

**In Municipal Council
Regular**

**April 19, 2016
7:00 P.M.**

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

MEMBERS ABSENT: Mark Cooper

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 by President Cook to Suspend the Rules for the purpose of having a presentation by Bristol County District Attorney Thomas Quinn, III. The Motion passed on Roll Call 9-0 (Mr. Cooper and Ms. Heagney absent).

Councilor Heagney entered the Council Chambers at 7:05.

District Attorney Quinn started by informing the Council members that he has been the District Attorney for about 15 months, that his family is from New Bedford, that he grew up in Dartmouth, and that his family lives in Fall River. He explained that he has been a prosecutor for approximately 18 years and that he is running for election, not re-election, in September. He explained that he was appointed by Governor Patrick and most recently by Governor Baker.

District Attorney Quinn went on to explain that he has developed a good relationship with Chief Heagney from the Attleboro Police Department and that he has spent quite a bit of time here getting to know the Chief in Attleboro and the greater Attleboro area better. He stated that he was involved in the Aaron Hernandez prosecution, that he has created several initiatives related to violent, repeat offenders, that he initiated initiatives related to elder fraud, and that he has made several appearances at the Councils on Aging in the area explaining how these are issues of priority for him. He explained further that his focus has been on focusing on target victims that have been easy targets for criminals and to do the best job that he can for the citizens.

President Cook asked District Attorney Quinn to explain the event that he recently attended in Attleboro.

District Attorney Quinn explained that he attended a bench dedication for victims of violence held at the Police Department.

Councilor Conti thanked the District Attorney for coming in. He asked District Attorney Quinn if child abuse and child advocacy was something that was on his radar as a priority.

District Attorney Quinn responded that he works with the Children Advocacy Center in Fall River and that child abuse is one of his top priorities. He also explained that he has a Special Victims Unit and that

he has spoken at a Children's Advocacy Breakfast to explain his support and prioritization of issues related to the victimization of children.

President Cook explained that because the Planning Board had requested a few minutes to finish up their proceedings before joining the Municipal Council for the Joint Public Hearings that the City Clerk would read the Mayor's Communication.

The following communications were received from the Mayor and read by the City Clerk/Clerk of the Council, Stephen K. Withers:

April 19, 2016

Dear Municipal Councilors

1. I respectfully submit a communication from Superintendent of Schools Kenneth Sheehan regarding the donation of the following items:

- Two (2) cases of paper per school from an anonymous donor to Hyman Fine; Studley; and Thacher
- One (1) HP Chromebook 11 G4 Celeron and Licensure for same with an estimated value of \$231.81 to Beth Bitar's Grade 3 Class at Willett Elementary from Tajender Parmar
- \$2,000.00 worth of infield mix to fix up the infields of both baseball diamonds at Thacher Elementary School from the Attleboro Youth Association

In accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body to accept these generous donations to the City of Attleboro. (Copies in your packets)

1/4/19/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

2. I respectfully submit a communication from City Auditor Deborah Gould regarding the need to close Fund 3210 East/Martin Main Replacement and transferring the balance to the Wastewater Enterprise Fund. Therefore, I hereby request Your Honorable Body transfer \$58,664.98 from 3210-599000 (East/Martin Main Replacement – Other Financing Uses) to Account 6000-499000 (Wastewater Enterprise Fund – Other Financing Sources).

Additionally, close Fund 3211 Tiffany Street 8" Force Main and transferring the balance to the Wastewater Enterprise Fund. Therefore, I hereby request Your Honorable Body transfer \$40,700.00 from 3211-599000 (Tiffany Street 8" Force Main – Other Financing Uses) to Account 6000-499000 (Wastewater Enterprise Fund – Other Financing Sources). (Copies in your packets)

2/4/19/16 – REFERRED TO THE PUBLIC WORKS COMMITTEE

3. The steps at the front entrance of the First Mayor's House are in need of repairs. Therefore, I hereby request Your Honorable Body transfer \$2,130.00 from Account 11241000-578300 (City Wide – Reserve

Fund for Transfer) to Account 11241000-524011 (City Wide – Maintenance of Buildings). Upon approval, the available balance in Reserve Fund for Transfer will be \$31,943.28. (Copies in your packets)

3/4/19/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

4. I respectfully submit a communication from Chief of Police Kyle P. Heagney regarding the need for funds to cover the cost of a disputed Verizon bill. Therefore, I hereby request Your Honorable Body transfer \$136.36 from Account 12101000-532012 (Police – Academy Tuition) to Account 12101000-578020 (Police – Bills from Previous Year). (Copies in your packets)

4/4/19/16 – REFERRED TO THE PUBLIC SAFETY & EMERGENCY MANAGEMENT COMMITTEE

5. I respectfully submit a communication from Superintendent of Wastewater Paul Kennedy regarding the need for funds to purchase several items. Therefore, I hereby request Your Honorable Body transfer \$30,000.00 from Account 6000-5783000 (Wastewater Enterprise Fund – Reserve Fund for Transfer) to Account 6000-558090 (Wastewater Enterprise Fund – Supplies Other). (Copies in your packets)

5/4/19/16 – REFERRED TO THE PUBLIC WORKS COMMITTEE

6. In order to properly budget and account for wages earned through June 30th, it is necessary to fund the accrued payroll, which has historically been referred to as a “53rd pay week.” Therefore, in order to provide sufficient funding for the accrued payroll, I respectfully request Your Honorable Body to transfer \$64,084.58 from Account 11241000-578360 (City Wide-Reserve for Compensation 53rd Week) to accounts as follows:

- \$935.20 to Account 11111000-511000 (Council-Salary)
- \$5,552.77 to Account 11331000-511000 (Budget & Administration-Salary)
- \$2,275.00 to Account 11351000-511000 (Auditor-Salary & Wages)
- \$3,560.62 to Account 11411000-511000 (Assessor-Salary)
- \$3,809.12 to Account 11451000-511000 (Treasurer-Salary)
- \$4,961.17 to Account 11461000-511000 (Collector-Salary)
- \$5,814.96 to Account 11521000-511000 (Personnel-Salary)
- \$3,455.69 to Account 11611000-511000 (Clerk-Salary)
- \$1,613.76 to Account 11621000-511000 (Elections-Salary)
- \$4,919.09 to Account 11751000-511000 (Planning & Land Use-Salary)
- \$1,832.00 to Account 12921000-511000 (Animal Control-Salary)
- \$6,048.98 to Account 15101000-511000 (Health-Salary)
- \$4,869.72 to Account 15411000-511000 (Council on Aging-Salary & Wages)
- \$1,738.94 to Account 15431000-511000 (Veterans-Salary)
- \$12,697.56 to Account 16101000-511000 (Library-Salary)

