Attleboro would determine the mixture of electrical power. He explained the process of forming a committee to make a decision and designating someone who will sign off on the program on bidding day.

Mr. Denlea asked if SRPEDD would be expanding outside of the area it now serves.

Mr. Perry answered yes.

Mr. Churchill asked if the residents who joined this plan would be paying less overall, so therefore there is no risk.

Mr. Loretto answered yes.

Mr. Conti discussed the City of Attleboro departments' large number of electric bills and that the city could join the Good Energy program.

Mayor Dumas responded that .09 is the present rate and that the City is still under an agreement for the next three or four years. He stated that the City would have to evaluate the savings when the agreement is up.

Mr. Thibodeau discussed his involvement with National Grid since 2011 and discussed Massachusetts temporary legislation.

Mr. Loretto responded that he is not aware of any temporary legislation. He explained that his company became involved because of issues that related to the coal and nuclear power plants shutting down and the increased cost of electricity each year. He stated that this is an opportunity to lower the cost of electricity.

Mayor Dumas stated that Mr. Perry and Mr. Loretto would be at the Public Works Committee meeting next week to answer any additional questions.

President Cook thanked Mr. Perry, Mr. Loretto and Mayor Dumas for attending this evening's meeting. He stated that information for this proposal is available on the SPREDD web site.

Appearing before the Council was School Committee Chairperson David Murphy, School Committee Member Lori Scales, and Assistant Superintendent of Schools David Sawyer who were before the Council to update the Council on the School's Comprehensive Strategic Plan. Mr. Murphy announced that School Committee member Bill Larson is also present.

Appearing before the Council was School Committee Member Lori Scales. Ms. Scales stated that over thirty volunteers with diverse backgrounds (parents, grandparents, alumni, administrators and teachers) were divided into three groups. She discussed a vision/mission subgroup; a strategic planning subgroup and a public engagement subgroup that have brainstormed and presented their work.

Mr. Murphy announced that at the next School Committee meeting the new plan and mission statement would be presented to the School Committee.

Appearing before the Council was Assistant Superintendent of Schools David Sawyer. He discussed the proposed Mission Statement (to develop and deliver relevant learning experiences that engage, challenge and inspire all students to maximize their unique potential and improve our world) and the proposed Vision Statement (to be the center of a community united around education, where all stakeholders value and participate in our collective success). He stated that the next phase is to turn the five year strategic plan into the vision of the future. He explained that there are four "pillars" upon which the specific objectives that will guide the Attleboro Public Schools will be based: Learning, Culture, Infrastructure and Engagement. He discussed the goals and objectives.

Mr. Murphy explained that the plan will be committed to turning the objections into action and articulating on what the school system wants to achieve. He stated that this is when the real work would start.

Mr. Conti asked Mr. Sawyer to expound on how the committee plans on mapping the community which will involve funding.

Mr. Sawyer responded that the major initiative is to engage the Attleboro community to break down the walls between the schools and the community. He stated that the success of the community and the success of the schools is the same thing. He stated that all stakeholders such as civic, volunteer and cultural organizations would be identified and would also attempt to have these organizations involved with the schools.

Mr. Murphy discussed the goals and stated that the schools need to do a better job on the infrastructure. He stated that this is a comprehensive strategy and that public engagement is an important part of the piece.

Mr. Kirby stated that he assumes that the district-wide is different than the high school with the NEAS.

Mr. Murphy stated that the NEAS accreditation does require each school to have its own mission statement and that the plan is more related to what is being built as a community as a whole than what is being built in each school.

Mr. Sawyer stated that the NEAS is in the process of revising its entire process. He went on to say that the process is expensive and outdated and that Attleboro is in a holding pattern.

Mr. Churchill asked if the AD Hoc committee who developed the mission statement would be evaluating the objectives.

Mr. Murphy answered yes and explained the process.

Mr. Churchill voiced concern that the weakness is when employees leave and the goals change.

Mr. Murphy disagreed and stated that the temporary employees would have a culture shift to these objectives.

Mr. Churchill asked if there would be safeguards.

Mr. Murphy answered yes.

Mr. Churchill asked how funding would be needed.

