

**In Municipal Council
Regular**

**SEPTEMBER 15, 2015
7 P.M.**

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

MEMBERS ABSENT: Walter Thibodeau and Jonathan Weydt.

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.

President Cook held the approval of the minutes from September 1, 2015.

JOINT PUBLIC HEARING relative to the proposed Transit Oriented Development Zoning District and to amend certain sections of the Zoning Ordinance that pertain to this new zoning district.

President Cook informed the audience that this is a Joint Public Hearing between the Municipal Council and the Planning Board. He thanked the Planning Board members for attending. He asked that any comments be directed to both the Planning Board and the Municipal Council as a collective body rather than to any particular member.

Speaking in favor was Rick Correia of 85 Pembroke Avenue in Attleboro, MA. Mr. Correia is the Chairman of the Attleboro Redevelopment Authority (ARA).

Mr. Correia started by reading the definition of the TOD. The “TOD” zoning district is established to accommodate a compact and very highly intensive mix of residential, retail, office, civic/entertainment, and institutional uses, to promote the creation and retention of uses in areas with high potential for enhanced mass transit and pedestrian activity with less reliance on the automobile. He said that this is important to the Attleboro Redevelopment Authority (ARA) because of the Intermodal Transportation Center (ITC), with the trains and apartment buildings being there because people aren’t using cars the way that they used to, especially the younger kids. He stated that they will rent an apartment, jump a train and go to work in Providence or Boston and come home. He further stated that TOD zoning is necessary to enhance what the ARA is looking to do at the ITC. .

There were no questions for Mr. Correia.

Also speaking in favor was Gary Ayrassian, the City of Attleboro Director of Planning and Development.

Mr. Ayrassian started by putting the ordinance into the context of the greater project before going into the technical aspects of the Ordinance. Mr. Ayrassian stated that the genesis of this Ordinance has its roots in the 2007 Urban Renewal Plan that was approved in March of 2007 by the Council and Planning Board and the Goody Clancy Downtown Development Implementation Plan of 2006. Mr. Ayrassian stated that the Ordinance evolves and has its roots from those two documents, and that a lot has happened since those two documents were adopted. The ordinance is consistent with the Commonwealth Smart Growth and Smart Growth principles and is the next natural progression. Since the adoption of the Downtown Renewal Plan, Mr. Ayrassian stated that the GATRA Bus Station and loop have been completed, the Renaissance Station South is nearly completed, River Front Drive and Park are currently being constructed (being underwritten by the \$4M MassWorks project), the demolition of the Highway Yard is almost completed (completion in Jan or Feb of FY2016), construction is currently underway for the new Highway Yard on Lamb Street, and that they have broken ground on the new Water Department building on West Street. Mr. Ayrassian stated that the next action item to manifest the Urban Renewal Plan is the adoption of the TOD Ordinance.

Mr. Ayrassian also stated that this is not an overlay district but rather an on-the-ground ordinance (in his opinion and as agreed upon by the Redevelopment Authority), and therefore several sections of the current Ordinance need to be updated or amended.

The handout distributed this evening titled “Transit Oriented Development Zoning District”, is attached and made part of the record.

The first amendment needed, according to Mr. Ayrassian, is to amend Section 17-2.1.2 of the Ordinance. There are currently three zoning districts in this section, and the TOD needs to be introduced into this subsection as a new land use in the zoning ordinance.

The second amendment that is needed, according to Mr. Ayrassian, is to establish Section 17-2.1.2, which is the specific design of the TOD and is the section that Mr. Correia spoke to earlier. Mr. Ayrassian asked the Council and Planning Board to review this new section.

The third amendment that is needed, according to Mr. Ayrassian, is Section 17-3.4 Table of Use Regulations. Mr. Ayrassian stated that he only amended the section related to businesses, and that he didn't amend the Industrial and Residential sections and kept the focus just on the TOD. Mr. Ayrassian stated that the amendment shows, in context to the three existing business districts, what the TOD would appear like in the Zoning Ordinance.

Mr. Ayrassian explained that the fourth amendment that would be needed, Section 17-3.5, is the same thing as the previous amendment, but only relates to the accessory use

regulations because there are a number of accessories that would be introduced in the TOD, (introducing the Label in the Table of Land Use regulations).

Mr. Ayrassian went on to state that for pages 2, 3 and 4, that "we" have taken every existing land use in each Ordinance, read each one, and decided whether or not each use should be "permitted," "special permit," or "not permitted". Mr. Ayrassian stated that his reference to "we" related to himself, the Redevelopment Authority and the City Solicitor who vetted this out and that this is their view of what should occur in the TOD in terms of land use. He asked the Planning Board and Council to accept this section, as-is, given that action.

