

**In Municipal Council
Regular Meeting**

**July 19, 2016
7:02 P.M.**

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

MEMBERS ABSENT: Shannon Heagney

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.

VOTED unanimously to approve the Minutes of the Meeting of June 7, 2016.

VOTED unanimously to approve the Minutes of the Meeting of June 28, 2016.

President Cook explained that there would be a presentation by the Attleboro Redevelopment Authority (ARA) and that the Public Hearing needed to be held before the Joint Public Hearing with the Planning Board and therefore the rules would need to be suspended. President Cook entertained a motion to suspend the rules.

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

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

PUBLIC HEARING relative to the Petition from Massachusetts Electric Company for NGRID to extend 5 JO poles beyond existing P12 in a westerly direction on Commerce Way. Also included is a new guy/anchor support pole across from existing P12 Commerce Way. It also adopts the 4-2 duct conduit banks that were installed during road construction and are as specified on the original approved road plans. These facilities will be utilized to supply the new New England Sports Village.

Michael Perrin, of 245 South Main Street, Hopedale, MA and Senior Designer for National Grid, spoke in favor. Mr. Perrin stated that he was asking for the Pole line extension to feed the New England Sports Complex, which requires the installation of 5 new poles that are jointly owned by National Grid and Verizon.

No one spoke in opposition.

No one spoke neither for nor against.

After consultation with Ms. Jackson, Public Works Chair, President Cook declared this Public Hearing closed.

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

JOINT PUBLIC HEARING w/ PLANNING BOARD relative to the Rezoning Petition from the City of Attleboro’s Planning Board to amend the following sections of the ZONING ORDINANCE: Section 17-2.1.3 ESTABLISHMENT OF INDUSTRIAL ZONING DISTRICTS and Section 17-3.4 TABLE OF USE REGULATIONS – COMMUNITY FACILITIES.

Gary Ayrassian, Director of Planning and Development for the City of Attleboro, spoke in favor.

Mr. Ayrassian read the proposed amendments:

Amend §17-2.1.3 ESTABLISHMENT OF INDUSTRIAL ZONING DISTRICTS by deleting the section in its entirety and inserting in place thereof the following:

The “I” zoning district is established to accommodate: (a) accommodate enterprises engaged in the manufacturing, processing, repairing, packaging, assembling, storing, merchandising of goods and commodities, and other similar uses that are deemed within the prescribed range of activities contained herein, and (b) compatible non-residential enterprises engaged in the medical/healthcare sector of the economy.

Mr. Ayrassian explained that the changes that are being presented via the amendment are about 90% of what is already in the Ordinance, but that he thought it best to just delete and replace the sections in their entirety. He explained that subsection (b) was newly added based on his conversation with the City Solicitor about how best to go about making the necessary changes for the proposed land uses.

He went on to explain the other amended section:

Amend §17-3.4 TABLE OF USE REGULATIONS-COMMUNITY FACILITIES by deleting “N” associated with the following land uses under the Industrial zoning district and inserting in place thereof a “P”, as follows:

PRINCIPAL USES – COMMUNITY FACILITIES	<u>INDUSTRIAL</u>
	I
11b. Professional Medical/Dental Office Building.....	P
12a. Hospital, Nursing Home.....	P
12b. Health Care Facility.....	P
12c. Hospital Related Services.....	P
13. Veterinary Hospital.....	P

Mr. Ayrassian provided some of the context for these changes, informing the Council that he had spoken to the City Solicitor about a regulation that he has been working on with the Attleboro Redevelopment Authority and in order to assist him with that matter he is presenting this amendment.

Mr. Ayrassian went on to explain that the grant that he received from MassDevelopment that was used to finance a market analysis of the Industrial Business Park that was completed in October of 2010. He explained the results of that report from that Market Analysis, which primarily summarized the narrow nature of the land uses based on the zoning of the area. Mr. Ayrassian explained some of the more important parts of that report to the Municipal Council. (That report, entitled Market Analysis for the Attleboro Industrial Business Park, is attached to these Minutes as Attachment 1).

Mrs. Porreca asked Mr. Ayrassian if the report, given that it is from 6 years ago, is still current

Mr. Ayrassian stated that the report is based on trends that were existing at the time, but that the report is not old enough for its analysis to be outdated.

Robert Mangiaratti, the City Solicitor for the City of Attleboro, also spoke in favor.