6/4/19/16 – REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE

Sincerely,

Kevin J. Dumas, Mayor

The following other communications were received and read by the City Clerk/Clerk of the Council, Stephen K. Withers:

1. Application for a 2016 Hackney Carriage Public Stand License from Houle's City Cabs, 70 Park Street, Attleboro, MA for nine cabs.
REFERRED TO THE LICENSE COMMITTEE
2. Applications for a 2016 Renewal Hackney Carriage Driver's License from:
 - Peter A. Sorel, 255 Elm Street Apt. 2, North Attleboro, MA 02760
 - Jeffrey C. Fasulo, 65 N Main Street, P.O. Box 12, Attleboro, MA
 - Dennis R O'Donnell, 126 Wilmarth Street, Attleboro, MA**REFERRED TO THE LICENSE COMMITTEE**
3. Communication from Laura Fairweather, 35 Russell Tennant Drive, Attleboro, MA regarding her concern that the city's proposed budget for next school year is over \$4 million short of leveled services.
REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE
4. Communication from Michael and Kelly Crowley, 20 Beagle Club Road, Attleboro, MA, regarding their concerns about the Mayor's proposed proposal to slash education budgets in Attleboro.
REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE
5. Communication from Nicole Dull, 5 Emily Road, Attleboro, MA regarding the school budget crisis in Attleboro.
REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE
6. Application for a Renewal 2016 Ring a Bell License to sell ice cream on the streets of Attleboro from Ronald A. Palagi, d/b/a Palagi Bros. Ice Cream, 28 Delta Drive, Pawtucket, RI 02860
REFERRED TO THE LICENSE COMMITTEE
7. Application for a 2016 Renewal Hawkers & Peddlers license from Ronald A. Palagi, d/b/a Palagi Bros. Ice Cream, 28 Delta Drive, Pawtucket, RI. 02860
REFERRED TO THE LICENSE COMMITTEE
8. Rezoning Petition from Attleboro Redevelopment Authority and Massachusetts Bay Transportation Authority relative to 0 Olive Street, 101 Olive Street, 105 Olive Street, 116 Olive Street, 0 Wall Street, 15 Wall Street, 8 Wall Street, 28 Wall Street, 0 South Main Street, and 65 South Main Street, Assessor's Plat Numbers 32, Assessor's Lot Numbers #1, #1A, #2, #2A, #3, #5, #5A, #5B, #55, #55A, #55B, #55C, #129A, #129, and #130 to change the current zoning of the property from Industrial to Transient Oriented Development. Approximately twenty (20+/-) acres.
REFERRED TO THE ZONING & LAND USE COMMITTEE

A motion was made, duly seconded and unanimously voted to hold a Joint Public Hearing with the Planning Board on Tuesday, May 17, 2016 relative to Olive Street, 101 Olive Street, 105 Olive Street, 116 Olive Street, 0 Wall Street, 15 Wall Street, 8 Wall Street, 28 Wall Street, 0 South Main Street, and 65 South Main Street, Assessor's Plat Numbers 32, Assessor's Lot Numbers #1, #1A, #2, #2A, #3, #5, #5A, #5B, #55, #55A, #55B, #55C, #129A, #129, and #130 to change the current zoning of the property from Industrial to Transient Oriented Development. Approximately twenty (20+/-) acres. All were in favor.

The following Notice of a Joint Public Hearing with the Planning Board was read by the City Clerk/Clerk of the Council, Stephen K. Withers:

JOINT PUBLIC HEARING with the **PLANNING BOARD** relative to the Rezoning Petition from Alviti Realty, Inc. relative to 67 Mechanic Street, Assessor's Plat 41, Lot 102C to change the current zoning from Industrial to General Residence A.

President Cook explained to the members of the audience the process for the Public Hearings.

Jack Jacobi, the attorney representing the petitioner, spoke in favor.

Mr. Jacobi stated that the building in question has been in the area for at least 150 years and at one time it had been a thriving mill, but he explained that now there is only one tenant left in the building and that the neighborhood around the building has changed. He also went on to explain that the Industrial Zoning follows the water in the City and that at the time it made sense, noting that now as a society we are more environmentally sensitive. He explained some of the other mills and factories that used to exist in the area and how those buildings have changed and that the area is truly residential now except for this one mill.

Mr. Jacobi discussed and described the project description that he handed out to all of the Councilors (Attachment 1) and that the building would be repurposed as housing with 103 total units, completed in two phases, and an over 55 residency project. He further explained that 80% of the units would be one-bedroom units, 20% would be two-bedroom units, and 51% would be low-income housing. Mr. Jacobi also explained that the developer for this project specializes in the renovation of historic buildings as he described some of the pages in the project description handout.

Leanne Hanfield, Senior Plan Director with Winn Development, also spoke in favor.

Ms. Hanfield explained that she has been with Winn Development Company for 8 years, that the Development Company is the fifth largest multi-family property in the country, and that the company is also the largest property manager for low-income and privatized military residencies in the country. Ms. Hanfield went on to explain that over the past 40 years, Winn Development has worked on 28 mill conversions and that resulted in over 3,100 units of rental housing for persons of all ages and all incomes. Ms. Hanfield also explained what the income restrictions means, including that someone has to make \$33,000 per year in income in order to meet the low-income threshold.

Mrs. Porreca asked if after the property has been developed if Winn would also be the property manager.

Ms. Hanfield responded yes, that Winn Residential would be the property manager of the facility.

Robert Varrier, from The Architectural Team, Inc. and the registered architect of the development project, also spoke in favor.

