

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

MEMBERS ABSENT: None.

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 from the Municipal Council meeting that was held on October 18, 2016.

President Cook explained that there would be a presentation by a group in opposition to the Rehoboth Compression Station this evening and that the rules would need to be suspended. President Cook entertained a motion to suspend the rules.

Voted on Roll Call (11 Yeas, 0 Nays) to Suspend the Rules.

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

JOINT PUBLIC HEARING WITH THE ATTLEBORO PLANNING BOARD relative to the following:

Amend §17-3.4(#11) TABLE OF USE REGULATIONS – WHOLESALE, TRANSPORTATION, AND INDUSTRIAL by deleting “Establishments Devoted to Research and Development Activities” and inserting in place thereof “Research and Development Facilities”, as follows:

11. Research and Development Facilities

Amend §17-11.2 DEFINITIONS by inserting the following definitions, alphabetically:

Alternative Energy Technology: technology that uses, or enables the use of, energy generated in ways that do not deplete natural resources or create byproducts that are harmful to the environment, especially by avoiding the use of fossil fuels. Such technologies include combined heat and power as well as electric and hydrogen powered vehicles, including associated equipment and facilities, but do not include biomass power or gasification technologies.

Biomass Power: electricity or other forms of power developed from organic products – “fuel” – such as landfill waste, crop residues and plant material, or animal manure. Biomass fuels are converted into power or other fuel sources through combustion.

Renewable Energy Technology: technology that uses, or enables the use of, energy which can be obtained from natural resources that are not depleted when used. Such technologies include solar, wind, low impact hydro, ocean thermal, geothermal, fuel cells, and advanced biofuels.

Research and Development Facility: a facility used primarily for research, development, and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses. Such facilities include the research and development of renewable and alternative energy technologies, but do not include research and development of chemical and biological weaponry.

Stephanie Davies, the Senior Planner for the Planning Department, spoke in favor.

Ms. Davies started by providing information to the Council about the Green Communities initiative, stating that the green community designation is a voluntary process that requires an application. She also outlined the 5 criteria that communities must meet in order to be designated as a green community. Criteria 1 are the item that is the subject of the Joint Public Hearing. Criteria 2 is expedited permitting, something that she feels confident is something that the City already does. The 3rd criteria are an energy reduction plan, and she explained that a proposal is currently being drafted to reduce the City's energy use by 20% over the next 5 years. The 4th criteria is a new vehicle replacement policy that would look at a vehicle's EPA, something that she explained would pertain only to light duty vehicle replacement because police and fire vehicles, and heavy vehicles (for example dump trucks) would be exempt. The 5th criteria are adoption of the Stretch Code.

Ms. Davies went on to explain that there is a monetary benefit for being designated as a Green Community, and that Attleboro would receive approximately \$300,000 in grant funds. She also explained that there are other grants that could be applied for when designated as a Green Community. Ms. Davies also introduced Dan Knapik, the Director of the Division of Green Communities at the Department of Energy & Resources, and Seth Pickering, the Regional Director.

Ms. Davies explained the Zoning amendments, clarifying that in the current Zoning Ordinance, Research and Development is already included as Use #11 under Wholesale, Transportation and Industrial and it is currently listed as "establishments devoted to research and development activities," which her department thought was a bit wordy and wanted to shorten it to just research and development facilities. She explained that research and development is, by right, already permitted in Industrial and Industrial Business Parks, and that they do not want to change that at all. She also explained that there wasn't a definition for research and development facilities and therefore a definition has been included in the proposed Ordinance change.

Bertha Young, of 6 Nancy Avenue in Attleboro, MA also spoke in favor. Ms. Young is on the Conservation Commission and part of the Open Space Planning Committee. She stated that her comments apply to both public hearings be held on this subject.

Ms. Young stated that the outcome of the 2016 United Nations Climate Change Conference that was held in Paris was an international consensus to keep future global temperature rise below 2.7 degrees Fahrenheit a standard that she said scientists said was very hard to meet. She stated that stopping all greenhouse gases by 2070, just 54 years from now is necessary. She explained the concept of permafrost and what would happen if the temperature rose 2.7 degrees Fahrenheit, enough to cause this permafrost to melt, releasing thousands of gigatons of carbon and methane into the atmosphere. This would be the “tipping point” and life as we know it would change drastically and may not exist. She stated that she is no expert on climate change and the scientific findings are complex, debatable, and always changing. However, she stated that carbon dioxide and methane needs to be stopped from being released into the atmosphere and that we should be using clean energy and transitioning to using it 100% as soon as possible.

Ms. Young handed out an article from Sierra, May/June 2016, written by Marc Gunther, to the Municipal Council members, entitled “Tomorrowland, Today. The Clean Energy Future is Here.” (Attachment 1). She briefly summarized the information that is contained in the article. She also stated that she hoped that the Council would vote to allow Attleboro to become a part of the Green Communities initiative and that the City moves towards using 100% clean energy as soon as possible.

President Cook asked Ms. Young to submit a copy of her remarks to the Council’s Administrative Assistant Ken Owens, for inclusion in the minutes.

Planning Board member Jason Gittle had a question for Mr. Knapik, stating that he had reviewed the adoption of the Stretch Code by Community map, asking him if there was a reason why there is very little adoption of the Stretch Code in the Western Massachusetts communities.

Mr. Knapik stated that there were conditions that were in the original code that many communities weren’t comfortable with in adopting the Stretch Code at that time. He explained that there were 35 cities and towns that originally adopted the Stretch Code back in 2010 and that many of the Communities who declined to adopt began working with the communities that did. He also explained that there were cost factors involved, including the costs involved for building back then. He explained that some things were taken out of the Stretch Code as a result, and that he has been working with the Western Massachusetts Communities to get them interested again. He also explained that they are also currently working with Southeastern Massachusetts communities as well, and that \$60 million has been given out to communities who have been designated as green over the past 6 years. He also explained that the funding for this program is not generated through taxes.

Ms. Hall stated to Mr. Knapik the information that she has states that 161 communities have adopted the Stretch Code, a number less than the number that he just stated.

Mr. Knapik responded that the information is being updated almost daily and that the number is now over 180.

Mrs. Porreca asked Mr. Knapik if he knows what the Communities had to spend in order to fund projects.

Mr. Knapik responded that communities build their own plan in terms of how they will get to the 20% goal in 5 years, and that they are required to work with their utility companies to find out what level of incentives will be provided. He explained that given the incentive programs that are offered, many communities saw little to no costs. He also explained that in terms of replacing street lights, there is almost a 50% reduction in energy bills although money has to be spent to buy the lights and have them installed but that the return on investment means that they will have been paid for over the course of 5 or 6 years.

President Cook asked Mr. Knapik how residents who own older homes will be impacted if the Stretch Code is adopted.

Mr. Knapik responded that there would be no impact since renovations and additions aren't addressed in the Stretch Code. He also explained that the State, under the 2008 Global Warming Solutions Act, has a target to reduce the production of carbon emissions by 25% by the year 2020 and 80% by the year 2050, which is a statewide target. He stated this is going to require all industries to work together to reach these targets.

President Cook asked if the City could opt out if it chose to adopt of being a Green Community.

Mr. Knapik responded yes, a City could opt out and would not have to return any of the grant monies that were received.

President Cook asked Mr. Ayrassian, the City's Planning & Development Director, what the deadline is in terms of when the Municipal Council and Planning Board has to take action.

Mr. Ayrassian responded that he has to get the plan to Boston by November 21, 2016. He explained that the deadline was actually October 31, 2016 but that the State gave cities and towns a 3-week extension.

No one spoke in opposition.

Speaking neither for nor against was William Ward of W.B. Construction who wanted to speak about the Stretch Codes. President Cook stated that was the subject of the next public hearing and that although it is related to the current hearing he might want to wait for that hearing. Mr. Ward agreed.

After consultation with the Chair of the Zoning and Land Use Committee Chairperson, Julie Hall, and the Chairperson of the Planning Board, Paul Danesi , President Cook declared this Public Hearing closed.