Mr. Mangiaratti explained the contract that motivated the proposed amendments. He explained the demolition of the Swank Building and what was used to fund the demolition, further explaining that in putting together the financing for that deal, once the building has been demolished, Stern Leach will take ownership of it and in exchange for that the company will convey to the ARA two vacant lots of land on O'Neill Boulevard. Mr. Mangiaratti stated that once those are received the intention is to sell them to Sturdy Memorial Hospital and the net proceeds of that sale will be used to pay off the loan received from MassDevelopment that was used for financing part of the demolition project.

Mr. Mangiaratti explained that Sturdy Memorial Hospital is eager to invest in the area, although they have not given a firm commitment for doing so. He further explained that the zoning needs to be changed in order for Sturdy Memorial Hospital to expand and invest in the area in the manner that it is interested in doing. He explained that the amendments make sense, since the area has changed and therefore we need to be more expansive in the land's uses especially if the plan is to populate the City's Industrial Districts.

David Manoogian, an attorney with offices at 149 Pleasant Street in Attleboro, MA, spoke on behalf of Sturdy Memorial Hospital and also in favor.

Attorney Manoogian explained that if the zoning changes did not occur, then the Hospital will have to come before the Council to ask for the changes after receiving title to the land. He explained that the Hospital isn't sure how it will use the land, but that it would be easier to use the land for expanding its campus if there was the required zoning. Attorney Manoogian explained that there will still be another level of review by the City's Planning Board (site plan review) even if the zoning is changed prior to the Hospital gaining title to the land. He went on to explain some of the other businesses that used to be in the area and how the area has changed.

Rick Correia, Chairperson of the Attleboro Redevelopment Authority, also spoke in favor. Mr. Correia stated that the rezoning of this area would help to close out the deal with Sturdy Memorial Hospital.

No one spoke in opposition.

No one spoke neither for nor against.

After consultation with Ms. Hall, Chair of the Zoning & Land Use Committee, and Planning Board Chairman Denasi, President Cook declared this JOINT PUBLIC HEARING closed.

Members of the Attleboro Redevelopment Authority (ARA) appeared before the Municipal Council for their quarterly update.

Rick Correia, Chairman of the ARA, started off the presentation by providing a brief introduction of Susan Blais, the newest member of the ARA Board.

Ms. Blais gave the following statement:

I am honored to be appointed by Governor Baker to represent the State's interest on the ARA Board.

My experience includes State Certified and FHA Licensed real estate appraising with over 24 years of appraisal experience. Besides real estate I am a long time member of many Attleboro non profits, business groups and Veteran organizations.

For years I have followed the ups and downs of the ARA. In the past I have advocated for many of the successful achievements of this busy Board. In 2014 I was thrilled to learn of the sale of Industrial Business Park land and have enjoyed following the construction of the sports complex. Over the winter and spring, I often drove by the Swank factory demolition. And in the past few months, I have enjoyed seeing the vision of the Riverfront Drive and Judy Robbins Park Project really start to take hold.

It is also remarkable to note what was once the location of Automatic Machine Products, now developed into a new 6 story mixed use apartment complex now known as Renaissance Station North. Soon to follow across the street will be another mixed use development which is sure to enhance the new Transit Development Zone.

Attleboro is a great City with many people working hard every day to make a positive difference. I am proud to be a member of the ARA and look forward to being part of the many interesting projects underway.

Mr. Correia thanked Ms. Blais, and then introduced Beth LeBlanc, the City of Attleboro's Capital Projects Administrator, briefly explaining her role with the ARA and some of the various roles that she has undertaken in her new role.

Ms. LeBlanc, along with Doug Heely of Environmental Strategies & Management, Inc., 273 West Main Street, Norton, gave a Power Point Presentation (attached to these Minutes as Attachment # 2) of the projects and their associated activities with the ARA.

Mr. Conti asked if the 1500 gallons of kerosene was pure or mixed.

Mr. Heely stated it was pure kerosene.

Mr. Conti asked if there was any way to estimate the amount remaining.

Mr. Heely responded no, but noted that there is still saturated oil to remove.

Mr. Conti asked about the financing of the removal.

Mr. Heely responded that the ARA is paying for it from the urban renewal money and that the cost was about \$50,000.00.

Ms. LeBlanc discussed the status of the ARA projects.