Mr. Murphy stated that the school system wants to be more responsible and would be more articulate with the schools needs, the funding and spending the funding wisely.

Ms. Porreca stated that she has read the vision portion of the proposal and loved it and felt that it is brilliant. She stated that it truly reflected how she feels but realized there would be costs involved.

Mr. Murphy stated that the School Department would be before the Council in a few months with the budget. He stated that the community would need to invest in education. He invited councilors to attend the School Committee meeting tomorrow evening at 6:30 P.M.

VOTED: TO GO INTO COMMITTEE OF THE WHOLE at 9:41 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 9:41 P.M.

Committee Reports:

Mr. Denlea called for an Ordinance, Elections and Legislative Matters Committee meeting on Tuesday, April 14, 2015.

Mr. Churchill called for a License Committee meeting on Tuesday, April 14, 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 (Mr. Blais absent) to approve the request of the Mayor to appropriate \$6,744.00 from Account 6100-359000 (Water Enterprise Fund – Retained Earnings) to Account 6100-530101 (Water Enterprise Fund – Professional Services) for funding needed to make repairs to the stairway at the pretreatment facility.
--Approved by the Mayor on April 9, 2015
2. Voted unanimously to approve the Petition from National Grid and Verizon, to extend existing pole line 132' from p3369 to p3368 and install a 40' pole and anchor with secondary conductors to service 59 Lathrop Road.
--Approved by the Mayor on April 9, 2015

On behalf of Mr. Blais, Mr. Churchill called for a Public Works Committee meeting on Tuesday, April 14, 2015.

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

1. Voted on Roll Call—10 yeas—0 nays to approve the request of the Mayor to appropriate \$20,900.00 from Account 6100-359000 (Water Enterprise Fund – Retained Earnings) to Account 6100-530101 (Water Enterprise Fund – Professional Services) for funding needed to clean and inspect the backwash water holding tanks.
--Approved by the Mayor on April 9, 2015
2. Voted on Roll Call—10 yeas—0 nays to approve the request of the Mayor to appropriate \$8,996.40 from Account 6100-359000 (Water Enterprise Fund – Retained Earnings) to Account 6100-548040 (Water Enterprise Fund – Supplies Equipment) for funding needed to replace the variable frequency drives for the ozone booster pumps.
--Approved by the Mayor on April 9, 2015
3. Voted on Roll Call—10 yeas—0 nays to approve the request of the Mayor to appropriate \$9,735.00 from Account 6100-359000 (Water Enterprise Fund – Retained Earnings) to Account 6100-530101 (Water Enterprise Fund – Professional Services) for funding needed to repair the deteriorating concrete and exposed rebar on the lower dam at Orr's Pond.
--Approved by the Mayor on April 9, 2015
4. Voted on Roll Call—10 yeas—0 nays to adopt the following Resolution and the following priority items submitted by the Mayor as part of the Capital Improvements Plan for Fiscal Years 2016-2020:

**RESOLUTION
CITY OF ATTLEBORO
CAPITAL IMPROVEMENTS PROGRAM**

Fiscal Years-2016-2020

WHEREAS: Capital improvements are projects requiring expenditures of a substantial and non-recurring nature, and include land acquisition, facility construction or rehabilitation, major equipment purchase, and planning and design studies; and

WHEREAS: Planning for capital improvements is a necessary part of successful municipal fiscal management; and

WHEREAS: A capital improvements program each year requires a city's future projects to be regularly re-evaluated and updated in response to changing needs and conditions; and

WHEREAS: A capital improvements program, carefully prepared and faithfully maintained, provides a reliable and continuing measure of how soon a city should undertake various requested projects; and

WHEREAS: The Home Rule Charter, approved by the people of Attleboro in November 1973, requires the yearly adoption by resolution of at least a five-year capital improvements program for the city.

THEREFORE: The Council makes the following suggestions and recommendations regarding the Capital Improvement Program for 2016-2020.