Mr. Varrier explained that the 67 Mechanic Street mill is a terrific building and that it has all of the right credentials for adaptive reuse. He explained that it is a building on the National Registry of Historic Places. He stated that all of the buildings would be replaced, and that all of the historic details would be restored, including the chimney. He explained that he has renovated 50 buildings for the National Park Service and that this building is one of the best.

Mr. Varrier went on to explain what the renovation of the building and what it would entail, including the taking down of two small buildings, built in the 1960s, that are not historical or on the National Registry and that the space will be used as a courtyard. He explained that the entire mill building will be restored completely according to the National Park Service's recommendations and requirements.

Mr. Conti asked if a river still runs through the building.

Mr. Varrier responded that it does not.

Mr. Conti asked if there is water in the building in the basement.

Mr. Varrier responded that there is a low head hydro (a drop of 12 feet or more of waterfall from the pond) that is encased that still has some water in it because the sump pumps are not working.

Mr. Conti asked if Mr. Varrier's response could be interpreted to mean that there is a waterfall underneath the building.

Mr. Varrier responded that it was a sluiceway, not a waterfall.

Mr. Conti asked about asbestos and lead-based paint in the building.

Mr. Varrier explained that the building does have both lead-based paint and some asbestos but not a lot. He explained the standard process for cleaning the building.

Hunter Neagle, the site engineer for the project, also spoke in favor.

Mr. Neagle explained the 9 acres that would be rehabilitated on the site, including the area containing approximately 204 parking spaces. Mr. Neagle explained that the rehabilitation would include reducing about one acre of the pavement area on site in order to increase the amount of space, as well as the installation of a storm water management system that would meet the State's requirements. He explained that the site is within a flood zone and that the plan would be engineered to meet the zoning requirements.

Mr. Blais asked about the lower parking lot and its flooding and what would be done so that doesn't continue to happen.

Mr. Neagle explained that there would be engineered compensatory storage for any water as a retention area in the back of the building. He also explained that the building would be set above the 100-year flood plain.

Mr. Dowling from the Planning Board asked if there was an access road in the back of the building that was still blocked.

Mr. Neagle explained that the area is still blocked by a jersey barrier, but that would be the potential area of access for the owner of the abutting property.

Mr. Conti asked if the water retention plan is essentially a ditch and if the first floor would be raised in elevation.

Mr. Neagle explained that the 100-year flood elevation of the building would be raised to approximately 117 feet in elevation.

Mr. Conti expressed concern over the raised elevation if the flood level were to be more than 117 feet.

Mr. Neagle explained that flood elevation above 117 feet would be extremely rare, with only a 1% chance of happening in any given year.

There was continued discussion about the flood level and design plan for preventing flooding. Mr. Conti continued to express his concerns about flooding and chemical hazards of the building despite the explanation of the design plan.

Ms. Hall asked if there will be no standing water in the back of the building where the parking lot slopes down given the design plan.

Mr. Neagle explained that a water maintenance system would be built around the entire building in order to prevent flooding.

Mr. Neagle also explained the parking lot lighting and building lighting and that both would be designed with a historical feel. He also explained the plan for snow removal on the site.

Gary Ayrassian, City Planner for the City of Attleboro, asked about the distribution of housing in regards to the income guidelines and how Winn will monitor the units to ensure that the number of units per category would not change.

Ms. Hanfield responded that any of the restricted units that are not market-rate units are heavily regulated through the state, that applicants have to go through stringent income background reviews, and that the developer signs into agreements with the State agreeing to continuing to meet the income guidelines requirements.

Mr. Conti asked if Winn has ever sold one of the buildings that it has renovated.

Ms. Hanfield responded that the Company has not sold a property since she has worked for the company.

Mr. Jacobi explained that Mr. Alviti only has one tenant left in the building, that the company is not a non-profit company and that they will be paying real estate taxes.

Ms. Hanfield explained that approximately \$837,000 would be generated in tax revenue over a 20-year period if converted to a mill residency.

Mr. Conti disagreed that tenant turnover of the building is the reason for the requested change.

Mr. Jacobi responded that the building clients moving to North Attleboro was a factor.

Mr. DiLisio asked about the impact on traffic if the building gets renovated.

Patrick Dunford, - VHB traffic engineer, responded to Mr. DiLisio by giving a brief overview of the traffic study that was done.

Mr. Dunford explained that a traffic count was done, including the traffic's speed. He explained that what they found was that Mechanic Street was a relatively low traffic volume street. Based on The Institute of Transportation Engineers recommendations for similar areas and building, Mr. Dunford explained that there wouldn't be a noticeable increase in traffic on the roadways and that the renovation of the building would result in approximately 20-25 vehicle trips in the morning and evening peak period.

Mr. Dunford went on to explain that if the building became a small manufacturing building as opposed to an age-restricted facility, that there would be approximately 65 vehicle trips in the morning and approximately 30 vehicle trips in the evening. He also explained the parking supply in the site plan and went on to explain that a peak parking demand would be 65 parking spaces for a building of this size based on the Institute of Transportation Engineers recommendations.

Mr. Conti asked about additional data related to traffic speeds and if he could submit that information to the Council.

Ms. Hall stated that she runs on that street all of the time and can validate that it is very quiet in terms of traffic. She asked about the nearby condominium unit and if that complex was age restricted.

Mr. Dunford responded that he was not sure if the complex was age-restricted.

Mr. Jacobi responded that the complex is not age-restricted.

Ms. Kwart from the Planning Board asked if the number of proposed parking spaces would be sufficient given the number of residential units, visitors and staff.

Mr. Dunford responded that the number of parking spaces for a residential building of this size and use would be .9 parking spaces per unit, and that the number of spaces that is being proposed would be sufficient given the national studies that have been done.

Mr. Dowling from the Planning Board asked about the flood plan and where people would park should there be flooding.

Mr. Neagle responded that should there be flooding that the wheels of the car might get wet but that there wouldn't be substantial flooding.

Ms. Jackson stated that when one of the condominium units in the area by the golf course were first being built that there was an uproar about traffic concerns and that now those units are a wonderful addition to the area. Ms. Jackson asked if anyone has spoken to the Fire Chief about putting so many new units into the building.

Mr. Dunford responded that with any residential building development there would be an increased need for emergency units but that the increase would not be substantial.

Mr. Jacobi responded that Mr. Ayrassian had set up a meeting with Police and Fire and that neither expressed concerns with the site development plan.

