

**In Municipal Council
June 7, 2016
Regular Meeting
7:01 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 Sarah Reynolds.

MEMBERS ABSENT: Mark Cooper

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

President Cook held a Moment of Silent in honor of two people who had served the City. Paul Taylor, who was active on the Board of the Council of Aging, and Gladys Durant, a teacher in the Attleboro Schools over 30 years and one of the founding members of the Martin Luther King Ceremonies here in the City of Attleboro.

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

A Motion was passed on Roll Call (10 yeas, 0 nays. Mr. Cooper absent) to Suspend the Rules for the purpose of reversing the order of joint and regular public hearings.

The following PUBLIC HEARING Notice was read by the City Clerk/Clerk of the Council, Stephen K. Withers:

Request from The Friends of Capron Zoo, dated May 5, 2016, requesting that the City Council holds a Public Hearing on a waiver of Section 11-15.1 of the Revised Ordinances of the City of Attleboro to serve beverages on City property at the Capron Zoo on September 10, 2016 from 7pm-10pm for their annual fundraising event Passport to Mexico.

Diane Stoves, of 13 Oakdale Street, Attleboro, MA, President of the Friends of Capron Park Zoo, spoke in favor. Ms. Stoves requested a liquor license for their September event, and she went on to explain that there would be a silent auction, Mexican food and dancers, paw prints from Ramsey's, and provided information about where members of the public could get tickets to the events.

Vice-President Denlea commented that the event is always lovely and fun and that members of the public should attend.

Mr. Conti commented that he has attended 5 of the last 6 events, stating that he was traveling for the one that he could not attend. He asked Ms. Stoves what the website is

where members of the public could purchase tickets online and how many tickets are usually sold.

Ms. Stoves responded that they usually sell about 200 tickets, that tickets will also be available at the door, and that the website for purchasing tickets is www.capronparkzoo.com/friendsofcpz.

Ms. Heagney commented that she has always been a supporter of this event, and she asked Ms. Stoves if members of the public could purchase an entire table during the event.

Ms. Stoves responded that tables were available, although she did not have the prices on hand.

Naomi Cordell, of 393 Tiffany Street, Attleboro, MA also spoke in favor. Ms. Cordell requested that members of the public purchase their tickets in advance for the purposes of planning the event. She also explained the process for businesses to sponsor the event. She went on to explain that the purpose of the event is to support the zoo, and that the Friends are currently attempting to purchase an ultrasound machine.

Mrs. Porreca explained that in the past the Farmer's Market has donated gift baskets and that is also an option for businesses who wanted to make a donation. She commented that the work that the Friends do is quite evident at the Zoo and that she and Councilor DiLisio recently toured the zoo and were able to see first-hand some of the things that The Friends were responsible for providing.

Ms. Hall asked if she could be sent information for the purpose of posting that information on her website.

No one spoke in opposition.

No one spoke neither for nor against.

After consultation with Vice-President Denlea, President Cook declared this Public Hearing closed.

Vice-President Denlea explained the process going forward for moving this item through the Council's legislative process.

The following continued JOINT PUBLIC HEARING with the PLANNING BOARD Notice was read by the City Clerk/Clerk of the Council, Stephen K. Withers:

JOINT PUBLIC HEARING relative to the 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 Transit Oriented Development. Approximately twenty (20+) acres.

Gary Ayrassian, Director of the Planning Department for the City of Attleboro, spoke in favor. Mr. Ayrassian made a correction in the Notice that was read by the City Clerk, stating that it is Transit Oriented and not Transient Oriented development. He stated that in November of 2015 the Municipal Council passed a Transit Oriented Zoning Ordinance and that this Public Hearing represents the next step in that process. Mr. Ayrassian provided a handout to the Council (Attachments 1).

Mr. Ayrassian went on to explain that there were several representatives who were involved in this process in attendance at the Public Hearing. He also went on to explain that the property is surrounded on the North by Wall Street, on the East by the Commuter Rail tracks, to the South by Olive Street and to the West by the Ten Mile River. Mr. Ayrassian explained that the entire landmass of 23 acres is currently zoned as Industrial and he is requesting that the Council rezone it to Transit Oriented. He explained some of the newer additions to the property, including the new bus terminal and the construction of Riverfront Drive that is currently in the process of being completed. Mr. Ayrassian also explained that the old DPW buildings are currently in the process of being knocked down.