Narrative on the Capital Improvements Program--Fiscal Years 2016 – 2020

The *Capital Improvements Program for Fiscal Years 2016-2020* submitted by Director of Planning and Development Gary G, Ayrassian through the Mayor's office to the Municipal Council outlines the capital facilities planning process from 13 municipal departments. Said plan details 186 capital projects of which 32 are urgent status. Several projects require multiyear implementation schedules. Additionally, scores of vehicles in the plan have exhausted their useful life. To implement these projects, a variety of funding sources would be needed, including municipal financing, trust funds, and State and Federal government sources. We believe we have made a thorough vetting of the Capital Improvement Plan this year through personal interviews with you, Mayor, and the 17 department managers mentioned in the plan.

To obtain a better understanding of the proposed projects, the Capital Improvement and City Development Committee conducted a series of three meetings with the requesting departments. As part of this process three public hearings were held on February 17th March 2nd & 17th, 2015. The Capital Improvement and City Development Committee then met again to review the information received and develop the recommendations and comments contained in this document. In total, nearly 20 hours of Committee time was spent on this process.

The Council wishes to recognize senior member Walter Thibodeau who will be leaving our ranks and has an 18 year perspective on this process. The following is his statement:

“As I entered my first meeting to discuss Capital Improvements city wide it took a while before I truly understood that although we were reviewing a Planning program document that was spread over multiple years, as was our duty relative to the City Charter, it

became apparent to me that mostly we were playing catch up with problems that existed before I was elected. Issue after issue was listed as URGENT because when it was first placed on the Planning program list as a priority 3, 2, or 1 it was not addressed. Rather it would be passed along to another year in the future until the time it would reach the status of Urgent! We as councilors knew that we had little or no money to address all the issues and that the few that we could address should have been addressed sooner when the cost would have been less. Needless to say many times my colleagues and I felt that we were participating in an effort of futility.”

I am happy to say however that since that first experience, the City's ability to not just fix existing problems but to address potential problems before they became problems that needed fixing has become the normal procedure of reviewing the Planning program as it is now presented to each City Council on a yearly basis. One of the reasons that this is occurring is the institution of purchasing maintenance contracts for many of the larger facilities that could otherwise shut down without this protection in place. Another reason is the usage of multiple sources of income from the city, State, Feds, bonding and Grants to fund planned upgrades and breakdowns before they occur. We operate the city these days with the vision of not just planning but planning with the will to complete such planning.

Criteria

To continue the efforts designed to provide financial stability to the City, four criteria were employed in selecting and prioritizing the proposed programs:

1. Programs that if not implemented could result in negative consequences to the City.
2. Programs that will benefit the largest segment of the City's population.
3. Programs consume management time and therefore have limits.
4. Program construction costs are escalating at near record rates.

Recommendations and Comments:

In conjunction with the analysis of the proposed programs, and discussions with City officials, the Municipal Council presents the following recommendations and comments on a department or citywide basis.

Budget and Administration

The Council considers technology to be a priority and the replacement of computers in Government Center to be essential in the operation of the City. We suggest (1) increasing the computer replacement budget from \$5K to \$10K and (2) create a budget line item to replace computers and peripherals on five year life cycles.

City Clerk

The Council recognizes the charge to maintain city records and recommends funding \$52,495 to preserve ancient records this year.

City Collector

The Council urges replacement of the remittance processing system because it will not be supported by the supplier after this year.

Council On Aging

The Council wishes to encumber the funds needed to replace the HVAC (Heating, Ventilation and Air Conditioning) and Furnace that have exceeded their expected life so they may be funded when they fail.

Elections Office

The Council recognizes the need to replace the Accuvote Tabulators which are no longer supported by the manufacturer.

Fire Department

The Council sees the need for a Radio Master Box Receiver at Brander Station as that location has already proven its ability to reduce response times in a growing portion of the city. Replacing Engine 4 will require a bond. Hydrant markers should be budgeted until all are marked.

Health Department

The Council recognizes the solid waste center paint crushing machine is currently a revenue generator, we fully support replacing it.

Inspection Department

The Council recognizes the scanning issues should be resolved by the contractor.

Library

The Council wishes to retain the 107 year old windows and make repairs to the exterior before further deterioration increases the cost to cure.

Mayor's Office

We urgently request the painting of the First Mayor's house which has been in our message for at least nine years. Additionally, the Council supports the renovation of the Academy building and looks forward to having an additional meeting location in 2019.