Mr. Ayrassian explained that the sixth item is to amend Section 17-3.4 by inserting two new land uses: one for a Craft Brewery and one for a Brew Pub. One has to do with allowing Nano-breweries and micro breweries, and one has to do with having those uses along with a restaurant and with a tasting. Mr. Ayrassian stated that item #6 is merely the introduction of these two new land uses.

Mr. Ayrassian explained that the seventh amendment that is needed is to delete Section 17-3.4 (8) and insert new language. He went on to explain that in the current Zoning Ordinances, the land use is for bus, taxi, rail, terminal and/or maintenance facility and that the Redevelopment Authority had a concern about having that type of land use in the TOD, so what they propose is to tease that land use out from #8 and to make it into two land uses- allowing for bus, taxi and rail and not allowing for terminal and/or maintenance facility use. He thinks one aspect of it is appropriate for the TOD and that the maintenance facility is not appropriate for it.

Mr. Ayrassian explained that the eighth amendment is merely a housekeeping matter due to the shifting in land uses, and therefore a footnote has to be changed from footnote #2 to footnote #3.

Mr. Ayrassian explained that the ninth amendment is the same discussion as he had previously provided dealing with the Table of Use regulations and are their recommendations on how to regulate the accessory uses listed in the TOD Zoning District. Mr. Ayrassian stated that Land Use 14 skips to 16A, and that they specifically called out Accessory Use 15 because they wanted to add more discussion for that item. Mr. Ayrassian explained that the tenth amendment is to amend Section 17-3.5 (15) by inserting language that in the TOD Ordinance, not more than 20% of the total gross floor level should be commercial.

Mr. Ayrassian explained that the eleventh amendment is also a housekeeping matter, re-numbering Footnote #3 to Footnote #4.

Mr. Ayrassian explained that the twelfth amendment is to delete Section 17-14.1 in its entirety, and to replace the language with new language weaving in the TOD language .. Mr. Ayrassian asked the Council and the Planning Board to adopt the insertion of the language as-is.

Mr. Ayrassian explained that the thirteenth amendment is a housekeeping matter as it amends Section 17-5.1, by inserting the TOD district to off-street parking requirements.

Mr. Ayrassian explained that the fourteenth amendment is to amend the Table of Parking Regulations, recommending one off street parking stall per unit. He stated that he struggled with limiting it to one unit, and that people still gravitate to the vehicle but they still settled on one unit because while they want to encourage the use of mass transit, he was of the opinion that it is going to take time for people to move to mass transit and the one parking stall isn't too restrictive. He stated that they also came up with the formula for parking use for commercial, which is less than the traditional (except for restaurants) requirement and that it should be one parking stall for two seats in a restaurant.

Mr. Ayrassian explained that the fifteenth amendment gets into the "meat" of what the TOD is and how one goes about designing the district. He asked the members of the Municipal Council and Planning Board to read this section, Section 17-10.16, absorb it, and ask him questions later rather than reading it in its entirety during the meeting. He mentioned that this section talks about a required site plan and that they did such a thorough precise site plan requirement when they adopted site plan review about a year and half ago that worked like a charm, and so rather than reinventing the wheel they just used the ones that are working (the site plan requirements for site plan review) and inserted them into this section. Mr. Ayrassian stated that this is really a design tool as well, and they wanted to make sure that as one designs this, our vision of what they want this TOD to be is clearly articulated, without micromanaging and while allowing a certain degree of flexibility and creativity for the architect. Mr. Ayrassian stated that it's not a complete free-for-all because they are requiring a certain degree of design standards atypical of the Ordinance, but it's not so intense that it's suffocating according to his opinion.

Mr. Ayrassian explained that the sixteenth amendment provides certain definitions relative to the TOD, including the definition of a "land locked lot" because it isn't defined in the current Ordinance, Section 17-11.

Mr. Ayrassian explained that the seventeenth and final amendment refines the current definition of a craft shop as adopted by the Council a few years ago. He recommended to the Council and Planning Board that the current definition be deleted and replaced with the new definition for a craft shop as contained in the amendment to Section 17-11.

President Cook stated that even if the Joint Public Hearing is closed this evening and there are questions from the Council or Planning Board that they could meet jointly to discuss those questions.

Mr. Danesi asked Mr. Ayrassian a question related to the amendment dealing with craft shop, asking Mr. Ayrassian if "and sale" should be included. He stated that you don't mean it to be a commercial factory but to be for manufacture off of the retail sale.

Mr. Ayrassian responded that he thought that was implied in the definition, but that if they want it explicitly noted that he will add it into the definition.