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

PUBLIC HEARING relative to the following matter:

Amend §3 BUILDING of the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended, by inserting the following new section, as follows:

§3-13 STRETCH ENERGY CODE

§3-13.1 DEFINITIONS

International Energy Conservation Code (IECC): The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code for the establishment of minimum design and construction requirements for energy efficiency, and is updated from time to time.

Stretch Energy Code: Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 9th Edition Massachusetts State Building Code, as amended. The Stretch Energy Code is an appendix to the Massachusetts State Building Code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§3-13.2 PURPOSE

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant section of the building code for new buildings.

§3-13.3 STRETCH CODE ADOPTED

This Stretch Code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable. The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA including any future editions, amendments or modifications, is herein incorporated by reference into the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended. The Stretch Code is enforceable by the Inspector of Buildings or Building Commissioner.

William McDonough, an Inspector at the Attleboro Building Inspections Department, spoke in favor.

Mr. McDonough stated that the State has mandated that the latest energy code be adopted (the IECC), the only building code that the state mandates be adopted within two years of enactment. He went on to state that in the past his department has not been comfortable in speaking in favor of the Energy Stretch Code, but that the department feels that now is the right time to do so. He also stated that it's hard to argue against energy efficiency and the need for it. Mr. McDonough also stated that the only real difference in this code pertains to the building of new houses. He also referenced a meeting held between the builders, the Planning & Land Use Development staff, and himself.

Mr. Conti asked if the staff at the Building Department is versed in the new building code.

Mr. McDonough responded that they are not trained yet on the Stretch Energy Code, but that they are trained on the permitting application process, since he handles that part of the process himself.

Stephanie Davies, the Senior Planner for the Planning Department, also spoke in favor.

Ms. Davies stated that the Stretch Code has always been a sticking point for her department because it has always been a burden on the builders. However, she says that the Stretch Code is not as much of a stretch anymore, which is why her department is supporting the Green Community Initiative. She went on to explain that they recommend that the Stretch Code become effective in January 2017. She stated that historical buildings will not be impacted by either the new Base Building Code (which will become effective for the City whether or not the Stretch Code is adopted) or the Stretch Code's energy efficiency standards. Ms. Davies also went on to state that the two target HERS rating scores are 55 in both of them. She clarified that under the new Building Code the way that you achieve this rating is optional, but that under the Stretch Code you have to use a performance based path to demonstrate that this rating is being met.

Mr. Cooper asked about the third party certification, specifically if there are enough builders in the City that are third party certified.

Ms. Davies responded that a meeting was recently held with 10-15 local builders and that there were 2 HERS-rater builders in attendance and that they seemed hungry for this business.

Seth Pickering, from the Department of Energy Resources Office, also responded to Mr. Cooper's question. He stated that a new home that is subject to the Stretch Energy Code would require a HERS score rating.

Mr. Cooper asked if this rating would be a problem in regards to having a number of third party builders who are certified.

Mr. Pickering responded that there has been an increase in the number of builders who have been third party certified.

Mr. Cooper asked how much more money it would cost for these HERS-rated homes to be built.

Mr. Pickering responded that the increased cost would be, on average, approximately \$1,000.

No one spoke in opposition.

Bill Ward, from W.B. Construction, spoke neither for nor against.

Mr. Ward stated that his company is HERS-rated certified. He briefly explained what the impact of this HERS rating would be in building new homes, specifically that it would increase the cost. He explained that his company has been working with Mass Save for a number of years, and that the new homes that they have built have been tested.

Mr. Ward stated that the two new homes that he has recently built have received HERS ratings of 62 and 59, which he stated are actually pretty good given that the adoption of the Energy Stretch Code would require a minimum HERS rating of 55. He explained that to achieve this minimum rating requires stepping up the equipment that a company that is building a home uses. He stated that most of the homes that his company builds sell for approximately \$500,000 but that the typical starter home that is built may find be difficult to achieve the minimum HERS score.

Mr. Blais asked what the impact would be in terms of additional costs for the average home that is built.

Mr. Ward responded that the builder would have to change the way that the house is built, in particular that the builder would probably not be able to use fiberglass to insulate the house. He stated that it would cost more, although he couldn't be sure how much more, although he speculated that it could cost approximately \$5,000 more (with a rebate of \$1,500 for the builder). He stated that more expensive equipment would have to be bought to meet the standard.

Mrs. Porreca asked if the Stretch Code passed would builders be mandated to comply.

Mr. Ward responded yes.

Mrs. Porreca asked what would happen if the homes that he builds do not meet the HERS rating.

Mr. Ward stated that his company would have to make adjustments in how the home is heated, possibly using solar energy systems to get the rating down, which he stated could also be expensive.

Mrs. Porreca asked how much the additional cost would be to build a larger home.

Mr. Ward responded that he wasn't sure, possibly \$3,000-\$5,000 more, with some rebate incentives that would cut those costs a bit. He explained that his position is advocating neither for nor against because he just wanted to let the Municipal Council know that adopting the Energy Stretch Code will mean additional costs for building homes.

Ms. Hall stated that the condominiums where she lived were recently renovated and that Mass Help came in and assisted with making the units more energy efficient. She stated that the long-term benefits are savings in terms of energy use, and not just the incentives and rebates that come immediately with make changes to make the units more energy efficient.

Mr. Ward noted that the long term goal is energy reduction.

Ms. Hall asked if the aim is to decrease energy use.

Mr. Ward responded yes and that buyers are expecting it in higher priced houses. He added that it will cost more but exactly how much is unknown.

After consultation with Ms. Hall, Chairperson of the Zoning & Land Use Committee, President Cook declared this Public Hearing closed.

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

PUBLIC HEARING relative to the following matter:

2016 Application to amend its license to store flammables, combustibles or explosives on land in buildings or structures from Cumberland Farms, Inc., 100 Crossing Boulevard, Framingham, MA 01702. Cumberland Farms proposes to install new underground storage tanks in conjunction with the redevelopment of its 220 Pleasant Street store/gas operation where it is licensed to store 38,000 gallons and would be requesting an amendment to store 40,000 gallons.

Peter Paulousky, Legal Counsel for Cumberland Farms with offices located at 124 Grove Street in Franklin, MA.

Mr. Paulousky stated that Cumberland Farms is looking to amend its gasoline storage capacity by 2,000 gallons. He stated that the project site plan for renovation has already been approved.

Matthew Leidner, from Civil Design Group located at 21 High Street in North Andover, MA also spoke in favor.

President Cook mentioned that this Public Hearing pertains to the licensing of the storage tanks only, and not to the renovation project.

Mr. Blais asked if the replacement tanks are superior to the ones that are being taken out.

Mr. Leidner responded that they are, explaining that they will be fiberglass, dual wall tanks with multiple detectors that can detect leaks in both the outer and inner tanks.

Mr. Blais asked for the name of the detector equipment.

Mr. Leidner responded Veter root, an industry standard supplier of that type of equipment.

Mr. Blais asked if the new tanks will be tied down.

Mr. Leidner responded yes, that the tanks will be prevented from floating when empty. He clarified that the location does not have high ground water but that the tanks will be tied down regardless.

Mr. Conti asked has asked if tank installation and monitoring standards have changed since the County Street location was renovated.

Mr. Leidner stated that he was not involved in that store's renovation project but that he does not think that the standards have changed.

Mr. Conti asked how many similar projects he had been involved with previously and if there had been any problems.

Mr. Leidner stated he had worked on about 20 projects and that there had not been any problems.

Mr. Conti asked if the contractor was certified.

Mr. Leidner replied yes.

Mr. Cooper stated that the location is actually near an area that could potentially get flooded out. He also asked if the Fire Chief has signed off on this project, clarifying that on the application the Fire Chief signed it but did not date it.

Vice-President Denlea responded that he will email Chief LaChance.

President Cook asked where the new tanks will be and where the existing tanks that will be removed are on the site plan map.

Mr. Leidner responded that where the current tanks are currently located are not shown on the plans that were submitted, but he referenced another site plan map showing that the current tanks are located to the right of the store. He stated that the new tanks would be installed to the left front of the existing building. Mr. Leidner also noted that the new driveway would be aligned with the lights at the Perry Avenue intersection with Pleasant Street.

No one spoke in opposition.