Mr. Ayrassian also explained that the current land uses are, to the North, Commercial, Renaissance Station is on the other side, which is Residential, Industrial on the other side near Larson Tool and Residential on another side. He explained that typical applicants for Rezoning Petitions provide a site plan for the area to be rezoned but that the applicant is not required to actually construct on the land what gets presented. He explained that the Attleboro Redevelopment Authority doesn't have a site plan yet but that it does have a Conceptual Plan for the Riverfront District. Mr. Ayrassian clarified that what is being presented isn't as a matter-of-fact representation of the projects that will be developed on the property but more so for the purposes of giving the Council an idea about how the area could be developed.

Mr. Ayrassian also explained the definition of "Smart Growth" and further explained the property's mixed-use initiative and the further redevelopment of the downtown area.

Richard Correia, the Chairman of the Attleboro Redevelopment Authority, also spoke in favor.

Mr. Correia made the following statement (Attachment 2):

Transit Oriented Development (TOD) is a concept which development is targeted for an area surrounding a transit station and is constructed in such a way to enhance the community, increase economic activity, and provide access to the transit system.

The Attleboro Redevelopment Authority is one of two land owners to have land in the new Transit Oriented Development District. The other being the Massachusetts Bay Transportation Authority.

The ARA is here tonight to express our support in re-zoning our property from Industrial to Transit Oriented Development/

I am aware that Marc Boyle, MBTA Assistant General Manager and Acting Secretary for Real Estate and Asset Development has also signed on to support this re-zoning petition.

This joint public hearing will encompass approximately 20 acres of land.

The Attleboro Redevelopment Authority is pleased that the new TOD zoning has been adopted. We worked very hard with Gary Ayrassian and Councilor Jeremy Denlea, and let us not forget the efforts of our past chair Judith Robbins with her red pen and critique of every word in the TOD ordinance. And for those of you who sat with us at the table reviewing this document, you know exactly what I am referring to.

Members of the ARA Board supporting this petition along with myself are Jacqueline Romaniecki and Susan Blais present this evening and Benton Keene III who is unable to be here.

Mike Travelini, from the Massachusetts Realty Group, also spoke in favor and read the following letter from Mark Boyle, Assistant General Manager of the Massachusetts Department of Transportation's Real Estate and Asset Development Division (Attachment 3):

Dear Members of the Attleboro Municipal Council and Planning Board:

The Massachusetts Bay Transportation Authority ("MBTA"), the current owner of the parcels on Olive Street, Wall Street and South Main Street in Attleboro, Massachusetts (the "Property"), strongly supports the proposed petition to rezone the parcels from "Industrial" to "Transit Oriented Development". The proposed rezoning of the area advances the MBTA's goals for transit-oriented development at Attleboro Station.

In an effort to maximize non-fare revenue, increase ridership and provide opportunities for additional housing and economic development across the Commonwealth, the MBTA has launched a Transit Oriented Development initiative. The MBTA views the parcels at Attleboro Station as an opportunity to work with the City to achieve all of the aforementioned goals. The MBTA believes the rezoning of these parcels could lead to a transformative development which could offer numerous benefits to Attleboro and to the residents that use our public transportation system.

The City of Attleboro's rezoning initiative is unprecedented and a model for other Massachusetts communities who advocate for the benefits of TOD and smart growth.

Moreover, this effort sends a strong message to the development market that Attleboro is open for business and will support high quality investment in their community.

The MBTA encourages you to approve the rezoning petition for “transit Oriented Development”. Please do not hesitate to contact me at (617) 222-3255 or mboyle@mbta.com should you have any questions.

Sincerely,

Mark E. Boyle
Assistant General Manager
Real Estate and Asset Development

Mr. Conti asked Mr. Boyle if the MBTA is looking to this rezoning as an element to maximize their non-fare revenue how they plan on doing that.

Mr. Boyle responded that the MBTA is looking to much more profitable real estate deal with the new zoning in place through long-term leases rather than selling of property.

Frank Gay, the Administrator for GATRA, also spoke in favor. He stated that GATRA has been a partner in this project and developing the Intermodal Transportation Center and that they are in support of it.

Peter Bassett, co-owner of Bristol Place Shopping Center and a real estate developer throughout the state and in the region also spoke in favor.

Mr. Bassett stated that this project is a really well thought out plan. He explained that the rezoning eliminates one of the largest risks to real estate development transactions and it gives a great degree of certainty to the development community.

Mr. Conti asked Mr. Bassett if it is in the interest to a developer to develop the area for leasing or for selling.

Mr. Bassett responded that either reversion or developing for long-term income would be appealing to a developer. He also stated that Goody Clancy are very reputable and that he has worked with them before on projects in Boston and that they are one of the best.

Jack Jacobi, an attorney with offices at 144 Bank Street and representing Crugnale Properties.