Department of Parks and Forestry

The vehicles in the Park Department are some of the oldest and the increased maintenance costs to keep these vehicles on the road must be considered.

The Council recognizes bonding as a means for the repairs to the Administration Building. We would like one company to quote all the repairs to the Zoo roofs for potential savings.

Department of Planning and Development

The Council continues to encourage the City Administration to work with the City's federal and state delegation to bring sanity to the issue regarding storm water outfall sampling required under the National Pollutant Discharge Elimination System (NPDES) permit.

We also recommend utilizing the Massachusetts Parkland Acquisitions and Renovations for Communities (PARC) Grant for Angell Park.

Police Department

The Council recommends the cell door hardware and lock repairs, as well as replacement of the cell block flooring, be completed this year to prevent degradation of taxpayer assets.

The Council recognizes several local cities and towns are considering combined dispatch, therefore we encourage any effort to improve efficiency.

The Council encourages maximizing the use of the Police Building through design changes, we recommend funding the architectural study.

The Council will not deny the purchase of bullet proof vests; if the State Grant is not available we will fund them.

Department of Public Works

The Council recognizes the need to resolve Handy Street, Pleasant Street, Pitas Avenue and Forest Street issues this year and suggest a design construct bid to be bonded for this work to remove the responsibility from the temporary director's agenda.

Recreation Department

The Council recommends the playground safety program continue and the reconstruction of the Nickerson Court so this asset may be continued to be used. The ball field renovations should be budgeted annually.

The Bartek Center is a City asset which must be preserved and therefore we support the re-pointing and waterproofing of the exterior.

School Department

The Council encourages the School Committee and School Administration to combine all lot repaving for a single bid (and maybe include the Government Center parking lot).

The Council encourages HVAC (Heating, Ventilation and Air Conditioning) for replacement at all locations and recommend they be combined into a single bid. If there is a priority to the project, it should be the schools that do not currently have air conditioning, specifically the Willett Media Center. Window hardware replacement at Brennan and Wamsutta is a safety issue and should be completed this year.

Wastewater Department

The Council recognizes the mandate to fund the post aeration diffused air system.

Water Department

The Council recognizes the need to rehabilitate the Oak Hill tank and supports the design, engineering and implementation of this project. We also support the HVAC renovation.

Recommended Vehicles

The Council recognizes the ongoing need for timely replacement of vehicles throughout all city departments.

Conclusion

We recognize the conflict between the Mayoral responsibilities of maintaining fiscal stability in contrast with the enormous fiscal demands associated with capital improvements. It is the goal of this Council to continue working with the Administration to ensure a more sophisticated Capital Improvement funding program.

Recommended Programs

To recap, after completion of Department reviews, the Council recommends:

DEPARTMENT	ITEM	COST
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BUDGET & ADMIN.	Replace Computers	\$ 10,000.00
CITY CLERK	Records Preservation.	\$ 15,000.00
CITY COLLECTOR	Remittance Processing System	\$ 56,913.17
COUNCIL ON AGING	HVAC & Furnace	\$ 30,903.00
ELECTIONS OFFICE	Accuvote Tabulators	\$ 83,000.00
FIRE DEPARTMENT	Briggs Master Box Receiver	\$ 25,000.00
	Engine 4	\$300,000.00
HEALTH DEPARTMENT	Paint Crushing Machine	\$14,000.00
LIBRARY	Repair Windows	\$59,860.00
	Repair Exterior	\$41,520.00
MAYOR'S OFFICE	Academy Building	\$85,000.00
	Paint 1 st Mayor's House	\$35,000.00
PARKS & FORESTRY	Administration Building	\$185,000
	Zoo Roofs	\$41,400.00
POLICE	Jail Repairs	\$ 28,695.00
	Study Dispatch	\$ 10,000.00
	Study Architecture	\$ 35,000.00
PUBLIC WORKS	Handy Street	\$ 40,000.00
	Pleasant Street	\$ 40,000.00
	Forest Street	\$ 40,000.00
RECREATION	Playground Safety Program	\$ 75,000.00
	Nickerson Field Court	\$100,000.00
	Bartek Center Repointing	\$29,000.00 <i>(waiting for final figure)</i>
SCHOOL DEPARTMENT	Lot Repaving	\$ 425,000.00
	HVAC	\$ 60,000.00
	Window Hardware	\$ 36,000.00
WASTEWATER	Post Aeration Diffused Air System	\$153,000.00
WATER	Water Treatment Plant HVAC	\$60,000.00 <i>(waiting for final figure)</i>
	Rehabilitate Oak Hill Water Tank	\$ 2,530,000.00
	Hydrant Markers	\$ 10,000.00