No one spoke neither for nor against.

After consultation with the Chairperson of the License Committee, Vice-President Denlea, President Cook declared this Public Hearing closed.

Vice-President Denlea explained the process for the applications review and approval now that the Public Hearing has been closed.

Members of the Citizens Against the Rehoboth Compressor Station group (CARCS) addressed the Municipal Council and showed a PowerPoint presentation on the issue.

Tracy Mazella of Chestnut Street in Rehoboth, MA and a 30-year resident of the Town started by explaining the general vicinity of the proposed facility.

Kelly-Ann Urskin of Victoria Road in Rehoboth was also in attendance. She stated that she is a recent resident of the Town.

Kathleen Boivin, of Homestead Avenue in Rehoboth and an 18-year resident of the Town, also was in attendance.

Ms. Mazella stated that one of the most common reactions that she gets from residents who live outside of Rehoboth is that the issues related to the compressor station only pertain to Rehoboth. However, she stated that it is her sincere hope that after tonight's presentation that the Municipal Council will come

away with a better understanding as to the impact that it will have on Attleboro. She explained that the some of the concerns related to the proposed compressor station include falling property values, environmental concerns, increased potential for explosions and other accidents and increased noise pollution. She went on to explain Access Northeast, Spectra's model for the compressor station's pipeline expansion project.

Ms. Mazella explained fracking across the country, explaining that Massachusetts passed a 10-year fracking moratorium. She stated that despite being a no fracking State that Spectra has other ways to get into the state. She stated that Spectra's proposal is to send 30% more gas through an antiquated piping system which is why they are building the compressor station. She stated that gas chemicals will be released into the air and into the community as a result.

Ms. Boivin stated that although Spectra claims that increased gas needs are the reason for the compressor station's more gas isn't needed. She went on to explain that peak demand is only a 1.1% increase over the next 10-years and that the energy needs could be met elsewhere. She also stated that the Massachusetts Attorney General, Maura Healey, commissioned an independent study to see if there was an increased gas energy need and that the study concluded that there is no increased need. She explained that the judicial system has ruled that the surcharge that Spectra wanted to charge was unconstitutional.

Ms. Mazella explained that Rehoboth is an ideal location for the compressor system because Spectra wants to be as close to existing pipelines as possible. She went on to state that Attleboro is very vulnerable given the location that is being proposed because it encompasses the area's evacuation zone. She also explained that the purpose of the compressor system is to push gas down to a facility that Spectra is proposing in Acushnet where the company has purchased land and is proposing to build two of the largest tank facilities in the East Coast.

Ms. Urskin discussed some of the documented health risks in relation to compressor stations, including noise pollution, the decline in property values, possibility for water contamination, environmental damage and safety concerns. She also discussed the concept of "blow downs," explaining that this is what gets emitted out of a compressor station's smoke stacks. She also explained how compressor stations release pollutants into the air, all of these chemical pollutants she described as toxic and cancer-causing. She described some of these cancer-causing pollutants, including Benzene and Formaldehyde. She also explained that people who live within the vicinity of a compressor station report to doctors that they experience fatigue, nausea, vomiting and other symptoms.

Ms. Boivin further explained the concern with transmitting an increased amount of gas through antiquated pipelines, including the number of incidents increasing including an increased number of leaks and explosions. She also explained that the new pipeline that will be connected to the old pipeline also has a high increase of failure.

Ms. Urskin described the reported methane leaks that were reported in Massachusetts since 2013, 99 that were documented including a recent leak that occurred at Government Center in Boston that caused the evacuation of that entire area.

Ms. Boivin stated that the day that Spectra came to Rehoboth to do a presentation on the project, the town's conservation department was notified that there were three leaks that had to be fixed since those leaks abutted conservation land.

Ms. Urskin provided examples where pipelines had burst and people were injured, including incidents in densely populated communities. She discussed the possibility of drinking water contamination that happened in California and the Hinkley lawsuit against PG&E. She explained that there were illness plumes and that PG&E settled for \$330 million. She also stated that there were a number of examples in Pennsylvania where there were documented cases of water pollution within the vicinity of a compressor station. She also stated that it has been proven that communities see property values decrease by as much as 50% when a compressor station is built within the vicinity of those communities. She also described noise pollution, stating that the blow down activities at compressor stations can be heard as far away as two miles away. She briefly explained what occurred in Burrillville, Rhode Island when a compressor station was built in that town, including health issues and noise complaints from the residents.

Ms. Mazella explained the potential impact radius formula used by FEMSA, the entity that is in charge of monitoring the safety of the natural gas pipelines. She explained that there are over 300,000 miles of natural gas pipeline that FEMSA is responsible for monitoring, resulting in only 7% being inspected and monitored annually in 7-year cycles. She explained that Hyman Fine and Wamsutta would be in the 2-mile radius evacuation zone. She stated that beyond the evacuation zone by one mile (to 3 miles) there would be several more schools involved. She also explained some of the conservative indicators for destruction in the explosion zone and that a pressure surge of any kind could create an emergency very quickly in densely populated communities.

President Cook asked the status of the compressor station project in Rehoboth, and if it is still pending.

Ms. Mazella responded that Spectra is currently in the process of refileing. She stated Spectra is behind, but that once they apply cities and towns must apply within 21 days to be interveners in order to make any comments about this project.

President Cook asked if this is the first time that representatives from Rehoboth have done a presentation in Attleboro.

Ms. Mazella responded that the Board of Selectmen from Rehoboth met with the Attleboro Mayor a few weeks ago, but that this is the first time that her group has presented in the City

Ms. Jackson stated that someone that she is familiar with asked Spectra when they presented at the meeting in Rehoboth what preparation steps they are taking if there was an explosion and that she was informed that there is none.

Ms. Mazella stated that Spectra did state at a meeting is that they would be handling it if something like that happened so that the fire department doesn't have to get involved.

Ms. Reynolds asked for clarification about the 21-day filing deadline for being an intervener.

Ms. Mazella responded that it is 21-days within filing.

Ms. Heagney stated that she lives in the area that is within the evacuation zone and that she has family members living directly in the disintegration zone of an explosion. She asked what the approval process is for allowing the compressor station to be built in Rehoboth.

Ms. Mazella responded that this is a Federal project and that there is very little that can be done within the system to stop it. She stated that grassroots opposition has been what has been used by other communities to stop similar stations from being built in their communities.

President Cook stated that the meeting is being broadcast live and that it will be repeated on the Cable network and that the Municipal Council has received a letter from Senator Timilty in opposition.

Ms. Mazella says that Senator Warren has also been involved and that Kennedy has been silent on the issue so far.

Mrs. Porreca stated that she had no idea about this project until members of the group provided her with information and she said she was grateful that they came in before the Council.

Ms. Hall stated that she had seen some signs in the area and heard from those who live on the border of Rehoboth and Attleboro and she thanked the group for their presentation.

President Cook stated that he is referring this matter to the Municipal Council's Public Safety & Emergency Management Committee as a starting point.

VOTED: TO ARISE at 9:12 P.M. for a recess.

The meeting was called back to order at 9:24 P.M.