Attorney Jacobi explained the residential project that his client recently built and explained that his client was looking to build another property across the street. He further explained that the rezoning would bring more people downtown and that it would be beneficial to his new client’s project, Renaissance Station South. He explained that the project would be 7 stories, and would have sub-level and ground-level parking, and that it would contain 6 levels of residential housing with retail on the first level. He explained that there would be approximately 220 units, with the majority of those units

being 1 bedroom apartments. He stated that the project would encompass 65,268 square feet. He also explained that the retail in the building would be 2 units encompassing 8,500 square feet.

Mrs. Porreca asked Mr. Jacobi what the current occupancy rate for the building that currently exists.

Marco Crugnale of 214 Rumford Avenue, Mansfield, MA, owner of Crugnale properties, also spoke in favor and also responded to Mrs. Porreca's question. He stated that 62 units out of 80 are rented and that there were 25 1-bedroom units that rented out quickly and that the remainder of 2-bedroom units are starting to catch up in terms of occupancy.

Mrs. Porreca asked if there are any prospects for renting the retail space in the building that is currently there now.

Mr. Crugnale responded that there were several prospects but that he is looking for the right types of retailers for the space.

Attorney Jacobi stated that the current property is paying \$90,000/year in taxes and that this is the type of new growth that can bring in additional revenue to the City.

Ms. Hall asked what type of marketing is done to try to attract businesses to the retail space in the current property.

Mr. Crugnale stated that he has marketed primarily locally, but that in his opinion the space is too small for a chain retailer and that he hopes that maybe a business like a coffee shop would rent the space.

Don Smyth of Oak Hill Avenue also spoke in favor. He stated that he has been involved with this project since the beginning and that he is very pleased with the progress of the project and the way that it has been moving forward.

Larry St. Pierre of Union Street, Attleboro, MA also spoke in favor. He stated that he was happy to see so much happening in terms of new development in the City. He explained that the East Side has seen some tough times and that this has been a positive thing for the area with a different type of economy historically and with more and more families being mobile.

No one spoke in opposition.

No one spoke neither for nor against.

After consultation with Chairman Denasi, President Cook declared this Public Hearing closed. He also explained the process going forward for moving this item through the Council's legislative process.

VOTED: TO ARISE at 7:55 P.M. for a five minute recess

The meeting was called back to order at 8:01 P.M.

The following Mayor's Communication at 8:20 P.M. by the City Clerk/Clerk of the Council, Stephen K. Withers:

June 7, 2016

Dear Municipal Councilors:

1. I respectfully submit a communication from City Auditor Deborah Gould regarding the appropriation of unused prior year encumbrance funds to the School. As you know, the annual End of Year Report for the Attleboro Public Schools requires unexpended prior year encumbrance amounts to be reflected on the report. Encumbrances are recorded as expended thus when unexpended, there is a negative impact on the end of the year report. In FY2016 \$68,049.54 of prior FY2015 encumbrances remains unexpended for the School Department. Therefore, I hereby request Your Honorable Body appropriate \$68,049.54 from Account 1000-321100 (General Fund Reserve for Encumbrances) to Account O9400020-532010 (Special Education Collaborative Tuition). (Copies in your packets)

In order to be able to process this request for the end of FY2016 deadline, I hereby request Your Honorable Body to consider this prior to June 30, 2016.

1/6/7/16 – REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE

2. I respectfully submit a communication from Acting Superintendent of Water Paul Kennedy regarding the need for funds to remove carbon material from two back wash holding tanks at the Russell Tennant Water Treatment Facility. Therefore, I hereby request Your Honorable Body appropriate \$82,200.00 from Account 6100-359000 (Water Enterprise Fund – Retained Earnings) to Fund 3323 Backwash Holding Tanks. (Copies in your packets)

2/6/7/16 – REFERRED TO THE PUBLIC WORKS COMMITTEE

3. I respectfully submit a communication from Acting Superintendent of Water Paul Kennedy regarding the need for funds to purchase various treatment plant supplies, various hand tools and hydrant markers. Therefore, I hereby request Your Honorable Body to make the following transfers:

\$9,411.00 from Account 6100-524270 (Water Enterprise Fund – Maintenance Contracts) to Account 6100-553181 (Water Enterprise Fund – Treatment Plant Supplies)

\$6,073.00 from Account 6100-530101 (Water Enterprise Fund – Professional Services) to Account 6100-543020 (Water Enterprise Fund – Hand Tools)

\$1,200.00 from Account 6100-530101 (Water Enterprise Fund – Professional Services) to Account 6100-553180 (Water Enterprise Fund – Supplies Water/Wastewater)