Vice-President Denlea thanked Mr. Correia and the entire ARA Board for all of their work with the various projects that were discussed during the presentation. Vice-President Denlea also discussed some of his experiences with the contractor and some of the safeguards that they had in place during the project's work.

Councilor Conti asked Ms. LeBlanc about the insurance claim, asking how much the policy was for.

Ms. LeBlanc responded that the policy was for \$800,000.00. She added that she could not provide details about the claim because she was not involved.

President Cook asked Mr. Conti if he wanted to receive Mr. Correia's question about the Transit Oriented Development (TOD). He agreed and discussion about the history and future plans of the TOD were explained.

Mr. Correia also discussed the IBP/New England Sports Village development. He referenced the initial lack of funds the support he received from the Municipal Council. Mr. Correia noted the large amount of grants received and how every cent of the \$3.5 Million has gone into these projects, all administered by a four member volunteer board. He also recognized the work of ARA members Jacqueline Romanecki and Benton Keene who were unable to attend this presentation.

David Boucher, one of the founding principles behind the development of the sport complex, also addressed the Council. He provided an update on the New England Sports Complex project, including its origin, current status, and future plans.

President Cook referenced the past problems associated with the IBP and praised Mr. Boucher for his effort on this project.

Ms. Porreca noted the web site and positive response the project is generating, particularly among hockey enthusiasts.

Ms. Jackson referenced her family's interest in hockey and their excitement about the project.

Mr. Conti asked Mr. Boucher about the ground type at the construction site.

Mr. Boucher replied that it is varied and explained the rock outcroppings, the drilling and blasting procedure, and the presence of pudding stone which will be used for a retaining wall.

Mr. Conti asked about the planned phases.

Mr. Boucher responded that the skating facility will be completed first, followed by an aquatics center, hotel, field house, with the athletic fields being built concurrent with the field house. He added that he expected they would encounter the same type of soil.

Mr. Conti asked about the original financing plan and if it was still on-track.

Mr. Boucher replied yes.

Mr. DiLisio, who lives near the site, thanked Mr. Boucher for the way he interacted with the neighborhood and how impressed the neighbors are with the project to date.

Mr. Cooper referenced his father's discussion with Mr. Boucher's father about the project. Mr. Cooper asked about the priority plan for use of the facility.

Mr. Boucher told about his experience as a child learning to play hockey. He described the three types of ice facilities and how each would be used.

President Cook asked for the reaction outside the Attleboro area.

Mr. Boucher responded that he has heard from the economic developer in Dallas, Texas, as well as phone calls from Fort Lauderdale, Florida, Raleigh, North Carolina, a group outside of Chicago, Illinois as well as Baltimore, Maryland. He also added his personal experience growing up and a call from an acquaintance from Amesbury, MA regarding the aquatics facility and the interest heard from other parts of the country.

Mr. Correia noted the out-of-the-box thinking that resulted in this project and the support of the ARA board.

Mr. Boucher added that the loan from the Bristol County Saving Bank has been cleared as of today. Mr. Correia noted the role of the late ARA chairman Judy Robbins, and City Solicitor Robert Mangiaratti, in support of obtaining the loan.

President Cook thanked the ARA for their vision and role in determining the positive future of Attleboro as a result of the various projects undertaken by the Board. He referenced the difficult path the City has journeyed since the 1990's to reach this point.

Mr. Correia thanked and praised his Board members for their work.

VOTED: TO RECESS at 8:43 P.M.

The meeting was called back to order at 8:53 P.M.

The following MAYOR's COMMUNICATION was read by the City Clerk/Clerk of the Council, Stephen K. Withers:

July 19, 2016

Dear Municipal Councilors:

1. I respectfully submit a communication from Chief of Police Kyle P. Heagney regarding a FY2017, 911 Training Grant, from the Executive Office of Public Safety and Security (EOPSS) in the amount of approximately \$19,953. Please note that there is no matching requirement. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body approve expending of such funds and any future grant amendments. Monies from this grant must be expended no later than June 30, 2017. (Copies in your packets)

1/7/19/16 – REFERRED TO THE PUBLIC SAFETY & EMERGENCY MANAGEMENT COMMITTEE

2. I respectfully submit a communication from Director of Veterans' Services Ken Badertscher regarding the following donations:

Gift certificates from the Board of Directors of the Attleboro Farmer's Market totaling \$100 in value for use at the Attleboro Farmer's Market.