Mr. Verrier explained the security procedures for the building. He stated that every unit will have a video monitor to see who is requesting access to the building, that there will be computerized "bobs" to record who enters the building, as well as individual buzzers for building access in each unit.

Mr. Jacobi noted that since additional permits are needed from the Conservation Commission and Zoning Board of Appeals there will be additional opportunities to air the plans. He stated that he is open to having a site visit.

Eleanor Clark, of 45 Holden Street, Attleboro, MA, Chairman of the Council on Aging, also spoke in favor.

Ms. Clark stated that Attleboro could use more housing for the elderly and that she thinks it is wonderful that an older mill can be rehabilitated and reused for elderly housing. Ms. Clark also explained there were concerns about noise and traffic when other senior housing residences were first in the planning stages, but that those concerns were later found to be unwarranted. She explained that she is in support of the rehabilitation of the building.

Thomas LeBlanc submitted his statement in favor to the Council (Attachment 2).

Joe Ferros, of 18 Briarwood Drive, Attleboro, MA and a representative of the Board of Directors for the Council on Aging, also spoke in favor. Mr. Ferros stated that he is not a life-long resident of Attleboro, that he has been a resident of the City for only 13 years, but that he is aware that there are a large number of seniors in the area and having another facility designated for senior housing is a god idea.

No one spoke in opposition.

Chris Fitzpatrick, of 5 Franklin Street, Attleboro, MA, spoke neither for nor against. Mr. Fitzpatrick stated that the rehabilitation of the building is a good thing although he has some concerns. Mr. Fitzpatrick stated that he grew up in the neighborhood and described what the area of water used to look like that flowed under the mill. He also asked about the demographic of those residents who would be aged 55 and older. He also expressed his concern with flooding and his concern about the apartments not being able to be rented, asking if the parameters for the age-restriction would be allowed to be changed.

Mr. Jacobi responded that the age-restriction would not be allowed to be changed.

Mr. Fitzpatrick also expressed his concern about the number of proposed parking spaces for the renovated facility and how the overflow of parking would be handled.

Paul Dion, of 46 Pine Street, Attleboro, MA, also spoke neither for nor against. Mr. Dion stated that he hasn't really heard enough during the presentation to decide whether or not he was neither for nor against the proposal but that he has concerns about flooding in the area and that the design plan may push water downstream.

Mr. Neagle responded that the design plan would not displace any flood water.

Brent LeBlanc, of 83 Mechanic Street, Attleboro, MA also spoke neither for nor against. He stated that the project as proposed sounds good but that he has concerns about what might happen if the project falls through once construction starts.

Mr. Jacobi responded that the building permit has certain restrictions and that a developer cannot build something different, and so if the building cannot be completed then you do not build.

President Cook clarified that the issue before the Council is the rezoning of the area and that once the area is rezoned then anything that falls within the parameters of the zoning use regulations can be built on the space.

Mr. Blais stated that if for some reason construction stopped the Zoning Board could put restrictions on the approval of what type of project gets built on the site.

Erna Gomez, of 66 Fourth Street, Attleboro, MA, also spoke neither for nor against.

Ms. Gomez stated that she has lived on the street since 1963, that she is the oldest property owner in the neighborhood. She stated that she does not mind having residents who are 55 and older and that she loves her house and the neighborhood. She also stated that before the river was closed in the neighborhood, that she used to go fishing there with her kids but now it has become a stinky pond that never freezes since it is filled with chemicals and that the pond needs to be cleaned up.

Councilor Porreca thanked Ms. Gomez for coming in and stated that she sees Ms. Gomez there almost daily during her walks through the neighborhood, and asked her to describe her experiences with the

construction of new properties in the area over the years and what effect this new development would have on her.

Ms. Gomez stated that the neighborhood wouldn't be as quiet as it is now, and that her understanding is that the former tenants in the mill moved out because there was too much mildew in the building and that the property owner was charging too much for rent.

After consultation with Ms. Hall and Chairman Denasi, President Cook explained that a site visit would be scheduled at some time in the future and he declared the Public Hearing closed.

President Cook made a motion to recess at 8:56 P.M.

The Council Meeting was called back to order at 9:06 P.M.

The following Notice of a Joint Public Hearing with the Planning Board was read by the City Clerk/Clerk of the Council, Stephen K. Withers:

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

President Cook stated that Councilor Porreca has left the Council Chambers given a Conflict of Interest.

Jack Jacobi, the attorney representing the Petitioners, spoke in favor.

Mr. Jacobi stated that he made a mistake the first time that the Rezoning application was submitted, but that nothing in the proposal itself has been changed. Mr. Jacobi explained that Pleasant Street is primarily a business district these days and that he is proposing to rezone a portion to allow for the petitioners to have a greater option in regards to what they can do with their space. He explained that the proposal would be a single-story building and that the current number of parking spaces on the site would meet the rezoning requirements.

Mr. Jacobi went on to explain how the site would be redeveloped as a auto parts retail store, including the number of workers, trash pick-up hours, loading zone issues, hours of operation, etc. He also explained that a traffic study had been submitted during the first time that there was a Public Hearing on this matter and that the impact on traffic would be insignificant.

Mr. Jacobi also requested that his comments from the first Public Hearing on this matter be incorporated into the record. His comments during the first Public Hearing that was held on February 16, 2016, were (in general) as follows:

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

Attorney Jacobi explained that while there would be no change to the group home that is in the area given the rezoning, that rezoning the district would provide the business owner with more flexibility. He also explained that the dentist and doctor's office that are also in the area, as currently zoned, only allow for one doctor/dentist and that the rezoning would allow for more practitioners at those locations. He went on to explain that it was highly unlikely that a single-family home would be built on one of the lots, although he did suggest that a property owner might consider building an apartment building.

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

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

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

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

Councilor Conti asked if Attorney Jacobi was representing five landowners.

Attorney Jacobi stated that yes.

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

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

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

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

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

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

Councilor Cooper clarified that there are several entities listed on the Petition (in Item #1) who could make a petition for rezoning, including the Municipal Council.
(End of the comments made at the February 16 Public Hearing.)

Mr. Blais asked for the square footage of the lot.