\$2,001.00 from Account 6100-530101 (Water Enterprise Fund – Professional Services) to Account 6100-548030 (Water Enterprise Fund – Supplies Vehicles) (Copies in your packets)

3/6/7/16 – REFERRED TO THE PUBLIC WORKS COMMITTEE

4. For Your Information: I regret to inform Your Honorable Body we have received the resignation of Richard Renoni from the Municipal Building Commission. I know you will join me in thanking Mr. Renoni for his service to the City. (Copies in your packets)

4/6/7/16

5. I respectfully submit a communication from Director of Council on Aging Madeleine McNielly regarding the FY2017 SHINE Grant of approximately \$95,000.00. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body to approve the expenditure of such funds by the Council on Aging for expenditure during FY2017 and also approve any future grant amendments. (Copies in your packets)

In order for this grant to become effective for July 1, 2016 to pay associated salary and benefits for FY 2017, I hereby request Your Honorable Body to consider this prior to June 30, 2016.

5/6/7/16 – REFERRED TO THE CAPITAL IMPROVEMENTS & CITY DEVLEOPMENT COMMITTEE

6. I respectfully submit a communication from Director of Council on Aging Madeleine McNielly regarding the award of her FY2017 Formula Grant of approximately \$72,000.00. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body to approve the expenditure of such funds by the Council on Aging for expenditure during FY2017 and also approve any future grant amendments. (Copies in your packets)

In order for this grant to become effective for July 1, 2016 to pay associated salary and benefits for FY 2017, I hereby request Your Honorable Body to consider this prior to June 30, 2016.

6/6/17/16 – REFERRED TO THE CAPITAL IMPROVEMENTS & CITY DEVLEOPMENT COMMITTEE

7. I respectfully submit a communication from Director of the Council on Aging Madeleine McNielly regarding the Community Development Block Grant for Federal

Fiscal Year 2016 (FFY2016) for the Council on Aging in the amount of approximately \$14,201.43. In accordance with Chapter 1, Section 12 of the Revised Ordinance of the City of Attleboro, I hereby request Your Honorable Body to approve the expenditure during FY2017 of this Community Development Block Grant and also approve any future grant amendments. (Copies in your packets)

In order for this grant to become effective for July 1, 2016 to pay associated salary and benefits for FY 2017, I hereby request Your Honorable Body to consider this prior to June 30, 2016.

7/6/7/16 – REFERRED TO THE CAPITAL IMPROVEMENTS & CITY DEVELOPMENT COMMITTEE

8. I respectfully submit a communication from Superintendent of Wastewater Paul Kennedy regarding the residential meter replacement program and the shared meter expense between the City's Water and Wastewater Enterprise Departments. During fiscal year 2015, the Water Department purchased 1,100 water meters and miscellaneous parts at a total cost of \$236,974.45 or \$215.43 each. Out of the 1,100 water meters, 748 meters were installed at locations that have water and sewer accounts and the remaining 352 were installed at locations with water accounts only. Wastewater Enterprise is responsible to pay for 748 meters at a shared cost of 50% of their value. Therefore, I hereby request Your Honorable Body to transfer \$80,571.31 from Account 6000-359000 (Wastewater Enterprise Retained Earnings) to Account 6000-553150 (Wastewater – Water Meter Supplies) after such time the Accounting Department will work with the Wastewater Department to transfer the funds to the Water Enterprise Fund. (Copies in your packets)

8/6/7/16 – REFERRED TO THE PUBLIC WORKS COMMITTEE

9. I respectfully submit a communication from Library Director Joan Pilkington-Smyth regarding the need for funds to make necessary repairs to the HVAC system at the Library. Therefore, I hereby request Your Honorable Body transfer \$7,000.00 to Account 16101000-524240 (Public Library – Equipment Maintenance) from the following:

- \$5,000.00 - 16101000-511000 (Public Library – Salaries)
- \$1,000.00 - 16101000-511900 (Public Library – Salaries Other)
- \$1,000.00 - 16101000-514020 (Public Library – Night Differential)

(Copies in your packets)

9/6/7/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

10. In July 2015, I informed you that the Department of Planning and Development filed a Local Acquisition for Natural Diversity (LAND) grant application with the

Commonwealth's Executive Office of Energy and Environmental Affairs (EOEEA) to purchase a Conservation Restriction on 57.68± acres of contiguous land located on Wilmarth Street for conservation and open space purposes that would have been set-aside under the stewardship of the Conservation Commission. The EOEEA grant is a reimbursement grant and therefore, the City would have had to appropriate the full project cost of \$459,250.00 — \$450,000.00 to purchase the property and \$9,250.00 for associated project expenses. The Commonwealth, through the EOEEA, would have disbursed the grant funds as a reimbursement after the purchase has been completed. The mandatory local cash match for the purchase of the Conservation Restriction and associated project costs was \$151,040.00. This project would not advance forward without the State grant.