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

November 1, 2016

Dear Municipal Councilors:

1. I respectfully submit a letter requesting the transfer of FY2017 Local Cultural Council funds from the Massachusetts Cultural Council to the Attleboro Cultural Council in the amount of approximately \$18,300.00. 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 to approve expending such funds and any future grant amendments. Monies from this grant must be expended no later than June 30, 2017. (Copies in your packets)

1/11/16 – **REFERRED TO THE PERSONNEL & HUMAN SERVICES COMMITTEE**

2. I respectfully submit a communication from Veterans' Agent Ken Badertscher regarding the donation of Stop and Shop gift certificates totaling \$300.00 from the Disabled American Veterans Post #91. 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)

2/11/1/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

3. I respectfully submit a communication from Chief of Police Kyle P. Heagney requesting the acceptance of a donation of 14 Tasers, including battery packs, holsters, cartridges and extended warranties with a value of \$23,843.04 from the City of New Bedford through the Byrne Justice Assistance Grant. In accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, I respectfully request Your Honorable Body to accept this generous donation to the City. (Copies in our packets)

3/11/1/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

4. I respectfully submit for confirmation by Your Honorable Body the appointment of Alexandra Sawyer, 136 Curtis Avenue, to fill an expired term on the Attleboro Youth Commission. Term to expire February 2018. (Copies in your packets)

4/11/1/16 – REFERRED TO PERSONNEL & HUMAN SERVICES COMMITTEE

5. I respectfully submit a communication from Library Director Joan Pilkington-Smyth regarding the need for funds to replace the HVAC 4 ton gas heating/electric cooling rooftop unit at the Library. In order to expedite this necessary work, internal transfers were made to replace this unit. Therefore, I hereby request Your Honorable Body transfer \$9,800.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to the following:

\$6,000.00 to Account 16101000-521020 (Library – Lights & Power)

\$3,800.00 to Account 16101000-524240 (Library – Equipment Maintenance)

Upon approval, the available balance in Reserve Fund for Transfer will be \$284,136.12. (Copies in your packets)

5/11/1/16 – REFERRED TO THE CAPITAL IMPROVEMENTS & CITY DEVELOPMENT COMMITTEE

6. I respectfully submit for confirmation by Your Honorable Body the appointment of Scott Domenici, 15 Seanna Road, to fill an unexpired term on the Municipal Building Commission. Term to expire February 2018. (Copies in your packets)

6/11/1/16 – REFERRED TO THE PERSONNEL & HUMAN SERVICES COMMITTEE

7. I respectfully submit a communication from Park & Forestry Superintendent Sonny Almeida regarding the donation of the following from Briggs Nursery with an estimated value of \$2,000.00:

4 - 8'	Cypress Hinoki Golden	1 -2.0+	Redbud Forest Pansy
2 – 6'	Cypress Hinoki Golden	1 – 6'	Maple, Jap Green Fern LF
2 – 7'	Cypress Hinoki Compact	1-6/7 '	Maple, Paperbark HVY
4 – 5'	Cypress Hinoki Golden	1- 2'-2.5'	Linden Greenspire
1 – 5-6'	Cypress Hinoki Comp	1- 1.5/2	Sourwood, Common
1 – 2/2.5	Honeylocust Shade master	2-1.5-1.75	Redbud Forest Pansy
1-1.75-2"	Cherry Okame	1- 8-10'	Cedar Blue Atlas
1-8	Cypress Hinoki Compact	1- 10/12	Cypress Hinoki Compact

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)

7/11/1/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

8. I respectfully submit a communication from Director of Recreation Dennis Walsh regarding the need for funds to repair plumbing issues at Briggs Pool along with work that will be done in-house. Therefore, I hereby request Your Honorable Body transfer \$13,450.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to the following:

- \$10,950.00 to Account 16301000-589100 (Recreation – Briggs Pool)
- \$2,500.00 to Account 16301000-513025 (Recreation – Briggs Pool Renovation Overtime)

Additionally, funding is needed to determine the location of the leak at the Liddell Pool. Therefore, I hereby request Your Honorable Body transfer \$2,400.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16301000-530101 (Recreation – Professional Services). Upon approval, the available balance in Reserve Fund for Transfer will be \$268,286.12. (Copies in your packets)

8/11/1/16 – REFERRED TO PERSONNEL & HUMAN SERVICES COMMITTEE

9. As you may recall, on October 16, 2012 (vote #11) Your Honorable Body unanimously supported a Cash Reserve Policy that, among other things, indentified two clear goals: (1) establish a target balance for the City’s Stabilization Fund; and (2) develop a schedule of annual appropriations designed to gradually reach and sustain the target balance for the City’s Stabilization Fund over time. In keeping with that Cash Reserve Policy, each year for the past four (4) years I have submitted to Your Honorable Body a request to appropriate \$282,000.00 into the City’s Stabilization Fund. I am now proud to submit to Your Honorable Body a request for the fifth (5th) contribution of \$282,000.00. Therefore, I hereby request Your Honorable Body to appropriate \$282,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 11241000-596000 (City Wide - Stabilization Fund).

9/11/1/16 – REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE

10. I respectfully submit a communication from Director of Budget and Administration Barry LaCasse regarding the interest on temporary borrowing for the AHS feasibility study and the Oak Hill Tank rehabilitation. Therefore, I hereby request Your Honorable Body appropriate \$3,733.69 from Account 1000-359000 (Undesignated Fund Balance/Free Cash – General Government) to Account 13001000-592510 (Education – Interest on Temporary Borrowing).

Additionally, I hereby request Your Honorable Body appropriate \$14,989.14 from Account 6100-359000 (Water Enterprise Fund – Retained Earnings) to Account 6100-592510 (Water Enterprise Fund – Interest on Temporary Borrowing). (Copies in your packets)

10/11/1/16 – REFERRED TO BUDGET & APPROPRIATIONS COMMITTEE

11. I respectfully submit a communication from Director of Budget and Administration Barry LaCasse regarding the pay down of snow deficits. As you recall, Your Honorable Body voted to accept the provisions of Chapter 10, Section 58 of Acts of 2015. As you may further recall, on June 23, 2016, Your Honorable Body voted to appropriate \$444,756.37 for the FY2015 Snow Deficit and \$514,370.00 for the FY2016 Snow Deficit from Fund 8455 (Stabilization Fund) to the FY2017 General Government Budget. As stated, in that request, it was my intention to return those funds back to the Stabilization Fund once Free Cash was certified. Therefore, and as promised, I hereby request Your Honorable Body appropriate \$959,126.37 from Account 1000-359000 (Undesignated Fund Balance/Free Cash – General Government) to the following:

\$444,756.37 to Account 11241000-596000 (City Wide – Stabilization Fund)

\$514,370.00 to Account 11241000-596000 (City Wide – Stabilization Fund)

Further, the third (3rd) and final amortization installment of the FY15 Snow Deficit of \$368,036.60 will be reduced on the recap using approximately ½ of the excess new growth, thus leaving a balance of \$118,036.60. Therefore, I hereby request Your Honorable Body appropriate \$118,036.60 from Account 1000-359000 (Undesignated Fund Balance/Free Cash – General Government) to Account 1000-359210 (General Government - Unreserved Fund Balance Appropriation Deficit) to reduce the FY2015 Snow Deficit. (Copies in your packets)

11/11/1/16 – REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE

12. I respectfully submit a communication from Chief of Police Kyle P. Heagney regarding the need for funds to fill three vacancies due to retirements, promotions and resignations. Therefore, I hereby request Your Honorable Body transfer \$17,742.06 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to the following:

\$11,100.00 to Account 12101000-532010 (Police – Tuition & Books)

\$3,000.00 to Account 12101000-558310 (Police – Uniforms)

\$3,140.61 to Account 12101000-530104 (Police – Medical Consultation)

\$501.45 to Account 12101000-558208 (Police – Police Supply)

Upon approval, the available balance in Reserve Fund for Transfer will be \$250,544.06. (Copies in your packets)

12/11/1/16 – **REFERRED TO THE PUBLIC SAFETY & EMERGENCY MANAGEMENT COMMITTEE**

13. Several items were recommended to be replaced and/or repaired by Your Honorable Body in the Capital Improvements Plan voted on May 17, 2016 (Vote #8). Therefore, I am recommending the following items listed below from the Capital Improvements Plan, and hereby request Your Honorable Body to appropriate \$1,784,446.75 from Account 1000-359000 (Undesignated Fund Balance/Free Cash – General Government) to accounts as follows:

Use	Amount	Account # / Fund # / Org.	Account Name - Fund Name
Hyman Fine/Hill Roberts Boiler Replacement	\$400,000.00	Fund # 3420	Hyman Fine/Hill Roberts Boiler
Brennan & Wamsutta Boiler Replacement	\$120,000.00	Fund # 3421	Brennan/Wamsutta Boiler
Brennan & Wamsutta Temporary Roof Repairs	\$40,000.00	Fund # 3412	Brennan/Wamsutta Roof Repair
Willett Boiler Replacement	\$125,000.00	Fund # 3423	Willett Boiler
Studley Façade @ Entryway	\$30,000.00	Fund # 3424	Studley Façade @ Entryway
Willett Media Center AC	\$60,000.00	Fund # 3425	Willett Media Center AC
Hill Roberts AC Units (2 of 6)	\$120,000.00	Fund # 3426	Hill Roberts AC Units
Park & Forestry -F3	\$70,387.40	16501000-587069	Park & Forestry - Dump Tuck
DPW #H5 - Dump & #H24 - Dump	\$222,179.40	14201000-587069	Public Works - Dump Truck
Fire Vehicle SUV	\$37,011.75	12201000-587034	Fire - SUV
Fire Radios	\$119,177.28	Fund # 3514 - Org. # 3514220	Radios Fire
Fire Safety Equipment - Jaws of Life, Structural Firefighting Saws, Thermal Imaging Cameras	\$149,700.00	12201000-585020	Fire - Safety Equipment
Police Radios	\$84,680.40	Fund # 3514 - Org # 3514210	Radios Police
Police Tasers	\$61,310.52	12101000-587405	Police - Tasers
Recreation Upgrade Nickerson Park	\$80,000.00	Fund # 3543	Nickerson Park Upgrade
Recreation South Attleboro Veterans Memorial Playground Court Reconstruction	\$35,000.00	Fund # 3544	S.A. Vets Playground Reconstruct
MIS Computers/Servers		11331000-558015	Budget & Admin -

	\$30,000.00		Computers/Servers
	\$1,784,446.75		

13/11/1/16 – **REFERRED TO THE CAPITAL IMPROVEMENTS & CITY DEVELOPMENT COMMITTEE**

14. I respectfully submit a communication from Legal Secretary Alison Wood regarding items that the Park and Forestry Department would like to declare surplus. Therefore, I hereby 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>MODEL</u>	<u>SERIAL NO.</u>	<u>CONDITION</u>
1	Modine Hanging Heater	BA170AB	01102011190	Poor to Junk
1	Modine Hanging Heater	PD175AA0111	01010113	Poor to Junk
1	Gravelly Mower	16GRider	26031201686	Poor
1	Ford Tractor	641 Tractor	15898	Poor
1	Kuhn Spreader	Comet	ZS330N	Poor

14/11/1/16 – **REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE**

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

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>VIN #</u>	<u>MILES</u>	<u>CONDITION</u>
1999	Chevrolet Tahoe	1GNEK13R0XR151935	135,000	Very poor
2001	Chevrolet Astro Van	1GCDM19W71B106664	100,000	Very poor

15/11/1/16 – **REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE**

16. As you may recall from the Capital Improvements Plan, the City urgently needs to construct a new Wastewater Sludge Landfill and to cap the existing sludge landfill. On October 6, 2016, the bids for the construction of just the new sludge landfill were opened (\$1,879,625). However, actual bids for the storage garage, fueling station, equipment, capping of existing sludge landfill and demolition of old treatment plant are not expected until later this year. Breakdowns of the projects are found in our Capital Improvement Program. In an effort to begin the necessary construction as soon as possible, as well as to save as much money on borrowing costs as possible, it is in the best interest of the City to obtain a single loan authorization for this entire project. The actual and most recent estimated costs for this project are as follows:

New Sludge Landfill (actual bid) \$ 1,879,625.50

Contingency (10%)	187,962.00
Storage Building & Fueling Station (estimate)	1,465,000.00
Contingency (10%)	146,500.00
Equipment (estimate)	680,000.00
Capping & Demolition (estimate)	1,950,000.00
Contingency (30%)	585,000.00
Construction Services (resident engineering, testing, etc.)	370,000.00
Certification Report (DEP)	<u>75,000.00</u>
TOTAL	\$7,339,087.50

For borrowing purposes, the total estimated costs should be rounded to \$7,400,000.00. If after all bids are received and verified, this loan amount is greater than the actual costs, then I will be requesting that the loan amount be reduced appropriately. Therefore, I hereby request Your Honorable Body to approve the following loan order:

ORDERED: that Seven Million, Four Hundred Thousand Dollars (\$7,400,000.00) is appropriated for the permitting, bidding, construction oversight and construction costs associated with a new sludge landfill, storage building, fueling station, equipment, capping of existing sludge landfill and demolition of the old Wastewater plant, located in both Attleboro and Seekonk, Massachusetts (collectively the “Project”), including the payment of all costs incidental or related thereto; that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow Seven Million, Four Hundred Thousand Dollars (\$7,400,000.00) under Chapter 29C of the General Laws and/or Section 8(24) of Chapter 44 of the General Laws, or any other enabling authority; that the Mayor is authorized to contract for and expend any federal or state aid available for the Project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds or notes under this order; that the Mayor is authorized to take any other action necessary or convenient to carry out this Project; and that Forty-eight Thousand Dollars (\$48,000.00) of the amount appropriated shall be allocated to the costs of preparing, issuing and marketing any such borrowing, provided that any portion of such Forty-eight Thousand Dollars (\$48,000.00) not needed for such costs of issue shall be made available for Project costs. Any premium received by the City upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

16/11/1/16 – REFERRED TO THE CAPITAL IMPROVEMENTS & CITY DEVELOPMENT COMMITTEE AND TO THE PLANNING BOARD FOR RECOMMENDATION

A motion was made, duly seconded, and voted unanimously to hold a Public Hearing on Tuesday, November 15, 2016 relative to the request to borrow \$7,400,000.00 for costs associated with the construction of a new sludge landfill operation.

17. As you may recall from the Capital Improvements Plan, the City urgently needs to rehabilitate the Luther Reservoir Pump Station. Design costs for both Phases (1 & 2) have already been approved by Your Honorable Body and it is now necessary to begin construction. Moreover, the Blake’s Pond Dam located in Mansfield has been listed as “poor condition” in a 2005 Dam Inspection Report, and now

needs to be replaced. Finally, it is in the best interest of the City to secure an inter-municipal agreement with the Pawtucket Water Supply Board to provide access to potable drinking water in the event of a drought or other emergency circumstances. Breakdowns of the projects are found in our Capital Improvement Program. All of these projects greatly affect and benefit the City’s water supply, and should be commenced as soon as possible. However, actual construction bids for these projects are not expected until later this year. In an effort to begin the necessary construction as soon as possible, as well as to save as much money on borrowing costs as possible, it is in the best interest of the City to obtain a single loan authorization for these projects. The most recent estimated costs are as follows:

Luther Pump Station construction (Phase 1B) (estimate)	\$585,000.00
Contingency (10%)	65,000.00
Luther Pump Station construction (Phase 2B) (estimate)	1,246,000.00
Luther Pump Station (dike rehabilitation) (estimate)	150,000.00
Contingency (20%)	249,000.00
Construction Services (resident engineering)	200,000.00
Blake’s Pond Dam replacement (construction) (estimate)	600,000.00
Contingency (20%)	120,000.00
Water Treatment Facility (design, permitting & construction) (PWSB Inter-municipal connection) (estimate)	<u>1,752,000.00</u>
TOTAL	\$4,967,000.00

For borrowing purposes, the total estimated costs should be rounded to \$5,000,000.00. If after all bids are received and verified, this loan amount is greater than the actual costs, then I will be requesting that the loan amount be reduced appropriately. Therefore, I hereby request Your Honorable Body to approve the following loan order:

ORDERED: that Five Million Dollars (\$5,000,000.00) is appropriated for the permitting, bidding, construction oversight and construction costs associated with the rehabilitation of the Luther Reservoir Pump Station and dike (located in Attleboro, MA), the replacement of the Blake’s Pond Dam (located in Mansfield, MA) and the construction all improvements necessary for a permanent water interconnection with the Pawtucket Water Supply Board (located in Attleboro, MA) (collectively the “Project”), including the payment of all costs incidental or related thereto; that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow Five Million Dollars (\$5,000,000.00) under Chapter 29C of the General Laws and/or Section 8(3),(4) and (24) of Chapter 44 of the General Laws, or any other enabling authority; that the Mayor is authorized to contract for and expend any federal or state aid available for the Project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds or notes under this order; that the Mayor is authorized to take any other action necessary or convenient to carry out this Project; and that Thirty-two Thousand Dollars (\$32,000.00) of the amount appropriated shall be allocated to the costs of preparing, issuing and marketing any such borrowing, provided that any portion of such Thirty-two Thousand Dollars (\$32,000.00) not needed for such costs of issue shall be made available for Project costs. Any premium received by the City upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

17/11/1/17 – **REFERRED TO THE CAPITAL IMPROVEMENTS & CITY DEVELOPMENT COMMITTEE AND THE PLANNING BOARD FOR RECOMMENDATION**

A motion was made, duly seconded, and voted unanimously to hold a Public Hearing on Tuesday, November 15, 2016 relative to the request to borrow \$5,000,000.00 for costs associated with the rehabilitation of the Luther Reservoir Pump station and dike, the replacement of Blake's Pond Dam, and the construction of all improvements necessary for a permanent water interconnection with the Pawtucket, RI Water Supply Board.