Mr. Jacobi responded that the lot is 26,000 square feet.

Ms. Hall asked if the rezoning would allow the businesses, such as a doctor's office, to increase the number of practitioners.

Mr. Jacobi clarified that he discussed this issue during the first Public Hearing and that his explanation was one of the errors that he made and that what Ms. Hall was asking about would require a Special Permit.

Maureen Gesner, a property owner of 9 Foley Street, Attleboro, MA spoke in opposition.

Ms. Gesner explained that her family has owned property in the area for over 50 years and that approving the rezoning would allow for any type of business to be built on the property and the effect that would have on property values. She also stated that another auto parts store is not needed and that she is opposed to that type of building. She also asked about the type of fencing that would be put up in the area.

Mr. Jacobi stated that stock fencing would be put up and that the 25 foot buffer, according to Planning specifications, has to be effective.

Mr. Gesner also asked whether or not a fleet of vehicles would be housed on the property and the hours of operation.

Mr. Jacobi responded that there would be two or three pick-up trucks on the property, and that the hours of operation would be 8 A.M. – 8 P.M.

Ms. Gesner stated that she is not in favor of moving forward with the rezoning and the project as stated.

Mr. Blais asked Ms. Gesner if her property abutted the location in the back.

Ms. Gesner responded yes.

Ms. Hall asked if a fence currently exists between her property and the site.

Ms. Gesner responded yes, that it is a chain link fence.

Mr. Conti stated to Ms. Gesner that her concerns are warranted, further explaining that once the property is rezoned that any type of business could be developed on the property. Mr. Conti suggested that she contact the Planning Department to discuss how buffers are built so that she has a better understanding about that process.

Carolyn Rzepecki, a property owner of 9 Foley Street, Attleboro, MA also spoke in opposition.

Ms. Rzepecki stated that Foley Street and its surrounding streets is still a family-friendly neighborhood and putting in another car parts dealership would decrease the property values in the area. She also explained that there is a playground at the end of Foley Street, and that she is concerned about the children and people that live in the neighborhood that use that playground should an auto part store be built in the area. She stated that she is not in favor of the project.

Mr. Conti asked what was on the property where Kennedy Donovan Center parks its vehicles.

Ms. Rzepecki stated that it was a Victorian Home.

Abril Boschen, 136 Pleasant Street, Attleboro, MA, spoke neither for nor against.

Mr. Boschen stated that Mr. Jacobi's request to have his Minutes from the previous meeting isn't sufficient because those Minutes still state "DRAFT" on them and do not contain all of the comments that Mr. Jacobi stated had been previously discussed.

Vice-President Denlea responded that a video of the Council Meetings is available online on the DoubleACS website.

Mr. Boschen stated that he was unable to find those videos online. He also stated that it is really inconvenient to go find a video, watch it, and then not being able to find them in order to make comments at this meeting. Mr. Boschen asked for the number of vehicles that would be stored at the facility, the hours and the number of box trucks that would be on the facility.

Mr. Jacobi stated that there would be 2 pick-up trucks at the facility, and that the hours of operation would 8 A.M. to 8 P.M.

Mr. Boschen asked what contractor would be picking up the waste because he has a problem with the contractor that picks up waste at the house next to him.

Mr. Jacobi stated that no pick-up will occur before 8 A.M.

Mr. Boschen stated that he looked at the Traffic forecast and it doesn't cover the specific type of usage, and he asked if it dealt with the type of business that would be developed on the site.

Mr. Jacobi responded that that the type of traffic study that was done was for the type of business model for the O'Reilly Auto Parts store.

Mr. Boschen asked other questions including whether or not any studies had been done on the effect on property values given the type of business that was proposed.

Mr. Jacobi responded that studies on property values aren't typically done.

Mr. Denasi responded that the Planning Board's purview is limited to whether or not the type of business fits into the area's zoning but that the impacts on property values isn't something that gets considered. He stated that it would be nice if things got better and not worse, but it wouldn't be the intent to have negative impacts on property values.

Mr. Blais that in all his years on the Council it has never been the Council's intention to hurt property values when it approves to rezone areas.

Mr. Boschen went on to state other things, including that he doesn't agree that because there is more commercial usage in the area that we should continue in that direction. He went on to comment on the traffic study that was done and commented that a new traffic study should be done based on new information given that the last study that was done occurred in 2012 and that they are released every four years. He also stated that he understands that there is no existing traffic study for the Pleasant Street area. He asked how long it would take to get a baseline study completed for the area.

Mr. Jacobi responded that such a study is beyond the scope of the Petition, and that such a study would be a massive undertaking.

Mr. Boschen also discussed his opinion on issues related to the timing of the traffic lights.

Ms. Hall interjected that the questions that Mr. Boschen is asking are beyond the scope of what the Council is being asked to review and suggested that maybe the Traffic Study Commission may be a better forum for raising his type of questions as they relate to traffic studies.

President Cook also explained what the Council and Planning Board's purview is related to the Rezoning Petition.

Mr. Boschen responded that he understands President Cook's point but that he doesn't agree that the questions are not relevant to the issue before the Council and Planning Board. He went on to suggest posting signage for traffic on side streets.

President Cook and Mr. Blais responded that his suggestion is harder than it seems and may not be able to be done.

Mr. Boschen suggested that speed bumps be added to the area as an alternative.

President Cook stated that there is a separate procedure for that but the issue is not related to rezoning.

Mr. Boschen asked what the benefit would be to the community as a whole if the area is rezoned and asked for an explanation.

Mr. Jacobi responded that currently there is a vacant lot and that the benefit to the City would be taxes and competition for similar businesses which may mean lower prices for the consumer.

Mr. Boschen asked if there would be a security camera on site or physical security patrols.

Mr. Jacobi responded that the Police Department suggests lighting so that it will not be dark and that there will be security cameras on the site and that the angle of the cameras would not violate the privacy rights of the neighboring residents.

Mr. Blais asked for clarification on what the zoning of the property would be.

Mr. Jacobi responded that the area would be rezoned as General Residence-A.

Mr. Boschen thanked the Council for indulging his questions.

President Cook stated that the Minutes for the meeting that he mentioned had been approved more than a month ago, and that the Minutes that get taken are not a word-for-word synopsis of what gets discussed at the Council Meeting.