In November 2015, I informed you that in anticipation of the grant award, I respectfully requested that the Municipal Council appropriate \$459,250.00 from Fund 8455 – 599000 (Stabilization Fund – Other Financing Uses) to Fund 3539 – 499000 (EOEEA – Wilmarth – Other Financing Sources) to execute this transaction, to authorize the Mayor to file the LAND Grant application, to seek reimbursement under the LAND grant program, to enter any necessary contracts thereto, to permanently dedicate the property for conservation open space and passive outdoor recreation purposes pursuant to MGL Ch. 40, §8C for the enjoyment by the general public, and to place the property under the care and control of the Conservation Commission; and, I also requested that the Municipal Council to authorize the City, pursuant to Chapter 1, §12 of the Revised Ordinances of the City of Attleboro, as amended, to expend the LAND Grant (MGL Ch. 132A, §11) approximately in the amount of \$308,210.00 from the Executive Office of Energy and Environmental Affairs of the Commonwealth.

On December 1, 2015, the Municipal Council unanimously approved these requests.

On December 22, 2015, with regret, I informed the Municipal Council that the City was not awarded the LAND grant; and therefore, respectfully requested Your Honorable Body to rescind Vote#23 from December 1, 2015 as this vote is no longer needed and will allow these funds to be returned to the Stabilization Fund.

On January 19, 2016, the Municipal Council voted unanimously to rescind Vote #23 from December 1, 2015, as this vote was no longer needed and allowed the funds in the amount of \$459,250.00 from Fund 8455–599000 (Stabilization Fund–Other Financing Uses) to Fund 3539–499000 (EOEEA–Wilmarth–Other Financing Sources) to be returned to the Stabilization Fund in relation to the LAND grant program to purchase a conservation restriction on 57.68+ acres of contiguous land located on Wilmarth Street for conservation and open space purposes that are to be set-aside under the stewardship of the Conservation Commission as this vote is no longer needed because the City was not awarded this grant.

At this time, I submit a new communication from Director of Planning and Development Gary Ayrassian regarding the Wilmarth Street conservation restriction. I am happy to inform you that the Commonwealth's Executive Office of Energy and Environmental

Affairs (EOEEA) contacted Mr. Ayrassian in late-May that LAND grant funds were available to the City if the project is still on the table and if the City could complete the project by June 30, 2016. (Copies in your packets)

Therefore, in anticipation of the grant award, I hereby respectfully request Your Honorable Body to appropriate \$459,250.00 from Fund 8455 – 599000 (Stabilization Fund – Other Financing Uses) to Fund 3539 – 499000 (EOEEA – Wilmarth – Other Financing Sources) to execute this transaction, to authorize the Mayor to seek reimbursement under the LAND grant program, to enter any necessary contracts thereto, to permanently dedicate the property for conservation open space and passive outdoor recreation purposes pursuant to MGL Ch. 40, §8C for the enjoyment by the general public, and to place the property under the care and control of the Conservation Commission;

I respectfully request Your Honorable Body to authorize the City, pursuant to Chapter 1, §12 of the Revised Ordinances of the City of Attleboro, as amended, to expend the LAND Grant (MGL Ch. 132A, §11) approximately in the amount of \$308,210.00 and any further grant amendments;

I respectfully request Your Honorable Body to authorize the City, pursuant to Chapter 1, §12 of the Revised Ordinances of the City of Attleboro, as amended, to expend the donation of \$151,040.00 from the Massachusetts Audubon Society towards the project cost associated with the purchase of the conservation restriction on the 57.68+ acre property located on Wilmarth Street; and

I also respectfully request Your Honorable Body, pursuant to MGL Ch. 184, §32 and MGL Ch. 40, §8C, approve the conservation restriction, more fully described in the document set forth as Attachment A, to the City of Attleboro and the Massachusetts Audubon Society, Inc., on one parcel of land located in the City of Attleboro, Massachusetts, as described in deeds recorded at Book 503, Pages 27–28, in the Bristol North District Registry of Deeds. That parcel of land situated on the southerly side of Wilmarth Street and the northerly side of Smith Street in Attleboro, Bristol County, Massachusetts, shown as Lot 1 on that certain plan of land entitled “Land Owned by the Stephen K. Richardson Revocable Trust & the Thomas O. Richardson Trust in Attleboro, Massachusetts” drawn by E. Otis Dyer, R.P.L.S., scale 1"=80', dated February 23, 2016, and comprising approximately 57.66± acres.

In accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro, I respectfully request Your Honorable Body to consider this as an emergency measure as the contract cannot be signed until these funds have been appropriated.

It is my intention to return these funds back to the Stabilization Fund once Free Cash is certified in the Fall of 2016. (Copies in your packets)

10/6/7/16 – REFERRED TO THE ZONING & LAND USE COMMITTEE

11. I respectfully submit a communication from Director of Planning and Development Gary Ayrassian regarding a MassWorks Infrastructure Grant amendment for the construction of Riverfront Drive, Riverfront Park and for the restoration of the Ten Mile River between Wall Street and Olive Street in the amount of approximately \$714,456.00, bringing the total MassWorks Infrastructure Grant to \$4,674,456.00. There is no matching requirement for this grant. Therefore, in accordance with Chapter 1, §12 of the Revised Ordinances of the City of Attleboro, as amended, I hereby request Your Honorable Body to authorize the City to expend the additional MassWorks Infrastructure Grant approximately in the amount of \$714,456.00 and any further grant amendments. (Copies in your packets)

11/6/7/16 - REFERRED TO THE CAPITAL IMPROVEMENT & CITY DEVELOPMENT COMMITTEE

12. For Your Information: I respectfully submit a communication from Director of Planning and Development Gary Ayrassian regarding the Commonwealth’s Gateway City Parks Program. As you may recall, in March 2014, the Commonwealth’s Gateway City Parks Program awarded the City a \$300,000.00 grant to design a riverfront pedestrian connector between Riverfront Drive Park and the Balfour Riverwalk, from Wall Street to County Street by way of the Ten Mile River. This grant was later increased by an additional \$200,000.00 to purchase property on Olive Street. I am happy to inform you that the Commonwealth’s Gateway City Parks Program awarded the City an additional \$1,079,880.00 grant for construction and construction-related activities associated with the riverfront pedestrian connector path. (Copies in your packets)

12/6/7/16

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

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>CONDITION</u>
200	Water Meters	Used

13/6/7/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

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

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>CONDITION</u>
7	Solid Wood Meeting Room Tables	Fair

14/6/7/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

15. I respectfully request Your Honorable Body to accept the donation of one HP9050 printer with a value of \$500.00 and three HP4350 printers with a value of \$50.00 each from Travis Technologies. 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)

15/6/7/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

16. I respectfully request Your Honorable Body to accept the donation of a nine (9) foot artificial Balsam Fir pre-lit Christmas tree manufactured by General Electric from Cheryl-Ann Rizzotto-Keefe. The value of the decorative tree is \$300.00. 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)

16/6/7/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

17. I respectfully submit a communication from Acting Superintendent of Water Paul Kennedy regarding the need for funding for a necessary amendment to the design contract for the Luther Reservoir Pump Station improvements. Therefore, I hereby request Your Honorable Body transfer \$7,350.00 from Account 6100-530101 (Water Enterprise Fund – Professional Services) to Account 6100-599000 (Water Enterprise Fund – Other Financing Uses); and to further transfer \$7,350.00 from Account 6100-599000 (Water Enterprise Fund – Other Financing Uses) to Fund 3319-499000 Luther Pump-Other Financing Sources. (Copies in your packets)

In order to be able to process this request for the end of FY2016 deadline, I hereby request Your Honorable Body to consider this prior to June 30, 2016.

17/6/7/16 – REFERRED TO THE CAPITAL IMPROVEMENTS & CITY DEVELOPMENT COMMITTEE

18. I respectfully submit a communication from Chief of Police Kyle P. Heagney regarding the receipt of Public Safety Answering Point Support and Incentive Grant of approximately \$93,650.00 for FY2017 from the Executive Office of Public Safety and Security (EOPSS) - State 911 Department and any other future grant amendments. No match is required by the City, therefore, in accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body to approve the expenditure of such funds by the Attleboro Police Department as specified within the parameters of the grant. (Copies in your packets)

In order for this grant to become effective for July 1, 2016, I hereby request Your Honorable Body to consider this prior to June 30, 2016.

18/6/7/16 – **REFERRED TO THE PUBLIC SAFETY & EMERGENCY MANAGEMENT COMMITTEE**

Sincerely,
Kevin J. Dumas, Mayor

The following Other Communication was read at _____ P.M. by the City Clerk/Clerk of the Council, Stephen K. Withers:

1. New 2016 Class II license from Lucky 7 LLC, 141 Pine Street, Attleboro, MA for 1 customer parking space and 5 display spaces.