Sincerely,

Kevin J. Dumas, Mayor

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

November 1, 2016 - #2

Dear Municipal Councilors:

1. I respectfully submit a letter from Phillip Audette, American Legion Post 20, 122 Park Street, Attleboro, MA requesting a permit to conduct an annual Poppy Drive on Saturday, November 5, 2016 with a rain date of Saturday, November 12, 2016 during the hours of 7:00 a.m. to 4:00 p.m. Although this request was received by the City Clerk's Office with enough time to grant this permit, it was inadvertently left off the Other Communication of October 18, 2016.

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.

1/11/1/16 – **REFERRED TO THE LICENSE COMMITTEE**

Sincerely,

Kevin J. Dumas, Mayor

The following **OTHER COMMUNICATIONS** were read by the City Clerk/Clerk of the Council, Stephen K. Withers:

1. 2017 Renewal Class I License applications from:
 - Courtesy Auto Group, Inc. d/b/a/ Courtesy Kia Mitsubishi, 11 and 16 Scott Street, Attleboro, MA for 34 customer parking spaces and 172 display spaces
 - Courtesy Auto Group, Inc. d/b/a Kia Mitsubishi, 795 Newport Avenue, Attleboro, MA for 40 customer parking spaces and 195 display spaces

REFERRED TO THE LICENSE COMMITTEE

2. 2017 Renewal Class II License applications from:
- David Montenegro d/b/a Old School Auto Sales, 187 Cumberland Avenue, Attleboro, MA for 4 customer parking spaces and 16 display spaces
 - Attleboro Collision Center, Inc. d/b/a K.A.R. Auto Sales, 50 Falmouth Street for 7 customer parking spaces and 9 display spaces
 - Classic Auto Sales LLC, 1100 Oakhill Avenue, Attleboro, MA for 5 customer parking spaces and 23 display spaces
 - Blue & White Motors, Inc., 1815 County Street, Attleboro, MA for 4 customer parking spaces and 15 display spaces
 - Bristol County Auto Sales LLC, 227 Pine Street, Attleboro, MA for 10 customer parking spaces and 10 display spaces
 - Cartown USA, Inc., 680 Washington Street, Attleboro, MA for 9 customer parking spaces and 20 display spaces
 - National Van Builders, Inc., 70-84 Pine Street/ 7 Parker Street, Attleboro, MA for 8 customer parking spaces and 45 display spaces
 - Cam's Automotive Service d/b/a Paris Auto Body, 21 Chartier Street, Attleboro, MA for 9 customer parking spaces and 20 display spaces
 - County Auto Sales & Service, Inc., 42 County Street, Attleboro, MA for 10 customer parking spaces and 28 display spaces
 - Best Buy Automotive and Tires, Inc., 931 Washington Street, Attleboro, MA for 4 customer parking spaces and 10 display spaces
 - Lime Rock Motors, LLC, 722 Washington Street, Attleboro, MA for 3 customer parking spaces and 10 display spaces
 - Lapierre Auto Repair, LLC, 97 Emory Street, Attleboro, MA for 30 customer parking spaces and 12 display spaces
 - Stateline Auto Brokers, Inc., 1115 Washington Street, Attleboro, MA for 6 customer parking spaces and 42 display spaces
 - Ryan's Auto Sales, Inc., 537 Washington Street, Attleboro, MA for 3 customer parking spaces and 15 display spaces
 - Looney Tuned Auto Sales, 821 Washington Street, Attleboro, MA for 11 customer parking spaces and 34 display spaces
 - GMV, Inc. dba J.D. Byrider, 635 Washington Street, Attleboro, MA for 36 customer parking spaces and 76 display spaces
 - C&A Millennium Motors, Inc., 1844 County Street, Attleboro, MA for 10 customer parking spaces and 8 display spaces

REFERRED TO THE LICENSE COMMITTEE

3. Amended 2017 Class II License application from Best Buy Automotive and Tires, Inc., 925 and 931 Washington Street, Attleboro, MA for 4 customer parking spaces and 20 display spaces.

REFERRED TO THE LICENSE COMMITTEE

4. 2017 Renewal Automatic Amusement Device License Applications from:
- Demoulas Supermarkets, Inc. dba Market Basket, 1200 Newport Avenue, Attleboro, MA for 1 Merry-Go-Round and 1 Truck
 - American Legion Post 312 dba South Attleboro Post 312 Inc., 437 Newport Avenue, South Attleboro, MA for 1 Video Game and 1 Pool Table
 - Papa Gino's, Inc., 600 Providence Highway, Dedham, MA for 1 Key Master (Weekdays Only) at its location at 103 Pleasant Street in Attleboro
 - CEC Entertainment, Inc. dba Chuck E. Cheese's #464, 1707 Market Place Boulevard, Suite 200, Irving, TX for 12 Video Games and 53 Skill/Kiddie Rides at its location at 287 Washington Street in Attleboro

REFERRED TO THE LICENSE COMMITTEE

5. Letter to the Council President from Edward J. Casey of Casey Law Offices, P.C., 8 North Main Street, Suite 201, Attleboro, MA requesting that a Public Hearing be schedule on his client Best Buy Automotive and Tire, Inc.'s amended Class 2 License application.

REFERRED TO THE LICENSE COMMITTEE

A motion was made, and duly seconded, to hold a Public Hearing on November 15, 2016 relative to the Amended 2017 Class II License application from Best Buy Automotive and Tires, Inc., 925 and 931 Washington Street, Attleboro, MA for 4 customer parking spaces and 20 display spaces.

6. Letter from School Committee Chairman Stephen K. Withers, Jr., dated October 30, 2016, in response to questions that were raised by the Municipal Council at its October 25th meeting regarding the School Department's share of the additional New Growth funds.

REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE

7. Letter from Massachusetts State Senator James E. Timilty stating his opposition to the proposed Access Northeast Pipeline Compressor Station in Rehoboth.

REFERRED TO THE PUBLIC WORKS COMMITTEE

8. Email from Roy Belcher, 6 Nancy Avenue, Attleboro, MA, dated October 31, 2016, in support of the City's efforts to reduce its carbon footprint.

REFERRED TO THE ZONING & LAND USE COMMITTEE

It should be noted here that after the Other Communications had been read that Vice-President Denlea informed the City Clerk, Stephen K. Withers, that although he read the 2017 Renewal License application for National Van Builders as a Class II renewal, that he remembered from previous years that this application has been submitted as a Class I license renewal.

VOTED: at 9:52 P.M. TO GO INTO THE COMMITTEE OF THE WHOLE

No one spoke at the Committee of the Whole.

VOTED: at 9:52 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.

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

On recommendation of the **Transportation & Traffic Committee**, and on the motion of Mrs. Porreca, the following vote was taken:

2. Voted on Roll Call (11 Yeas, 0 Nays) to amend Section 10-4.11 (Isolated Stop Signs) (Amended 7/23/2015) of the Revised Ordinances of the City of Attleboro by adding the following in alphabetical order:

Eastbound on Essex Street and Guisti Drive

Mrs. Porreca also called for a Committee meeting at the next appropriate time.