Mr. Conti asked Mr. Boschen how far away his property is from the property that is being discussed.

Mr. Boschen responded that he owns the pink Victorian that is about 4 lots away, that he has lived on the property for about 15 years although it has been in his ownership for only 3 years.

Mr. Conti asked if Mr. Boschen has been approached to sell his property.

Mr. Boschen responded that he has had a real estate agent approach him about making more money if his property was rezoned and sold.

Kim Flaxington of 20 Leedham Street, Attleboro, MA, spoke neither for nor against. She stated that she will soon be a resident of 136 Pleasant Street and that her major concern is the maintenance of the current business property and that there is a lot of trash in the area. She also went on to ask who is making business owners pick up the trash on their properties in the area.

President Cook suggested that Ms. Flaxington contact the Health Department .

Ms. Flaxington also asked if the City is planning on bringing the beautification further up Pleasant Street similar to what has been done in the downtown area, such as new lights and paved roads and sidewalks.

Mr. Buckley from the Planning Board suggested she contact the Mayor's office.

After consultation with Ms. Hall and Chairman Denasi the Public Hearing was closed.

The following Notice Public Hearing read by the City Clerk/Clerk of the Council, Stephen K. Withers:

PUBLIC HEARING relative to the City’s Capital Improvement Program for FY2017–2021.

Chris Fitzpatrick, of 5 Franklin Street, Attleboro, MA spoke in favor.

Mr. Fitzpatrick provided a handout to the Municipal Councilors entitled “Bureau of Environmental Health Emergency Response/Indoor Air Quality Program Methods for Increasing Comfort in Non-Air-Conditioned Schools July 2007” (Attachment 3).

Mr. Fitzpatrick stated that the reason that he is speaking is to get Willett School air conditioning since the school gets very hot during the Summer months. He explained that it is the only school in the City that does not have air conditioning, that the temperature gets so hot that it affects the students’ ability to learn, and he referenced page 4 of his handout regarding increased airflow and cross ventilation of buildings. He went on to explain that renovations that were done to the building during the 90s took away the building’s ability to cool itself and that he contacted the Mayor last September about the problem.

Mr. Fitzpatrick went on to explain that he has had children in the school since 2008 and that the air temperature gets really hot and that he noted that several City buildings, including City Hall, have Capital Improvement items related to air conditioning that have been approved and that Willett School should also be included.

Vice-President Denlea thanked Mr. Fitzpatrick for coming in. He stated that putting air conditioning in Willett School would not affect the School’s budget but that the Council cannot initiate appropriations, that only the Mayor can do so. He further explained that the Council can make a recommendation in its Capital Improvement Message to the Mayor strongly recommending to the Mayor that he find funds to appropriate for air conditioning at Willett School.

Ms. Jackson asked for clarification about what is being requested for air conditioning at Willett School since what is in the Capital Improvement Plan is just air conditioning for the media center in the school.

Mr. Conti explained that Ms. Hall is correct, that air conditioning in the media center is the request that the Capital Improvement message has asked for, but that it has been an urgent request to the Mayor for the last four years and that nothing has happened. Mr. Conti went on to further state that this year the Capital Improvement Message will be different and a lot stronger since the Messages in the past have not worked.

Mrs. Porreca suggested that maybe the Council should do its walk through when the temperature is 85 degrees outside so that it can get a better sense about how hot the temperature gets in the building. Mrs. Porreca also stated that all three of her children attended Willett School.

Bill Larson, of 142 Fairway Drive, Attleboro, MA, also spoke in favor. Mr. Larson clarified that he was speaking as a resident and business owner, and not as a member of the School Committee.

Mr. Larson stated, in general, that his concern is that the City will be paying for equipment multiple times for a number of times if it doesn't replace equipment city wide before they need to be replaced.

Ms. Hall responded that she and Mr. Conti have had similar conversations about replacing equipment as a package and that the Council is trying to think of different ways to go about replacing some of the older equipment.

No one spoke in opposition.

No one spoke neither for nor against.

After consultation with Mr. Conti, President Cook declared the Public Hearing closed.

VOTED: at 10:22 P.M. TO GO INTO THE COMMITTEE OF THE WHOLE

No one spoke during the Committee of the Whole.

VOTED: at 10:23 P.M. TO ARISE

Committee Reports:

On recommendation of the **Ordinances, Elections & Legislative Matters Committee**, and on the motion of Mr. DiLisio, the following votes were taken:

1. Voted on Roll Call (6 yeas, 4 nays. Ms. Reynolds, Vice-President Denlea, Mrs. Porreca and Mr. Conti voting nay. Mr. Cooper absent) to adopt the following Ordinance:

**ORDINANCE RELATIVE TO THE ACQUISITION
AND DISPOSITION OF REAL ESTATE**

BE IT ORDAINED by the Municipal Council of the City of Attleboro as follows:

That the Acquisition and Disposition of Real Property Ordinance be amended by deleting Sections 2-11.1, 2-11.2 and Section 2-11.3 (2) in their entirety and replacing those Sections with the following:

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

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

The Mayor's designee, with the advice and assistance of the appropriate department head and other City officials, will prepare the request for proposals. The request for proposals shall

contain a description of the property needed by the City, shall indicate how the proposals will be evaluated, and shall set forth the submission requirements and the contract terms and conditions.

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

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

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

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

2-11-3 Advertising for Proposals

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

The City may shorten or waive the advertising requirement if:

- 1) The City determines that an emergency exists and the time required to comply with the requirements would endanger the health or safety of the people or their property; provided, however, it shall state the reasons for declaring the emergency in the central register at the earliest opportunity; or

2) In the case of a proposed acquisition, the City determines in writing that advertising will not benefit the City's interest because of the unique qualities or location of the property needed. The determination shall specify the manner in which the property proposed for acquisition satisfied the unique requirements. The City shall publish such determination and the reasons therefore, along with the names of the parties having a beneficial interest in the property pursuant to *Section 38 of Chapter 7C* of the General Laws, the location and size of the property, and the proposed purchase price or rental terms, in the central register not less than thirty days before the City executes a binding agreement to acquire the property.