Gift certificates from the B.P.O. Elks Lodge #1014 of Attleboro totaling \$500 in value for use at Stop and Shop Supermarket.

Gift certificates from the Disabled American Veterans Post #91 of Attleboro totaling \$300 in value for use at Stop and Shop Supermarket.

Gift certificates from the Veterans of Foreign Wars Post #115 of Attleboro totaling \$300 in value for use at Stop and Shop Supermarket.

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)

2/7/19/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

3. For Your Information: I regret to inform Your Honorable Body we have received the resignation of Jay Hewitt from the Planning Board. I know you will join me in thanking Mr. Hewitt for his service to the City. (Copies in your packets)

4. I respectfully submit a communication from Superintendent of Schools Kenneth Sheehan regarding the donation of five (5) Chromebooks with an estimated value of \$180 per device from Mark and Louis Cooper on behalf of their son Cameron for classroom use at the Studley Elementary School. 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)

4/7/19/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

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

<u>Name</u>	<u>Appointment</u>	<u>Term Expiration</u>
Barry LaCasse	Director of Budget & Administration	February 2017
Scott Lachance	Director of Emergency Management	February 2017
Paul Palermo	Inspector of Wiring	February 2017
Dennis Walsh	Recreation Director	February 2017
Paul Kennedy	Superintendent of Wastewater	February 2017
Jean Benchimol	Zoo Director/Curator	February 2017

5/7/19/16 – REFERRED TO THE PERSONNEL & HUMAN SERVICES COMMITTEE

6. I respectfully submit a communication from Health Department Outreach Worker/Case Manager June Fleischmann regarding the donation of \$475.00 in Stop & Shop food gift cards from the Holiday Spirit Committee. These cards will be offered by the Health Department's Public Nurse and Outreach Worker to individuals and families in need. 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 gifts to the City of Attleboro. (Copies in your packets)

6/7/19/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

7. I respectfully submit a communication from City Treasurer Laura Gignac regarding the donation of (2) customer chairs with an approximate value of \$100.00; (4) desk chairs with an approximate value of \$400.00; and (1) desk with an approximate value of \$700.00 from Rockland Trust. 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 gifts to the City of Attleboro. (Copies in your packets)

7/7/19/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

8. I respectfully submit a communication from Council on Aging Director Madeleine McNielly regarding the donation of a leather living room set with a value of \$4,200.00 from Nick, Ron and Pete Cardi. 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 gifts to the City of Attleboro. (Copies in your packets)

8/7/19/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

9. As you are aware, there were reductions made in the FY2017 General Government Budget that unfortunately have caused unintended consequences that need to be addressed. Specifically, the

Municipal Council voted to reduce the Citywide Overtime account by \$1,500.00, the Citywide Cell/Pager account by \$22,000.00 and the Citywide Professional Services account by \$50,483.22. For the following reasons, I am hereby requesting that Your Honorable Body re-appropriate these funds.

The reduction of citywide overtime from \$1,500 to zero dollars causes issues with City Hall custodial coverage during vacation/sick time annually as well as overtime associated with electrical issues. This issue currently becomes more problematic as our custodian is scheduled for vacation the first week of August with no overtime coverage available. We are responsible contractually to pay employees for coverage outside of normal working hours and this coverage is needed to maintain the building operations including the proper cleaning of restrooms for the staff and others. Further, there are multiple times a year that we pay for overtime for electrical repairs. Without this funding available, we will have to contract for outside companies to perform this work when needed and pay prevailing wage and thus being much more costly.

The elimination of citywide cell service by the reduction of \$22,000 will cause me to cancel service by August 1, 2016. As you can imagine, cell phones are not only valuable tools in times of emergency, but they also enhance the operational effectiveness and efficiency of City staff while away from the office and for other means of telecommunication. Employees to whom cell phones are assigned often need to be contacted quickly when important situations arise. City cell phones are only assigned to particular employees based on the specific needs of the department and working conditions of the employee; and only in cases when such a device is proven to provide an economic, efficient, and secure solution to the City's needs. These employees maintain constant access to their phones both on and off hours so that they can communicate effectively via text and email, and utilize applications to perform their job functions. A \$22,000.00 cut in this line item will negatively impact the Police, Fire, Planning, Conservation, Public Works – Highway Division, Inspection, Park & Forestry, Recreation, Animal Control, Mayor, Budget and Administration, and MIS Departments. And despite being an invaluable tool in today's world, I am aware of no law or regulation that could mandate an employee to provide his/her own cell phone as a condition of City employment, or that would require an employee to use his/her own private cell phone for City business. In fact, members of the Police Department could not even use their own private plans due to the nature of their work. And even if a City employee could be required to use his or her private cell phone to conduct City business, the City would then be obligated to reimburse that employee for such use, at a rate that far exceeds the governmental rate the City now receives. This reduction, if allowed to stand, will take away a vital communication tool that many departments use to do their job, and will undoubtedly lead to productivity loss, communication breakdown, and a major step backwards in using technology to do our City jobs efficiently. The \$27,000.00 originally recommended by me for this account was to cover the annual expense for 68 cell phone/devices; which averages out to approximately \$33.09 per month/device.