Mr. Danesi asked if it was a conscious decision to not include “and sale” in the definition.

Mr. Ayrassian stated that it was not a conscious decision.

Also speaking in favor was Robert Mangiaratti, 50 Oxbow Drive, the Attleboro City Solicitor. Mr. Mangiaratti stated that he is also speaking on behalf of Mayor Dumas.

Mr. Mangiaratti stated that both he and the Mayor are whole-heartedly in support of this type of zoning and that the idea of smart growth near a transportation center is part of the forward-thinking in zoning and planning today. Mr. Mangiaratti stated that we have a very unique opportunity where we have a large tract of land near a train station and a river and that it is like a blank canvas and that this is going to be a gem for Attleboro and that the TOD zoning is going to enhance the area and make it a very modern and up-to-date vibrant part of our city.

Mr. Mangiaratti went on to further state that a couple of points regarding the uses need modification, envisioning what this highly intense area can be. He asked the Council and the Planning Board to loosen some of the restrictions to encourage investment. He mentioned that on Page 2, Uses 11a are not allowed and he is of the opinion that it is a restriction that is not in line with his vision of this land use. Mr. Mangiaratti stated that these are the types of businesses that we would want to attract and those professional and medical businesses, single doctor’s offices, and dental office buildings should be allowed by right. Similarly, he stated, businesses in 12B and 12C (health care facilities) as drafted are not allowed without special permit and he believes that this does not make much sense given that we have a large hospital in the city, one of the largest employers, and these businesses should be allowed as a matter of right. He went on to state that similarly, physical therapists and any similar business related to the medical field should be businesses allowed as a matter of right.

Mr. Mangiaratti went on to state that on Page 3, agricultural farm products are not allowed and he has seen communities with permanent farm stands that are attractive and he believes that they should be allowed. He also went on to state that eating and dining places where consumption should be within the building does not take into consideration the trend of people eating outside, and that while he agrees that this should be allowed by special permit that as it is currently drafted it is unclear if outside dining would be allowed. He also called attention to the craft shop and building trade provisions on line 16 that limits 20% of the floor space, stating that this restriction doesn’t make sense.

Mr. Danesi asked if Mr. Mangiaratti was recommending a different number in regards to limiting the percentage of floor space. He responded no, that he doesn’t believe that there should be any limitation of the floor space. He stated that these ideas are intended for the Council and Planning Board members to think about, and that the reason why he and the Mayor are bringing these things to their attention is because these are important

changes to the Ordinance that would be of great benefit to the City and that they have great potential.

Ms. Porreca asked about the difference of opinion that Mr. Mangiaratti mentioned earlier between himself and the Mayor and the ARA regarding the limitation of the floor space of the craft shop building trade and why he believes that there is a limitation. Mr. Mangiaratti stated that it was a question better directed to the Director of Planning and Development, but that in his opinion legislation is like “sausage making” and that sometimes you cannot always think about what goes into the process, however he and the Mayor cannot perceive a reason for the limitation but do not think that it is a good idea.

Mr. Mangiaratti went on to further explain that Page 6, under the Accessory Use provision #15 retail or consumer services..., contains a 20% limitation that makes no sense and is inconsistent with the vision of this Ordinance. Mr. Mangiaratti stated that we are trying to encourage these types of businesses on the first floor of a multifamily dwelling and that the Mayor and he do not see any rationale for this.

Mr. Mangiaratti went on to further explain that on Page 8 under the off-street parking regulations item #2 the provision is more restrictive than it should be. He stated that this restriction limits parking to the front or side of the establishment and he is of the opinion that this restriction is not appropriate because there might be creative reasons for this type of parking and that these restrictions mirror the old downtown type of parking. He stated that he and the Mayor agree with very sensible parking requirements, but they think that the developers should have the flexibility to put the parking where they think it should be for their business purposes.

Mr. Mangiaratti also went on to state that somewhere in the uses he believes that a line should be put in for temporary uses for events like outdoor fairs and festivals. He stated that as he reads it right now, these types of outdoor events wouldn't be allowed. He mentioned that someone might want to have an Oktoberfest or similar outdoor event, and that this section needs to be re-thought to allow for these types of temporary outdoor fairs and festivals. Mr. Mangiaratti also stated that if the Ordinance is going to allow for breweries then it should also allow for wineries. He also stated that he mentions these things to urge the Council and the Planning Board to have their own eye and vision for what this area can be for Attleboro and not to be too restrictive in its uses.

Mr. Conti stated that Mr. Mangiaratti had hit on at least six of his points, but that he had a question about why all “S”s aren't considered to be “P”s because if we are going to try to expand this area as a truly creative business development why not open the door wide open. Mr. Conti also mentioned a winery in New Bedford and stated that he thought that a business like that would be great in the building in Union Street next to the Commuter Rail Station.