2. Voted on Roll Call (10 yeas, 0 nays) to approve the Mayor's request to transfer \$200.00 from Account 11621000-511550 (Election Commission – Salary Election) to Account 11621000-542020 (Election Commission– Supplies Election Equipment) to be used by the Elections Commission due to unanticipated expenses involved with the changing of the Ward 1 polling location.
3. Voted unanimously (Mr. Cooper absent) to adopt the following Resolution:

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

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

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

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

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED THAT:

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

The Council hereby adopts the Public Agencies Post-Retirement Health Care Plan Trust, including the Public Agencies Post-Retirement Health Care Plan, effective April 19, 2016 (the “Trust”); and

The Council hereby appoints the Treasurer or his/her successor or his/her designee as the City’s Plan Administrator for the Trust. The Plan Administrator shall act on behalf of the City in all matters relating to the City’s participation in the Trust, including, but not limited to, authorizing the investment of assets in PCOT’s investment pool, providing directions to the Trustee and/or the Trust Administrator, and authorizing contributions and disbursements from the City’s trust assets; and

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

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

ATTLEBORO MUNICIPAL COUNCIL

4. Voted on Roll Call (10 yeas, 0 nays) to adopt the following:

RULES OF PROCEDURE OF THE MUNICIPAL COUNCIL

BE IT ORDAINED by the Municipal Council of the City of Attleboro as follows:

That the Rules of Procedure of the Municipal Council be amended as follows:

That Section 6 – Requests for Legal opinions be amended to add “Councilor questions regarding Ethics issues are excluded from these rules, they may consult with the City Solicitor regarding Ethics issues at any time.”

5. Voted unanimously to strike the following item from the Docket of February 2, 2016:

That the Rules of Procedure of the Municipal Council be amended as follows:

1) Section 8 – Rules of Order Section 2-8.2 be amended to read “The City Clerk shall be the Parliamentarian of the Council. The City Clerk shall interpret and instruct the Council under Section 2-8.1 of these Rules. The Presiding Officer shall apply all rules, but the Presiding

Officer's application may be challenged by a Member raising a point of order, upon which the Presiding Officer shall accept the ruling of the City Clerk before continuing any further discussion."

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

Ms. Hall reported that the **Zoning and Land Use Committee** had no business.

She explained there are two Joint Public Hearings scheduled and she called for a Committee meeting at the next appropriate time.

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

1. Voted on Roll Call (10 yeas, 0 nays) to approve the Mayor's request to transfer \$81,639.17 to Account 11621000-585101 (Elections – Voting Equipment) from the following Accounts to be used by the Election Commission to update their voting tabulator equipment & associated computer:
 - \$30,700.00 from Account 11621000-511550 (Elections – Salary)
 - \$6,000.00 from Account 11621000-530910 (Elections – Printing and Reproduction)
 - \$44,939.17 from Account 11241000-578300 (Citywide – Reserve Fund for Transfer).

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

Mrs. Porreca reported that the **Transportation & Traffic Committee** had no business and she called for a Committee meeting at the next appropriate time.

Vice-President Denlea reported that the **License Committee** had no business and he called for a Committee meeting at the next appropriate time.

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

1. Voted on Roll Call (9 yeas, 0 nays. Mr. Cooper and Vice-President Denlea absent) to approve the Mayor's request to appropriate \$75,000.00 from Account 6100-359000 (Water Enterprise Fund – Retained Earnings) to Account 6100-521020 (Water Enterprise Fund – Lights & Power) to be used by the Water Department due to the increased costs associated with the delivery charge on National Grid accounts.
2. Voted unanimously (Mr. Cooper and Vice-resident Denlea absent) to adopt the following "Resolution Calling for Full Funding of the Foundation Budget Review Commission's Recommendations" and forward it to the Governor and Legislature of Massachusetts.

Resolution Calling for Full Funding of the
Foundation Budget Review Commission's Recommendation

Whereas the Massachusetts Foundation Budget Review Commission identified two areas (employee health insurance and special education) where the Massachusetts Foundation Budget significantly understates the true cost of educating students in the Commonwealth and has failed to keep pace with rising costs;

Whereas this underfunding means the cost of providing a quality education has increasingly been borne by local communities, most often at the expense of other vital municipal operations;

Whereas investing in education today leads to higher incomes, and thus less investment in police, prisons, subsidized health care, low income housing, welfare, etc. in the future;

Whereas state and local economies are most effectively strengthened “by investing in education and increasing the number of well-educated workers.”

Therefore Be It Resolved that the Attleboro Municipal Council calls on the Massachusetts Legislature and the Governor of Massachusetts to fully fund and adopt the recommendations of the Foundation Budget Review Commission in the immediate future.

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

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

1. Voted on Roll Call (10 yeas, 0 nays) to approve the Mayor's request to transfer \$13,446.00 from Account 16301000-511000 (Recreation – Salary & Wages) to Account 16301000-524031 (Recreation – Maintenance of Buildings-Exterior) to be used by the Recreation Department to make repairs to the brick façade at the Bartek Center.
2. Voted unanimously, in accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, to accept these generous donations to the City of Attleboro:
 - Four (4) basketball rims and nets with an approximate value of \$600.00 to Hyman Fine from the Attleboro Youth Basketball Association
 - Six (6) Ipads with an estimated value of \$1,920.00 from the Willett PTO to the Willett Elementary School; Fourteen (14) Hewlett Packard Chromebooks with a total value of \$3,052.35 from the Willett PTO to the Willett Elementary School
 - Four (4) cases of paper from an anonymous donor distributed as follows: two (2) cases to Studley; one (1) case to Willett; and one (1) case to Hill-Roberts
 - One (1) Onkyo TX-NR545 7.2 Channel Network A/V Receiver with an estimated value of \$448.00 from the Willett PTO to the Willett Elementary School
 - Four (4) Ipads with an estimated value of \$1,300.00 from the Willett PTO to the Willett Elementary School

- Voted on Roll Call (10 yeas, 0 nays) to approve the Mayor’s request to declare the following Health Department items as surplus and available for disposition:

<u>DESCRIPTION</u>	<u>MODEL</u>	<u>CONDITION</u>
Husky Air Compressor	WL660900AJ 26 Gallon 1.7 HP	Very poor
Myers Waste Oil Air Diaphragm Pump	Series J98B	Very poor/no longer works

- Voted on Roll Call (10 yeas, 0 nays) to approve the Mayor’s request to declare the following Water Department items as surplus and available for disposition:

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>CONDITION</u>
5	14” Dresser Coupling	Poor
4	16” Dresser Coupling	Poor
2	18” Dresser Coupling	Poor
6	20” Dresser Coupling	Poor
6	24” Dresser Coupling	Poor
1	Cap for 10” Main	Poor
2	Cap for 12” Main	Poor
1	Cap for 14” Main	Poor

Ms. Reynolds also called for a Committee Meeting at the next appropriate time.