REFERRED TO THE LICENSE COMMITTEE

A motion was made, duly seconded and unanimously voted to hold a Public Hearing on Tuesday, June 21, 2016 relative to the application of a new 2016 Class II license from Lucky 7 LLC, 141 Pine Street, Attleboro, MA for 1 customer parking and 5 display spaces. All were in favor.

VOTED: at 8:22 P.M. TO GO INTO THE COMMITTEE OF THE WHOLE to hear anyone who wishes to speak on any matter pertaining to City business.

Mr. Ayrassian spoke at the Committee of the Whole to address any questions in regards to Item # 10 (requested as an Emergency Measure in the Mayor's Communication) related to the Conservation Restriction.

Mr. Ayrassian explained that he recently received word that the City was receiving the LAND grant, and that things have been happening very quickly and need to continue to happen quickly to meet the June 30, 2016 required date for the project's completion. Mr. Ayrassian explained this project will not cost the City any money, explaining that the Massachusetts Audubon Society is picking up the local cash match of \$151, 040 that has already been received and deposited and the other 66% of the amount that is being requested will be reimbursed.

President Cook stated that Mr. Ayrassian received the letter that the Council received only 2 days prior announcing the news and therefore it has been a very short turnaround time.

Mr. Blais thanked Mr. Ayrassian for explaining that there is no City money being spent on this project since that is important for the public to know.

Mrs. Porreca made a small point of clarification, stating that we will be appropriating some City money but that it will be shortly reimbursed to the Stabilization Account.

Mr. Ayrassian agreed, explaining that we will be using some City funds for this project but that it will be immediately returned to the Stabilization Fund.

Ms. Hall stated that the money just doesn't come back and that there is a period of time that the City has to wait for the Free Cash to be returned. She asked Mr. Ayrassian if her understanding of that process is correct.

Deb Gould, from North Attleboro and the Auditor for the City of Attleboro, explained that the Mayor does have the prerogative to wait until after the Free Cash gets certified before he returns the money, but that it would be her expectation that as soon as the closeout package is sent to the Commonwealth in proper order and the reimbursement is received, that the funds would be returned to the fund even without the Free Cash certification. She further explained that the requirement of the grant is to fund the costs upfront and then to be reimbursed. Ms. Gould also explained that grant revenue is typically received before September 30th because the Commonwealth has the same timelines that the City does in regards to paying their bills on time.

Ms. Heagney thanked Mr. Ayrassian for the collaboration.

Mr. Conti stated that he is fully in favor of this project and asked him where the land is located.

Mr. Ayrassian explained that the land is located near Wilmarth and Smith Streets.

Charlie Whineman, from Lexington, MA and from the Massachusetts Audubon Society, confirmed the location of the parcel of land.

Mr. Blais stated that he knew Mrs. Richardson, that she was a customer of his previous business, and that she would be smiling that this land is being donated for the intended purpose of conservation restriction.

Melissa Riley, of 17 Cedar Creek Drive, Attleboro, MA spoke on behalf of the Conservation Commission. She thanked everyone for all of the work that has been done on this project. She also explained that Deborah Richardson was the first Conservation Commission Chairperson in the City of Attleboro. She also explained that this project will open up 350 acres of land to the public and that the walkway will connect a large piece of land that is already under the control of the Conservation Commission and that the Conservation Commission is in unanimous support of this project.

Ted Leach stated, on behalf of the Attleboro Land Trust, that this project will be one of the crowning jewels of the City. Mr. Leach also explained that with this project, over 600 acres will have been preserved by the Land Trust over the past quarter of a Century since the Land Trust started preservation projects such as this one.

Ms. Hall stated that the City is very fortunate to have a Stabilization Fund in order to do these types of projects.

Mr. Ayrassian stated that his statements about reclamation of the downtown area, cleaning up the City's Brownfields, etc., and this project are all connected to saving our green spaces and revitalizing our downtown and the City as a whole.

President Cook stated that by being able to reclaim land downtown, and being able to purchase green space elsewhere, the City is able to save money by not having to expend funds to provide services to that undeveloped area while simultaneously raising revenue through the downtown development.

Mr. Ayrassian agreed and noted the impact of the cost to extend infrastructure to develop that part of the City where the green space is located.

Mr. Blais stated that the Stabilization Fund could have been one of the reasons why the Commonwealth revisited giving the City these funds because we weren't initially offered it.

Mr. Whineman also added the Massachusetts Audubon Society is thrilled to be teaming up with the City of Attleboro in this project and in the conservation of this land.