Mr. Mangiaratti mentioned that in Boston there is a place called the Boston Winery where people sign up to make their own wine and they have wine tastings.

Mr. Conti stated to Mr. Mangiaratti, that to summarize his comments, if we are going to be pro-business in the zone that we should open the door as wide open as we are comfortable opening it and his comments on fairs and festivals rings very true, that there are so many non-profits that would love the opportunity to have a spot outdoors during the summertime to have fundraisers in the areas.

Mr. Mangiaratti stated that both he and Mr. Conti are “Zoning Libertarians” but that he would caution having all “P”s because there are certain things that have more of an impact on the residents and the area than others. Mr. Mangiaratti stated that a dental office might not have as much of an impact but an outdoor restaurant might need a special permit to regulate the lighting and music or to control the pedestrian traffic so that it doesn’t impact the other businesses. He therefore wouldn’t do away with all the yeses because of that.

President Cook called Mr. Ayrassian back up to the podium because Ms. Porreca had asked a question and Mr. Mangiaratti had deferred answering that question to him, asking him for clarification on that item.

Mr. Ayrassian stated to Mr. Mangiaratti that he said he is very open-minded to discussing his recommendations. He then asked President Cook if he could address Mr. Conti first and then segue to Ms. Porreca.

Mr. Ayrassian then asked Mr. Conti to temper the enthusiasm by understanding that TOD is not central business, and that we are not trying to create competition between the TOD. He stated that this is about high-intense residential development to have disposable income in that area to contribute to your central business. He asked the Councilors and Planning Board members to read section 17-2.12 (Establishment of Business Zoning District) on Page 3 of the Ordinance at a later date and reminded them that the TOD is different than the Central Zoning District. He stated that we want to avoid a vacuum.

Mr. Ayrassian then addressed Ms. Porreca’s question regarding Principle Land Use #16 and Accessory Use #15 and that in both the commercial aspect is not the dominant use, that the dominant use in #16 is the craft shop and the building trade and that the accessory use is the residential building. He stated that in a residential building there might be a need for a commercial use (hairdressers, etc.) but that wouldn’t be the dominant use. He stated this percentage limitation was to encourage commercial and introduce it as a secondary land use within the primary use. He stated that during the process of determining what the commercial use should be, that in his experience the magic number that they have come up with is 20% and they feel that it is the right number given their experience. He stated that the percentage limitation was not arbitrary.

Ms. Porreca asked a “For Example” question to Mr. Ayrassian to see how what he has just discussed applies. She asked if there is a Nano-brewery that brews their beer in a portion of the facility and they also have a tasting room where they sell, if it would be limited to 20% of whatever that space would be

Mr. Ayrassian said yes if the principle use was to produce the beer.

Mr. Conti went on to further state his position. He stated that we do not know what the TOD will be in the specifics of development and by opening up the door we allow many more opportunities and that the TOD would compliment central business. Mr. Conti also said some little things need a lot of discussion; specifically the wireless restrictions and that it shouldn't be restricted by special permit.

Mr. Kirby stated that this would be for the downtown area at the ITC but that it could also be for South Attleboro.

Mr. Ayrassian agreed with Mr. Kirby, but stated that they wanted to focus on the downtown area.

Mr. Kirby stated again that this Ordinance is not just for one area of the City and could be for multiple areas of the city and ultimately it is an Ordinance that is for larger portions of the city.

Also speaking in favor was Stephanie Davies, Senior Land Use Planner for the City of Attleboro.

Ms. Davies stated that it is not often that we have an opportunity to create a brand new zoning district, and it's an exciting opportunity to create a district that focuses on transit and walk-ability and we want to create a district that enables people to live, work and play in the City of Attleboro. Ms. Davies stated that it is truly mixed-use in nature and she thinks that the proposed Ordinance serves the City in a way that the existing Ordinances do not, and that it is a brand new Ordinance for new development in the City. Ms. Davies stated that the design and dimensional standards provide guidance to developers while providing protection to the City in terms of the scale and design of the development that goes in and that she would support those as well.

Mr. Conti stated to Ms. Davies that one of the things that ran through his mind during this process was "urban art," and he asked Ms. Davies if she had any experience with it and if it was a part of any of the discussions.

Ms. Davies stated that she was not sure exactly what Mr. Conti was referring to because urban art could take many different forms, such as murals on wall, public art on sidewalks and parks, and that it would certainly be great to have urban art along plazas and parks and that it would be a great enhancement to the area.

No one spoke in opposition to the proposed Ordinance.