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

- Voted unanimously to approve the Mayor’s request to appoint Kathryn Rautenstrauch, 17 Second Street, to fill an unexpired term as an associate member on the Zoning Board of Appeals. Term to expire February 2017.
- Voted unanimously to approve the Mayor’s request to appoint Sarah Ribeiro, 87 Fairway Drive, to fill an expired term on the Youth Commission. Term to expire February 2018.
- Voted on Roll Call (10 yeas, 0 nays) to approve the Mayor’s request to transfer \$8,231.19 from Account 11241000-578300 (City Wide -Reserve Fund for Transfer) to Account 11241000-517315 (City Wide - Military Retirement Credit) to cover the expense of employees during their military deployment.

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

On recommendation of the **Public Works Committee** and on the recommendation of Ms. Jackson, the following votes were taken:

1. Voted on Roll Call (10 yeas, 0 nays) to approve the Mayor's request to transfer \$20,000.00 from Account 6000-578300 (Wastewater Enterprise Fund – Reserve Fund for Transfer) to Account 6000-524240 (Wastewater Enterprise Fund – Equipment Maintenance) to be used by the Wastewater Department to rebuild the hydraulic piston and the hydraulic press on a filter press.
2. Voted on Roll Call (10 yeas, 0 nays) to amend Council Vote #16 from the meeting held on March 15, 2016 from a Ford F-350 diesel pick-up to a Ford F-350 gasoline pick-up truck:

Voted on Roll Call (10 yeas, 0 nays) to approve the Mayor's request to appropriate \$45,941.00 from Account 6100-359000 (Water Enterprise Fund – Retained Earnings) to Account 6100-587044 (Water Enterprise – Truck Replacement) to purchase a new Ford F-350 diesel pick-up truck for the Water Department.
3. Voted on Roll Call (10 yeas, 0 nays) to approve the Mayor's request to appropriate \$1,211,000.00 and any other future grant amendments into Fund 3108 (Chapter 90 Projects) for the purpose of funding FY2017 Chapter 90 eligible projects as approved by the Massachusetts Department of Transportation (MassDOT).
4. Voted unanimously to approve the petition from National Grid and Verizon, 280 Melrose Street, Providence, RI to relocate Pole #130 with anchor approximately 17' South as requested by city officials for driveway to be installed to business of ACERRONE LIMITED.

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

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

1. Voted on Roll Call (10 yeas, 0 nays) to approve the Mayor's request to transfer \$735.00 from Account 12101000-532012 (Police – Academy Tuition) to Account 12101000-573010 (Police – Dues) to cover the Police Department's associated costs for the Metropolitan Law Enforcement Council (METRO-LEC) Search & Rescue and SWAT team.
2. Voted on Roll Call (10 yeas, 0 nays) to approve the Mayor's request to transfer \$16,000.00 from Account 12201000-587054 (Fire – Boiler Replacement) to Account 11241000-578300 (City Wide- Reserve Fund for Transfer) because the surplus of \$16,000.00 for a boiler replacement at Fire Headquarters is no longer needed.
3. Voted on Roll Call (9 yeas, 0 nays. Ms. Heagney and Mr. Cooper absent) to approve the Mayor's request to transfer \$1,675.00 from Account 12201000-584015 (Fire – Septic Improvement) to Account 11241000-578300 (City Wide- Reserve Fund for Transfer) because the 10% construction contingency for a septic system replacement at Briggs Corner Station is no longer needed.

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

OLD BUSINESS: None

NEW BUSINESS:

On motion of Mrs. Porreca, the following vote was taken:

1. Voted on Voice Vote (Mr. Blais voting nay) that the following item be assigned to the appropriate committee for study and recommendation:

That the City of Attleboro accept Chapter 329 of the Acts of 1987, which amended M.G.L. c. 44, §32, so that in the case of the school budget, the Municipal Council, on the recommendation of the school committee, may by a two-thirds vote increase the total amount appropriated for the support of the schools over that requested by the mayor; and provided, further, that no such increase shall be voted if it would render the total annual budget in excess of the property tax limitations set forth in section twenty-one C of chapter fifty-nine.

REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE

It should be noted here that prior to the vote on this New Business item, Vice-President Denlea read the following statement from City Solicitor Robert Mangiaratti that he received via email into the record:

Frank:

Councilor Porreca submitted an item of new business to the Council proposing that the City adopt G.L. c. 44, s. 32 so that on recommendation of the school committee, the council may by a 2/3's vote increase the total amount appropriated for the support of the schools over that requested by the mayor; and provided further that no increase shall be voted if it would render the total annual budget in excess of the property tax limitations set forth in section 21C of chapter 59.

You asked if the proposed measure was procedurally in order. In my view, the proposed measure is in order. M.G.L. c. 44, s. 32 as printed in Massachusetts General Laws makes no mention of local acceptance. But, Chapter 329 or the Acts of 1987 which is the amendment to M.G.L. c. 44, s. 32 that inserted the right of the council by 2/3s vote to increase the school department's appropriation under certain conditions requires local acceptance. The Legislative Act states in relevant part:

The provisions of this act shall take effect in any city...on the first day of the calendar month following its acceptance ... by a majority vote of its city council approved by the mayor.

For your information I have attached a full copy of Chapter 329 of the Acts of 1987.

I suggest that for the purposes of clarity, the motion should make specific reference to Chapter 329 of the Acts of 1987. For example: "That the City accept Chapter 329 of the Acts of 1987 which amended M.G.L. c. 44, s 32 so that in the case of the school budget..."

VOTED: TO ADJOURN at 11:22 P.M.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)

City Clerk/Clerk of the Council