Lastly, the \$50,483.22 reduction in the Professional Services Account will virtually eliminate the City's ability to adequately defend itself against an attempt to build an asphalt plant off Tiffany and County Streets, which affects countless constituents throughout the City. Moreover, this reduction will also affect the City Solicitor's ability to deal with bankruptcies and other complex litigation that requires additional assistance in defending the City. Please find a copy of a memorandum from the City Solicitor outlining the need for these funds.

During your June 23, 2016 deliberations on these and other reductions, one message became clear; you wanted me to provide you with a more detailed explanation as to why these funds were vital to the effective operation of the City. It is my hope and expectation that this communication has accomplished that objective.

Therefore, I hereby request Your Honorable Body to approve the following supplemental appropriations as follows:

- \$1,500.00 to Account 11241000-513000 (Citywide – Overtime)
- \$22,000.00 to Account 11241000-534020 (Citywide – Cell/Pager)
- \$50,483.22 to Account 11241000-530101 (Citywide – Professional Services)

9/7/19/16 – **REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE**

Sincerely,

Kevin J. Dumas,

Mayor

The following OTHER COMMUNICATION was read by the City Clerk/Clerk of the Council, Stephen K. Withers:

1. Letter dated June 30, 2016, containing a check in the amount of \$1,000.00, from Denise Preston, 121 West Street, Attleboro, MA, to be used as a gift to the City of Attleboro to be directed toward providing funding to the salary within the Mayor's Department in order to re-instate the Constituent Services Administrator position. Ms. Preston has asked that her gift be returned to her if the Constituent Services position is not re-instated.

REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE

2. Letter dated July 19, 2016, from Irene Kozdrowski, 30 Carleton Street, South Attleboro, MA asking the Municipal Council to fund the Constituent Services position held by Scott Folan.

REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE & COPY TO ALL MEMBERS

3. Letter from Joseph P. Harney, 68 Beagle Club Road, Attleboro, MA asking the Municipal Council to reinstate Scott Folan's Constituent Services position.

REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE & COPY TO ALL MEMBERS

4. Renewal Application from Sangria's Restaurant, 59 Park Street, Attleboro, MA to waive Section 11-15.1 in order to serve alcoholic beverages or wine on city property from August to August, Monday – Sunday during the hours of 12 NOON to 1:00 A.M.

REFERRED TO THE LICENSE COMMITTEE

A motion was made, duly seconded and unanimously voted to hold a Public Hearing on Tuesday, October 4, 2016 relative to the Renewal Application from Sangria's Restaurant, 59 Park Street,

Attleboro, MA to waive Section 11-15.1 in order to serve alcoholic beverages or wine on city property from August to August, Monday – Sunday during the hours of 12 NOON to 1:00 A.M.

As no one was present in the Council Chambers, except The Sun Chronicle reporter George Rhodes, and as the Council was operating under suspended rules, President Cook stated he would not introduce a motion to go into the Committee of the Whole unless Mr. Rhodes had an item to present or the Councilors deemed otherwise. All Councilors were in agreement to not introduce this motion.

COMMITTEE REPORTS: NONE

OLD BUSINESS: NONE

NEW BUSINESS: NONE

President Cook stated that there may be a presentation during the meeting scheduled for Thursday, July 21, in which case the Regular Meeting would be held first. However, if there is no presentation the Committee Meetings would be held prior to the Regular Meeting.

VOTED: TO RECESS at 9:09 P.M. for the purpose of a Public Works Committee meeting.

VOTED: at 9:11 P.M. TO RESUME

VOTED: TO ADJOURN at 9:11 P.M.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)

City Clerk/Clerk of the Council