No one spoke neither for, nor against the proposed Ordinance.

Mr. Denlea asked President Cook if he could call for a Special Committee Meeting with the Planning Board and he asked Mr. Danesi when their next scheduled meeting would be.

Mr. Danesi stated that the next Planning Board meeting was scheduled for the 21st.

President Cook stated that it might be convenient to pick a night for the Special Committee Meeting that would be an off-night so that it would not interfere with the other nights when the two bodies already meet for their individual meetings . He suggested including ARA members in the meeting because there were some questions that as a group everyone sitting together might be able to clarify.

Mr. Denlea recommended the September 29 for the meeting because it is a fifth Tuesday when the Municipal Council does not meet. He also stated that the meeting could be opened to the public, and that we could invite Mr. Mangiaratti and Mr. Ayraasian as well.

President Cook stated that members of the public could attend as it would be an open meeting, but they would not be able to provide input once the Joint Public Hearing was closed.

Mr. Denlea stated that it would be a Joint Committee meeting.

President Cook requested that the Chair of the Planning Board and Mr. Denlea work out the details of the meeting in order that all interested parties be promptly notified. President Cook also asked if anyone thought that this Special Committee Meeting would compromise the closing of the Joint Public Meeting on the matter.

No one objected.

President Cook asked Mr. Denlea and Mr. Danesi if the Joint Public Hearing should be continued.

Mr. Denlea and Mr. Danesi both answered no.

President Cook closed the public hearing.

VOTED: TO ARISE at 8:02 P.M. for a five minute recess

The meeting was called back to order at 8:11 P.M.

PUBLIC HEARING relative to the application for amended 2015 Class 2 Auto License from Rt. 123 Village Auto Sales, Inc., 1076 Pleasant Street, Attleboro, MA for 15 Customer Parking Spaces and 15 Display Spaces.

Speaking in favor was Gerard Mahon, 53 Canal Street, Braintree, MA. He owns Village Auto Sales at 1076 Pleasant Street in Attleboro, MA.

Mr. Mahon said the reason for his application is that his accountant encouraged him to incorporate his business and when he went to do that he tried to keep the name exactly the same but that name was not available anymore so he had to add “ Route 123” to the current name in order to incorporate.

Mr. Churchill stated that he talked to this gentleman before, and that he followed all of the rules and that he doesn’t have any problems with what he’s doing. He stated that he inspected his business when he first got his license and so far he is in compliance.

President Cook asked Mr. Mahon if he had anything else to add.

Mr. Mahon stated no.

No one else spoke in favor.

No one spoke in opposition.

No one spoke neither for, nor against.

President Cook asked Mr. Churchill if he thought that the Public Hearing needed to remain open.

Mr. Churchill stated no.

President Cook then asked Mr. Churchill if there was anything else that he wanted to let Mr. Mahon know in regards to the matter.

Mr. Churchill informed Mr. Mahon that this matter will go into the License Committee and would hopefully be voted out of the Committee and then presented to the full Council for a vote , after which he will be notified.

President Cook declared the Public Hearing closed.

PUBLIC HEARING relative to amending Section 10-5.11, Prohibited for Time Limited Parking by adding new section (f) pertaining to weekday parking restrictions on Harvard Street. f. No person shall park a vehicle between the hours of 6:00 A.M. though 8:00 A.M. and between the hours of 2:00 P.M. through 3:00 P.M. on any day except Saturday, Sunday and Legal Holidays, during the regular Bishop Feehan School Years, on the following streets or parts thereof; That prohibited for time limited no parking signs be

posted on Harvard Street inbound (Easterly) from North Avenue on the South side of Harvard to the end of the street where it meets the Gate on Bishop Feehan Property.

President Cook asked if there was anyone to speak in favor. He stated that prior to the meeting he spoke to Mr. Conti and Ms. Porreca as this was an item brought in by Mr. Thibodeau who was not at the meeting, and as there is a Pilot Program relative to the opening of Harvard Street still going on it is his intent to continue the Public Hearing.

No one spoke in favor.

No one spoke in opposition.

No one spoke neither for, nor against.

Ms. Porreca stated that there was a family there earlier to speak on the matter, but that she informed them that the Public Hearing was going to be continued. Ms. Porreca stated that she does have Mrs. Healey's email address so that she could make her aware of when they would be holding the Public Hearing.

Mr. Conti stated that anyone wishing to submit information about this item could do so as the Public Hearing will remain open.

President Cook asked Ms. Shockroo to read the notice of communication received by the Clerk of the Council.

The following communications was read by Ms. Shockroo:

Communication from Lynn and Ed Smith, Harvard Street residents, relative to Traffic issues related to the opening of Harvard Street to Bishop Feehan traffic.