TOTAL

\$4,640,291.17

--Approved by the Mayor on April 9, 2015

Mr. Conti called for a Capital Improvement & City Development Committee meeting on Tuesday, April 14, 2015.

Mr. Weydt called for a Zoning & Land Use Committee meeting on Tuesday, April 14, 2015.

Mr. Kirby called for a Budget & Appropriations Committee meeting on Tuesday, April 14, 2015.

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

A motion was made and duly seconded to approve the Medical Marijuana Uses Registered Marijuana Dispensary.

A motion was made by Mr. Weydt to amend the main motion by amending Section 17-3.4, Table of Use Regulations which is not allowed (N) in the three General Business District and amend the ordinance to allow the use by Special Permit from the Municipal Council (SMC) in the Central Business, General Business and Planned Highway Business Districts. A lengthy discussion followed.

1. Voted on Roll Call—3 yeas—7 nays (Denlea, Churchill, Kirby, Thibodeau, Cooper, Porreca and Cook voting nay) to amend the main motion by amending Section 17-3.4, Table of Use Regulations which is not allowed (N) in the three General Business District and amend the ordinance to allow the use by Special Permit from the Municipal Council (SMC) in the Central Business, General Business and Planned Highway Business Districts.

THIS MOTION FAILED

2. Voted on Roll Call—9 yeas—1 nay (Weydt voting nay) to adopt the following amendment to the Zoning Ordinance in accordance with General Laws, Chapter 40A as amended:

“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:

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

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 siting, 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 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.
 - f. Five hundred (500') feet from any public park, recreational area, or facility in which children commonly congregate.
 2. 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.
 3. 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).

4. 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 April 9, 2015

Mr. Cooper called for a Public Safety & Emergency Management Committee meeting on Tuesday, April 14, 2015.

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

1. Voted on Roll Call—10 yeas—0 nays, in accordance with Section 2-12 of the Revised Ordinances of the City of Attleboro, to approve the request of the Mayor to declare the following Public Works items as surplus and available for disposition:

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>MODEL</u>	<u>SERIAL NO.</u>	<u>CONDITION</u>
1	Sweeper #1	1997 Pelican	S8391S	Poor

1	Sander Truck	1979 Ford #8	K80BVEK1492	Poor
1	Sander Truck	1979 Ford #7	K80BVEK1493	Poor
1	Dump Truck	1994 Ford #44	AL811449	Poor
1	Austin Western	1962 Grader	GM4055C	Poor

--Approved by the Mayor on April 9, 2015

Ms. Porreca called for a City Property & Claims Committee meeting on Tuesday, April 14, 2015.

On recommendation of the Personnel & Human Services Committee and on motion of Ms. Heagney, the following votes were taken:

1. Voted on Roll Call—10 yeas—0 nays to approve the request of the Mayor to transfer \$931.77 from Account 11241000-578300 (City Wide-Reserve Fund for Transfer) in order to fund the Attleboro Crossing Guards collective bargaining agreement to the following:

\$915.60 to Account 13001000-511110 (Crossing Guard-Salaries) acct # corrected as scrivener's error

\$ 16.17 to Account 13001000-515010 (Crossing Guard-Holidays)

--Approved by the Mayor on April 9, 2015

2. Voted on Roll Call—10 yeas—0 nays to approve the request of the Mayor to transfer \$119,391.34 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 12101000-511000 (Police-Salary) in order to fund the Attleboro Police Association, Massachusetts Coalition of Police Local 32 collective bargaining agreement for the period of July 1, 2014 through June 30, 2017.