On recommendation of the **License Committee**, and on the motion of Vice-President Denlea, the following votes were taken:

3. Voted unanimously to approve the following 2017 Renewal Class I License applications from:
 - Priority Automotive, LLC d/b/a Cerrone Chevrolet, Buick, GMC Truck, 103 Washington Street, Attleboro, MA for 84 customer parking spaces and 288 display spaces
 - Just Trailers, Inc., 1863 County Street, Attleboro, MA for 12 customer parking spaces and 7 display spaces
4. Voted unanimously to approve the following 2017 Renewal Class II License applications from:
 - Automazed, Inc., 885 & 923 Washington Street, Attleboro, MA for 7 customer parking spaces and 34 display spaces at 885 Washington Street and for 7 customer and 33 display spaces at 923 Washington Street
 - Seekonk Gas & Repair, Inc. d/b/a 123 Mobil, 300 County Street, Attleboro, MA for 4 customer parking spaces and 9 display spaces
 - Liberty Coach Inc., 78 Eddy Street, Attleboro, MA for 15 customer parking spaces and 1 display space

- North Main Street Auto div. of K & L Tire and Automotive, Co., Inc., 44 North Main Street, Attleboro, MA 02703 for 17 customer parking spaces and 1 display space
 - 100 Percent Auto Wholesalers LP, 21 Washington Street, Attleboro, MA for 10 customer parking spaces and 48 display spaces
 - Joe and Mary Inc. d/b/a Gas Plus, 80 Pleasant Street, Attleboro, MA for 10 customer parking spaces and 24 display spaces
 - Robert J. Pedro d/b/a B & C Auto Service, 21 South Avenue, Attleboro, MA for 5 customer parking spaces and 5 display spaces
 - Jeff Millette Auto Center, Inc. d/b/a JMAC, 30 Mann Street, Attleboro, MA for 4 customer parking spaces and 23 display spaces
 - South Attleboro Auto Sales, Inc., 411 Washington Street, Attleboro, MA for 10 customer parking spaces and 30 display spaces
 - Preowned Factory, Inc., 957 Washington Street, Attleboro, MA for 12 customer parking spaces and 58 display spaces
 - Tri Town Auto Sales, 1850 County Street, Attleboro, MA for 4 customer parking spaces and 6 display spaces
5. Voted unanimously to approve the 2017 Renewal Class III License application from Tri Town Auto Sales, 1850 County Street, Attleboro, MA for 4 customer parking spaces and 6 display spaces.
6. Voted on Roll Call (11 Yeas, 0 Nays) 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 letter from Phillip Audette, American Legion Post 20, 122 Park Street, Attleboro, MA requesting a permit to conduct an annual Poppy Drive on Saturday, November 5, 2016 with a rain date of Saturday, November 12, 2016 during the hours of 7:00 a.m. to 4:00 p.m.

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 although this request was received by the City Clerk's Office with enough time to grant this permit, it was inadvertently left off the Other Communication of October 18, 2016.

7. Voted on Roll Call (11 Yeas, 0 Nays), as an **EMERGENCY MEASURE**, to approve the request of Phillip Audette of the American Legion Post 20, 122 Park Street, Attleboro, MA for a permit to conduct an annual Poppy Drive on Saturday, November 5, 2016 with a rain date of Saturday, November 12, 2016 during the hours of 7:00 a.m. to 4:00 p.m.

Vice-President Denlea also called for a Committee meeting at the next appropriate time.

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

8. Voted on Roll Call (11 Yeas, 0 Nays) to approve the Mayor's request to transfer \$1,191.28 from 3530-599000 (EOEEA Land Grant – Other Financing Uses) to Account 8455G4-499000 (Attleboro Stabilization Fund – Other Financing Sources) to close Fund 3530 EOEEA Grant.
9. Voted on Roll Call (11 Yeas, 0 Nays) to approve the Mayor's request to approve a supplemental appropriation in the amount of \$250,000.00 to Account A2325010-511200 (School Department – Teacher/Sub/Professional Salary).

It should be noted here that prior to this vote taking place, Ms. Heagney read the following letter that the Municipal Council received from the Chairman of the Attleboro School Committee, Stephen K. Withers, Jr., dated October 30, 2016:

Dear Honorable Municipal Councilors:

In response to questions that were raised at our October 30, 2016, meeting regarding the School Department's share of the additional New Growth funds ("Schools' Share"), I am sharing with you Superintendent Sawyer's memo to me setting forth his recommendation for use of the Schools' Share, which I anticipate will guide the School Committee's discussions regarding the use of these funds. While, as you know, utilization of funds provided to the School Department for Net School Spending eligible expenses (including personnel costs) is the exclusive prerogative of the School Committee and School Department, I am happy to clarify any questions you may have.

As Superintendent Sawyer alludes to in his memo, emergent needs consistently arise throughout each school year. This year is no different, and, due to the well-documented budget cuts this year, the number of emergent needs is larger than usual. It is a near certainty that additional emergent needs will arise throughout the remainder of the year. This will require increasing of staffing levels in order to meet such needs, and to provide for the best interests of our students and meet state statutory and regulatory requirements. Due to a variety of budgetary challenges, most of which have been discussed repeatedly by the School Committee, your Honorable Body and the community as a whole, the School Department, prior to the availability of the Schools' Share, lacks the ability to adequately meet many of these emergent needs. The placement of the Schools' Share in the School Department – Teacher/Sub/Professional Salary Account ("Salary Account") will allow the School Department to properly address such emergent needs by increasing staffing levels where and when appropriate, such as by hiring a .5 Special Educational Paraprofessional at Brennan Middle School as referenced in Superintendent Sawyer's memo.

It is important to note that the School Committee has not yet addressed the School Administration's recommendations, as the funds were only recently announced and have not yet been appropriated to the School Department. Nevertheless, it is my opinion that the Superintendent and his administration, as the paid professionals and experts in this area, are best qualified to devise a plan for the most beneficial use of these funds. I will, therefore, be bringing the recommendation before the full School Committee and requesting that we endorse the Superintendent's recommendations.

I hope this helps answer any questions you may have regarding the Schools' Share of the New Growth funds. As always, I am happy to maintain an open dialogue and provide any clarification necessary on this, or any issue, and, should any of you have any additional questions, you should feel free to contact me directly.

Very truly yours,
Stephen K. Withers, Jr., Chairman
Attleboro School Committee

Ms. Heagney also read the following memo, entitled "Recommendation for the Appropriation from "New Growth" (\$250K)", dated 10.28.16, from Superintendent David Sawyer:

In light of the mayor's communication to the Attleboro Municipal Council regarding the anticipated appropriation of \$250,000 for APS and the subsequent questions raised by the Municipal council, I wanted to preview for you the recommendations I expect to convey to the school committee upon said appropriation.

Should APS receive \$250,000 as requested by the mayor, any decision to spend part or all of the appropriation should be made to specifically address emergent student needs, rather than to satisfy general, but certainly well-founded, concern about class sizes. As you know, our systemic class size issues far outstrip the ability of this particular sum to resolve. Therefore, it would be the recommendation of the administration to use these funds to attend to significant concerns as they arise.

The most proximate example would be our desire to add a 0.5 Special Education paraprofessional position to BMS to provide greater flexibility in meeting the needs of students in sub-separate programs. Needs such as this will continue to arise throughout the year. Expending any additional funds to meet these needs will maximize the benefits to the students with the greatest needs while the preservation of the remaining funds will increase our capacity to manage the various setbacks that will likely develop over the course of the year.

Ms. Heagney went on the record by disclosing that she does have a niece with Down Syndrome that attends Brennan Middle School.

Mr. Blais stated that there were discussions about this money a few months ago and that he had expected that the School's would spend this money on re-hiring the teachers who had let go. He stated that he will be reluctantly supporting this measure.

Mrs. Porreca stated that back in the summertime there was a meeting with the Mayor, the Superintendent-elect, and the School Committee Chairperson, and at that time the Mayor had indicated that he would be giving the New Growth Money to the Schools. Mrs. Porreca stated that the needs of the schools have changed since that time, and that she will be supporting this measure.

Ms. Hall stated that she agrees that it is very difficult once the school year starts to go back and re-hire people, and that she appreciates that the schools now have different priorities. She also stated that the school system has qualified officials to make these types of decisions and that it is best to let them make decisions on how best to utilize these funds.