REFERRED TO THE COMMITTEE ON TRANSPORTATION & TRAFFIC

President Cook continued the Public Hearing until Tuesday, October 6, 2015.

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

September 15, 2015

Dear Municipal Councilors:

1. I respectfully submit a communication from Library Director Joan Pilkington-Smyth regarding the receipt of a two year grant for a "Tween/Teen Coordinator" to create programming and community connections for local 12-17 year olds from the Massachusetts Board of Library Commissioners in the amount of approximately \$15,000.00. The match for this grant is in staff time creating programs and community connections that are included in the job duties; materials and supplies to

be funded as part of the Trust Budget and the Friends of the Library. Therefore, this grant will not require an appropriation of City funds. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body to approve expending such funds and any future grant amendments by the Attleboro Public Library. (Copies in your packets)

1/9/15/15 – REFERRED TO COMMITTEE—PERSONNEL & HUMAN SERVICES

2. As you may know, the construction of the Animal Shelter is nearly complete. As you may further know, Sections 9-37.1 and 9-43 of Chapter 9, Licenses and Permits, of the Revised Ordinances of the City of Attleboro, provide that all late fees collected for the licensing of dogs "shall be reserved for the Animal Shelter Building Fund, subject to further appropriation." As it nears completion, there are incidentals items and tasks needed to prepare the new building for permanent occupancy. Therefore, and in accordance with Sections 9-37.1 and 9-43 of Chapter 9, Licenses and Permits, of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body appropriate \$4,775.00 in Fund 2508 (Animal Shelter) towards the completion of the new Animal Shelter.

2/9/15/15 – REFERRED TO COMMITTEE—BUDGET & APPROPRIATIONS

3. As you are aware, the Academy Building on Sanford Street is currently listed in the City's Capital Improvement Program from FY2016-FY2018 and the process has begun for Phase 1. Purchasing Assistant Carol Brown received estimates of \$3,950.00 for removing and replacing the clapboard on the rear of the building and \$2,200.00 for asbestos removal for a small section that is required as part of the repairs in the basement of the building. Once these items are complete, we will continue with the remaining portions of Phase 1 throughout Fy2016. Therefore, in order to get this project started as soon as possible, I hereby request Your Honorable Body transfer \$6,150.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11241000-599300 (City Wide – Transfer to Capital Project Fund).

And furthermore, I hereby request Your Honorable Body transfer \$6,150.00 from Account 11241000-599300 (City Wide – Transfer to Capital Project Fund) to Fund 3536 (Academy Building).

Upon approval, the available balance in Reserve Fund for Transfer will be \$303,475.48.

3/9/15/15 – REFERRED TO COMMITTEE—CAPITAL IMPROVEMENTS & CITY DEVELOPMENT

4. I respectfully submit a communication from Election Office Manager Maryann Draine requesting Your Honorable Body to approve the re-location of the Ward 1

Polling location from Knights of Columbus, 304 Highland Avenue to the Robert J. Coelho Middle School, 99 Brown Street. (Copies in your packets)

4/9/15/15 – REFERRED TO COMMITTEE—ORDINANCES, ELECTIONS AND LEGISLATIVE MATTERS

5. I respectfully submit a communication from Library Director Joan Pilkington-Smyth regarding the need for funds for tuition and books. A Library employee has begun two approved fall semester classes at San Jose State towards a MLS degree and is eligible for reimbursement according to contract agreement, Article XXI, Section 1. Therefore, I hereby request Your Honorable Body to transfer \$1,896.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16101000-532010 (Public Library – Tuition & Books). Upon approval, the available balance in Reserve Fund for Transfer will be \$301,579.48 (Copies in your packets)

5/9/15/15 – REFERRED TO COMMITTEE—PERSONNEL & HUMAN SERVICES

6. I respectfully submit a communication from Personnel Director Owen Bebeau regarding the need to add a part-time Zoo Veterinarian position to the exempt classification plan. Capron Park Zoo is currently using a contracted veterinarian that works 19 hours per week. For purposes of retention and recruitment, it is recommended that the veterinarian position should be an exempt position but continue on a part-time basis. Therefore, I hereby request Your Honorable Body establish a Zoo Veterinarian position to be placed at Grade 9 on the City's Classification Plan. (Copies in your packets)

6/9/15/15 – REFERRED TO COMMITTEE—PERSONNEL & HUMAN SERVICES

7. As you may recall, on January 24, 2012 (vote #2) Your Honorable Body authorized the City to submit its Statement of Interest (SOI) for Attleboro High School to the Massachusetts School Building Authority (MSBA). This SOI identified the “project” as “windows/doors/HVAC/boiler.” On two subsequent occasions (April 30, 2013 and February 11, 2014 (vote #1)), Your Honorable Body refreshed this authorization.