--Approved by the Mayor on April 9, 2015

3. Voted on Roll Call—9 yeas—1 nay (Conti voting nay), in accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, to approve the request of the Mayor to accept the Sustainable Materials Recovery Program Municipal Grant of 50,000.00 (25% match or \$12,500.00) for a Waste Reduction Enforcement Coordinator and allow the Health Department to expend such funds and any further amendments.

--Approved by the Mayor on April 9, 2015

4. Voted on Roll Call—10 yeas—0 nays to approve the request of the Mayor to transfer \$639.11 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) relative to an adjustment in the salary of Jr. Custodian to the following accounts:

\$171.60 to Account 11211000-514050 (Mayor – Prior Year Salaries)

\$467.51 to Account 11211000-511100 (Mayor – Salaries Part Time)

--Approved by the Mayor on April 9, 2015

5. Voted unanimously to confirm the appointment of Jay Hewitt, 11 Marbury Avenue, to fill an unexpired term on the Planning Board. Term to expire February 2017.

--Approved by the Mayor on April 9, 2015

Ms. Heagney called for a Personnel & Human Services Committee meeting on Tuesday, April 14, 2015.

Old Business: None

New Business:

The Council reviewed the resolution and several minor changes were made.

1. On motion of Mr. Weydt, voted unanimously to adopt the following Resolution:

**ATTLEBORO MUNICIPAL COUNCIL
RESOLUTION OF CONCERN
FOR THE PLANNED CAPPING OF ATTLEBORO LANDFILL, INC.**

WHEREAS: Attleboro Landfill, Inc., a privately owned business, is under an enforcement order from the Massachusetts Department of Environmental Protection (MassDEP) to cap the Phase B portion of the former city dump, an expanse of 9+-acres in which solid waste material was dumped prior to 1975, and;

WHEREAS: The closure project proposed by Enviro-Cycle, LLC “will consist of bringing in material to grade and shape the landfill and place capping over the grading material to prevent storm water from running through the solid waste and into the groundwater,” and;

WHEREAS: Enviro-Cycle, LLC proposal includes using their new product Re-crete. This new technology (Re-crete) has never been applied in the use of capping a landfill and thus unproven technology and;

WHEREAS: The material proposed by Enviro-Cycle, LLC to complete the capping process in accordance with MassDEP standards consists of Construction and Demolition fines, primarily from crushed wallboard/Gypsum which contains Crystalline Silica, a known carcinogen. Concerns have been raised by residents of Attleboro in support of Norton regarding the quality of the proposed fill material {Construction and Demolition fines} with respect to health hazards and;

WHEREAS: The Attleboro Municipal Council and the residents of the City of Attleboro wish to express their concern that the plan did not include a project narrative, geotechnical analysis, Storm Water Pollution Prevention Plan, detail specifications and plans, and a qualitative environmental health and risk assessment and;

WHEREAS: The Attleboro Municipal Council may support an alternative to that proposal which would utilize a greener quality of material for shaping and grading and;

WHEREAS: Attleboro Landfill, Inc. reportedly lacks the financing necessary for capping their site.

NOW, THEREFORE BE IT RESOLVED that the Municipal Council of the City of Attleboro strongly urges MassDEP and Enviro-Cycle, LLC to develop an alternative

plan which reduces the amount of Construction and Demolition fines allowed to cap the site and explore green energy opportunities to offset the 30 year closure plan, thereby minimizing the impact on the residents of Attleboro and Norton and covering our carbon footprint.

Signed and Sealed this 7th Day of
April, 2015

--Approved by the Mayor on April 9, 2015

2. On joint motion of Mr. Thibodeau and Mr. Weydt, voted unanimously to refer the following matter to the appropriate committee for study and recommendation: That the area of Emory Street inbound from Torrey Street through the intersection of Forest Street be posted at the legal speed limit of the posted 25 MPH on Emory Street that's posted previous to the Torrey street intersection and that traffic enforcement cameras be installed at all directions at the Forest and Emory Street signalized intersection.

REFERRED TO THE TRANSPORTATION & TRAFFIC

--Approved by the Mayor on April 9, 2015

3. On motion of Mr. Thibodeau, voted unanimously to refer the above matter to the **Traffic Study Commission** for study and recommendation.

--Approved by the Mayor on April 9, 2015

VOTED: TO ADJOURN AT 11:23 P.M.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)