Mr. Cooper stated that the Municipal Council has a responsibility to ask questions, even if people don't want to answer them, and that he doesn't care where the money goes, that he just asked a simple question and it turned into this type of response. He stated that it is all about open communication and that he is aggravated by the type of response, although he thanked Chairman Withers for providing an answer.

Mr. Conti stated that he didn't hear what he thought he would hear. He stated that \$250,000 is a drop in the bucket and that had it been \$5 million dollars that the response may have been different. He stated that he has attended the School Committee's Finance Committee meetings and they are sending him their minutes and agendas and that three of them are teaching him their budget, which is complicated. He further stated that he agrees with everything that everyone has said, but that the drama that is going on tonight is nothing in comparison to the drama that is occurring with the Schools and the School Committee about this issue.

10. Voted on Roll Call (11 Yeas, 0 Nays) to approve the Mayor's request to approve a supplemental appropriation of \$9,988.60 to Account 11111000-511000 (City Council – Salary) to reinstate the salaries of Councilors Cooper, Porreca and Reynolds.
11. Voted on Roll Call (5 Yeas, 6 Nays. Jackson, Cooper, Reynolds, Denlea, Porreca and Conti voting Nay) to approve the Mayor's request to approve a supplemental appropriation for FY17 of \$31,134.31 to Account 11211000-511000 (Office of the Mayor – Salary) to fund the position of Constituent Services Administrator.
-This Item Failed and was sent to the Mayor on a separate Certificate of Vote

Ms. Heagney made a friendly amendment to adjust the amount from \$50,465.88 to \$31,134.41.

Ms. Heagney stated that this item was voted out of Committee and there was a Charter Objection and that part of the reasoning for the objection was because there was uncertainty about whether or not there were sufficient funds given supplemental appropriations that the Municipal Council has previously voted on. Ms. Heagney asked the Council to allow the vote to take place on this issue.

Ms. DiLisio stated that he has spoken to several Department Heads who have informed him that this position is very important to the work that they do.

Vice-President Denlea stated that he would be voting no on this measure. He explained that he believes that leadership needs to start at the top, that the Council was presented with a bad budget that it passed, that employees were laid off and that there was a line in the budget message that he was in support of. He also stated that he voluntarily gave up a percentage of his stipend for being a Municipal Councilor given the budget issues.

Mr. Blais stated that he truly believes that the Constituent Services Administrator position is needed. He explained that over the past month he has handled three constituent issues that were addressed to certain Municipal Councilors that were taken care of. He also stated that he has also heard from Department Heads that the position is important, and that he believes that having the position is not only good for the Department Heads but for the constituents as well. Mr. Blais stated that the City cannot afford to have

an Assistant Mayor position funded and that having a Constituent Services Administrator would help achieve some of the same goals and that he will be voting in support of this measure.

Ms. Hall stated that she did some research, going around to several cities with similar budgets and population to see what types of positions their Mayors have. She stated that they all have a similar position that is funded, and that while she doesn't believe that the City can afford to fund an Assistant Mayor position that funding the Constituent Services Administrator position I affordable and is something that the Municipal council should vote to support.

Ms. Jackson stated that while she believes that the Constituent Services Administrator position may be needed in the City, that all positions are needed, including the ones in which employees have been laid off from.. She went on to explain that the day after employees received their notice that they would be laid off, that she came into City Hall and that she walked around to the offices that were losing staff and that she witnessed the sadness in each department and at the same time there were promotional interviews going on. She stated that each department has to take the brunt and at this point in time she doesn't think that the City can afford to fund this position.

Ms. Jackson also stated that she received a profanity-filled text message on her phone from a prominent person in the City over her vote to cut the funding. She stated that she would not be changing her vote despite receiving the text message and that she got a sour taste when she walked into City Hall and saw a promotional interview taking place when others were getting laid off.

Ms. Reynolds stated that she was the first person to make the "skin in the game" comment, and that she never meant for it to be derogatory. She went on to explain that because it is unclear what will happen in terms of the FY2018 budget that she cannot in good conscience change her vote at this time unless she sees some real changes in how the City can bring the School department and other Departments back up to where they were.

Ms. Heagney stated that during the discussions about cutting this item from the budget that there was contentiousness and nastiness coming from both sides.

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

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

12. Voted on Roll Call (11 Yeas, 0 Nays) to approve the Mayor's request to declare the following Police Department items as surplus and available for disposition:

<u>Model #</u>	<u>Serial #</u>	<u>Condition</u>
Armor Express	1110244571	Expired
Armor Express	1110244574	Expired
Armor Express	1110103713	Expired
Armor Express	1110103714	Expired
Armor Express	1110244573	Expired
Armor Express	1110103715	Expired

Armor Express	1010255140	Expired
Armor Express	1010202867	Expired
Armor Express	1010202866	Expired
Armor Express	1010255142	Expired
Armor Express	1010202862	Expired
Armor Express	1010202850	Expired
Armor Express	1010202844	Expired
Armor Express	1010202846	Expired
Armor Express	1010202860	Expired
Armor Express	1010202847	Expired
Armor Express	1010255143	Expired
Armor Express	1010202857	Expired
Armor Express	1010202861	Expired
Armor Express	1010202869	Expired
Armor Express	1010202852	Expired
Armor Express	1010255144	Expired
Armor Express	1010255123	Expired
Armor Express	1010255137	Expired
Armor Express	1010202868	Expired
Armor Express	1010255142	Expired
Armor Express	1010202855	Expired
Armor Express	1010202864	Expired
Armor Express	1010202865	Expired
Armor Express	1010202843	Expired
Armor Express	1010255141	Expired
Armor Express	1010202848	Expired
Armor Express	1010202856	Expired
Armor Express	1010255138	Expired
Armor Express	1010202849	Expired
Armor Express	1010202853	Expired
Armor Express	1010202854	Expired
Armor Express	1010202845	Expired
Armor Express	1010050262	Expired
Second Chance	110105586	Expired
Second Chance	110103715	Expired

13. Voted on Roll Call (11 Yeas, 0 Nays) to approve the Mayor’s request to declare the following Water Department items as surplus for trade-in value and available for disposition:

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>VIN #</u>	<u>MILES</u>	<u>CONDITION</u>
2002	Ford Ranger	1FTYR10U82TA62944	115,000	Poor

2004

John Deere Lawn
Tractor/L100

GXL100A134223

Poor

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

14. Voted on Roll Call (10 Yeas, 0 Nays, Mrs. Porreca absent) to approve the Mayor's request to transfer \$20,800.47 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to the following accounts:

\$20,100.47 to Account 11611000-511000 (Clerk – Salary and Wage)

\$700.00 to Account 11611000-514030 (Clerk – Longevity)

15. Voted on Roll Call (11 Yeas, 0 Nays) to approve the Mayor's request to transfer \$7,575.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to the following accounts for previous years and current year longevity payments at the Department of Public Works:

\$6,625.00 to Account 14201000-514035 (Public Works – Prior Year Longevity)

\$ 950.00 to Account 14201000-514030 (Public Works – Longevity)

16. Voted unanimously to approve the Mayor's request to confirm the appointment of Laurie Drucker, 2 Constitution Avenue, to fill an unexpired term on the Cultural Council. Term to expire February 2017.

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

On recommendation of the **Public Works Committee**, and on the motion of Ms. Jackson, the following vote was taken:

17. Voted on Roll Call (11 Yeas, 0 Nays) to approve the Mayor's request to transfer \$16,000.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 14201000-521020 (Public Works – Lights & Power) to cover the cost for the National Grid invoices for the new DPW facility for the remainder of the FY2017.

Ms. Jackson also 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. Hall, the following vote was taken:

- 18. Voted unanimously that the following item be referred to the appropriate Committee for further study and recommendation:

To fully fund for the remainder of FY2017 the DARE Program Officer and the School Resource Officers, at locations jointly agreed upon by the School Superintendent and the Police Chief, and to staff the POP Team at the FY2016 staff level.

REFERRED TO THE ADMINISTRATION

VOTED: at 11:07 P.M. TO ADJOURN.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)

City Clerk/Clerk of the Council