The City was hopeful that as this process moved forward, the AHS project as originally contained in the SOI would become eligible for the MSBA's “Core Program.” The Core Program is primarily for projects beyond the scope of the Accelerated Repair Program, including extensive repairs, renovations and additions/renovations.

On January 14, 2015, the City learned that the MSBA Board of Directors voted to “invite” Attleboro into the Eligibility Period. During this 270-day Eligibility Period, the MSBA works with a District to determine the District's financial and community

readiness to enter the capital pipeline. Since being invited into the Eligibility Period, the City has completed certain preliminary requirements that included:

- 1) a certification of the City's understanding of the grant program rules by executing an Initial Compliance Certification;
- 2) the formation of a new Attleboro School Building Committee;
- 3) the completion of an Educational Profile Questionnaire to further inform the MSBA's understanding of the City's current and proposed educational facilities, teaching methodology, grade configurations and program offerings;
- 4) a summary of the School Department's existing maintenance practices; and
- 5) certification of a design enrollment for the proposed project.

Now that these tasks have been successfully completed and approved by the MSBA, the next step is for the City to confirm that it has authorized the funding for a Feasibility Study. The purpose of the Feasibility Study is to carefully examine all potential solutions to the deficiencies at the Attleboro High School, including deficiencies beyond those identified in the SOI.

Please note that the costs for the Feasibility Study qualify for the City's MSBA's reimbursement rate of 60.57%. Therefore, and in order to procure the services to perform the Feasibility Study, I respectfully request Your Honorable Body to approve the following loan order:

That the City of Attleboro appropriate the amount of One Million, Two Hundred Thousand (\$1,200,000.00) Dollars for the purpose of paying costs of **Feasibility Study: (1) to understand the extent of deficiencies identified in the Statement of Interest submitted to the Massachusetts School Building Authority for, as well as other infrastructure deficiencies which may exist at, the Attleboro High School, located at 100 Rathbun Willard Drive, Attleboro, MA; (2) to begin to explore the formulation of a solution to those deficiencies; (3) to perform a space utilization assessment and an academic program needs analysis; and (4) to begin to explore the formulation of a solution to any deficiencies discovered through such assessment and analysis**, including the payment of all costs incidental or related thereto, and for which the City of Attleboro may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee. To meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow said amount under G.L. c.44, G.L. c.70B, or any other enabling authority; that \$50,000.00 of the amount appropriated shall be allocated to the costs of preparing, issuing and marketing any such borrowing, provided that any portion of such \$50,000.00 not needed for such costs of issue shall not be borrowed or expended. The City of

Attleboro acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City of Attleboro incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City of Attleboro, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the City of Attleboro and the MSBA.

7/9/15/15 – REFERRED TO COMMITTEE—BUDGET & APPROPRIATIONS

Mr. Conti requested that a copy of the initial compliance certification be circulated to all of the Councilors.

President Cook responded that he would make sure that all of the Councilors received a copy.

REFERRED TO PLANNING BOARD FOR STUDY AND RECOMMENDATION

VOTED: Unanimously to refer the loan order to the Planning Board for study and recommendation and hold a **PUBLIC HEARING on Tuesday, October 6, 2015.**

VOTED: TO GO INTO COMMITTEE OF THE WHOLE at 8:29 P.M. to hear anyone who wishes to speak on any matter pertaining to City business.

No one appeared at the Committee of the Whole.

VOTED: TO ARISE at 8:30 P.M.

Committee Reports:

Mr. Denlea called for a Joint Committee Meeting with the Planning Board Ordinance's Committee on Tuesday, September 29, 2015.

Mr. Denlea also called for an Ordinances, Elections & Legislative Matters Committee Meeting on Tuesday, September 22, 2015.

Mr. Churchill called for a License Committee Meeting on Tuesday, September 29, 2015.

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

1. Voted on Roll Call—9 yeas—0 nays (Thibodeau and Weydt absent) to approve the request of the Mayor to accept a quitclaim deed dated May 20, 2015 and recorded with the Bristol County Northern District Registry of Deeds in book 22365, Page 239 from the MBTA to the City conveying a small sliver of land on

the westerly side of South Main Street containing 1,205+ square feet as shown as Parcel IV on a plan recorded with the Bristol County Northern District Registry of Deeds in Plan Book 494, Page 17. (See attached Exhibits A-1 and A-2).