VOTED: at 8:50 P.M. TO ARISE

Committee Reports:

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

On recommendation of the **Zoning & Land Use Committee**, and on the recommendation of Ms. Hall, the following votes were taken:

1. Voted on Roll Call (10 yeas, 0 nays, Mr. Cooper absent) to adopt the following **EMERGENCY PREAMBLE:**

That the Attleboro Municipal Council vote to take action as provided in accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro regarding the emergency which presently exists relative to the Mayor's request to appropriate \$459,250.00 from Fund 8455 – 599000 (Stabilization Fund – Other Financing Uses) to Fund 3539 – 499000 (EOEEA – Wilmarth – Other Financing Sources) to execute the Local Acquisition for Natural Diversity (LAND) grant application with the Commonwealth's Executive Office of Energy and Environmental Affairs (EOEEA) to purchase a Conservation Restriction on 57.66± acres of contiguous land located on Wilmarth Street for conservation and open space purposes, to authorize the Mayor to seek reimbursement under the LAND grant program, to enter any necessary contracts thereto, to permanently dedicate the property for conservation open space and passive outdoor recreation purposes pursuant to MGL Ch. 40, §8C for the enjoyment by the general public, and to place the property under the care and control of the Conservation Commission.

Due to the time constraints involved, the nature of the emergency makes it necessary to take action without waiting the prescribed time as provided in the City Charter because the contract cannot be signed until these funds have been appropriated.

2. Voted on Roll Call (10 yeas, 0 nays) to approve, as an **EMERGENCY MEASURE**, the Mayor's request to appropriate \$459,250.00 from Fund 8455 – 599000 (Stabilization Fund – Other Financing Uses) to Fund 3539 – 499000 (EOEEA – Wilmarth – Other Financing Sources) to execute the Local Acquisition for Natural Diversity (LAND) grant application with the Commonwealth's Executive Office of Energy and Environmental Affairs (EOEEA) to purchase a Conservation Restriction on 57.66± acres of contiguous land located on Wilmarth Street for conservation and open space purposes, to authorize the Mayor to seek reimbursement under the LAND grant program, to enter any necessary contracts thereto, to permanently dedicate the property for conservation open space and passive outdoor recreation purposes pursuant to MGL Ch. 40, §8C for the enjoyment by the general public, and to place the property under the care and control of the Conservation Commission; and

To authorize the City, pursuant to Chapter 1, §12 of the Revised Ordinances of the City of Attleboro, as amended, to expend the LAND Grant (MGL Ch. 132A, §11) approximately in the amount of \$308,210.00 and any further grant amendments towards the project cost associated with the purchase of the conservation restriction on the 57.66± acre property located on Wilmarth Street; and

To authorize the City, pursuant to Chapter 1, §12 of the Revised Ordinances of the City of Attleboro, as amended, to expend the donation of \$151,040.00 from the Massachusetts Audubon Society towards the project cost associated with the purchase of the conservation restriction on the 57.66± acre property located on Wilmarth Street; and Pursuant to MGL Ch. 184, §32 and MGL Ch. 40, §8C, approve the conservation restriction, more fully described in the document set forth as Attachment A, to the City of Attleboro and the Massachusetts Audubon Society, Inc., on that parcel of land situated on the southerly side of Wilmarth Street and the northerly side of Smith Street in Attleboro, Bristol County, Massachusetts, shown as Lot 1 on that certain plan of land entitled "Land Owned by the Stephen K. Richardson Revocable Trust & the Thomas O. Richardson Trust in Attleboro, Massachusetts" drawn by E. Otis Dyer, R.P.L.S., scale 1"=80', dated February 23, 2016, and recorded at Bristol North Registry of Deeds in Plan Book 503, Pages 27-28, and comprising approximately 57.66 acres.

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

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

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.

Ms. Heagney reported that the **Budget & Appropriations Committee** had no business and she called for a Committee Meeting at the next appropriate time.

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

Mr. Cooper reported that the **Personnel & Human Services Committee** had no business and he called for a Committee meeting at the next appropriate time.

Ms. Jackson reported that the **Public Works Committee** had no business and she called for a Committee meeting at the next appropriate time.

Mr. Blais reported that the **Public Safety & Emergency Management Committee** had no business and he called for a Committee meeting at the next appropriate time.

There was no **OLD BUSINESS**.

NEW BUSINESS: On the motion of Ms. Heagney, the following vote was taken:

1. Voted unanimously to refer the following item to the appropriate committee for study and recommendation:

To install a “STOP” sign at the intersection of Cathedral Drive and Parsonage Way

REFERRED TO THE TRANSPORTATION & TRAFFIC COMMITTEE

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

VOTED: TO ADJOURN at 9:01 P.M.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)

City Clerk/Clerk of the Council