2. Voted on Roll Call—9 yeas—0 nays to accept the easement deed dated May 20, 2015 and recorded with the Bristol County Northern District Registry of Deeds in Book 22365, Page 231 from the MBTA to the City conveying drainage easements shown as D-2 and D-4 on a plan recorded with the Bristol County Northern District Registry of Deeds in Plan Book 494, Page 18, According to said plan, Easement D-2 contains 2,544+ square feet and Easement D-4 contains 427+ square feet. (See attached Exhibits B-1 and B-2).
3. Voted on Roll Call—9 yeas—0 nays to accept the easement deed dated May 12, 2015 and recorded with the Bristol County Northern District Registry of Deeds in Book 22365, Page 234 from the Attleboro Redevelopment Authority to the City conveying a drainage easement shown as “Proposed Drainage Easement 1,140+ Sq. Feet” on a plan recorded with the Bristol County Northern District Registry of Deeds in Plan Book 499, Page 70 (See attached Exhibits C-1 and C-2).
4. Voted on Roll Call—9 yeas—0 nays to approve the request of the Mayor to transfer \$9,800.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 15411000-524011 (Council on Aging – Building Maintenance) for the replacement of the HVAC Unit.
5. Voted on Roll Call—9 yeas—0 nays to approve the request of the Mayor to transfer \$38,000.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11241000-599300 (City Wide – Transfer to Capital Project Fund) relative to the painting of the First Mayor’s House and the Park & Forestry Building.
6. Voted on Roll Call—9 yeas—0 nays to approve the request of the Mayor to transfer \$38,000.00 from Account 11241000-599300 (City Wide – Transfer to Capital Project Fund) as follows:

\$19,000.00 to Fund 3529 First Mayor’s House
\$19,000.00 to Fund **3538** Park & Forestry Admin Building

Mr. Conti called for a Capital Improvements and City Development Committee on Tuesday, September 22, 2015.

Mr. Conti also called for a Committee on Transportation & Traffic Committee Meeting (in the absence of Mr. Thibodeau) on Tuesday, September 22, 2015.

On recommendation of the **Budget & Appropriations Committee** and on motion of Mr. Kirby, the following votes were taken:

1. Voted on Roll Call—9 yeas—0 nays to approve the request of the Mayor to transfer \$7,837.50 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16501000-558090 (Park & Forestry – Supplies Other) to replace the fiber at the playgrounds in Capron Park and Balfour River walk.
2. Voted on Roll Call—9 yeas—0 nays to approve the request of the Mayor to pay a Zoo’s previous year’s bill in the amount of \$185.64 for Home Depot.
3. Voted on Roll Call—9 yeas—0 nays to approve the request of the Mayor to transfer \$9,020.00 from Account 11241000-5783000 (City Wide – Reserve Fund for Transfer) to Account 11241000-524011 (City Wide – Maintenance of Buildings) relative to the steam and water pipe repair work at 95 Pine Street.

Mr. Kirby called for a Budget & Appropriations Committee Meeting on Tuesday: September 22, 2015.

Mr. Blais called for a Public Works Committee Meeting on Tuesday, September 22, 2015.

Mr. Cooper called for a Public Safety & Emergency Management Committee Meeting on Tuesday, September 22, 2015.

Mr. Cooper also called for a Zoning & Land Use Committee Meeting (in the absence of Mr. Weydt) on Tuesday, September 22, 2015.

Ms. Porreca called for a City Property & Claims Committee Meeting on Tuesday, September 22, 2015.

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

1. Voted on Roll Call—9 yeas—0 nays to approve the request of the Mayor to transfer \$1,000.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16101000-532010 (Public Library – Tuition & Books) for a Library employee who has completed two (2) summer courses and is eligible for reimbursement according to contract agreement.
2. Voted on Roll Call—9 yeas—0 nays to elect Kenneth Owens, 14 Perrin Street, Attleboro, MA to the position of Administrative Assistant of the Council. Term to begin October 1, 2015 and expire in February 2016.

Ms. Heagney called for a Personnel & Human Services Committee Meeting on Tuesday, September 22, 2015.

Old Business: None

New Business:

On recommendation of the **Transportation & Traffic Committee**, and on Joint Motion of Ms. Heagney and Mr. Thibodeau, the following vote was taken:

1. Voted unanimously to refer the following matter to the appropriate committee for study and recommendation. To install a “STOP” sign at the intersection of Byron Street and Juniper Avenue.

REFERRED TO COMMITTEE—TRANSPORTATION & TRAFFIC

2. Voted unanimously to refer to the **Traffic Study Commission** for Study & Recommendation.

VOTED: TO ADJOURN at 8:58 P.M.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)

City Clerk/Clerk of the Council