

**In Municipal Council
Regular**

**FEBRUARY 3, 2015
8:07 P.M.**

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

MEMBERS ABSENT: Shannon Heagney

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

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

President Cook thanked Vice-President Blais for running the January 20, 2015 meeting as he was Acting Mayor while Mayor Dumas was attending a meeting in Washington, D.C.

President Cook provided a brief update on the Massachusetts Municipal Association (MMA) annual meeting held in Boston on January 23. He noted that newly inaugurated Governor Charlie Baker, during his remarks at the opening session, praised the City of Attleboro for its revitalization effort. President Cook added that the governor, as well as Lieutenant Governor Karyn Polito, Treasurer Deborah Goldberg, and Attorney General Maura Healey, had personal experience with local government and expressed their plan to cultivate a positive working relationship with local officials. He also referenced the Emerging Issues Forum on the opioid crisis which featured Mayor Dumas, Police Chief Heagney, and a member of the city's Problem Oriented Policing force, which was well-attended and drew positive comments about Attleboro's response to this problem. President Cook also noted the key role of Mayor Dumas at the meeting who was the MMA president during the last year.

President Cook also explained that the delayed start of the evening's regular meeting was due to the committee meetings being rescheduled for this night after last week's meeting was cancelled due to the latest snowstorm.

Continued from the Meeting of January 20, 2015: PUBLIC HEARING relative to the layout and acceptance of Roadway D (Opportunity Drive) as shown on the mylar plan entitled "PLAN AND PROFILE OF ROADWAY, OPPORTUNITY DRIVE, IN THE CITY OF ATTLEBORO, MASS, BRISTOL COUNTY", being approximately 364.5 feet in length from STA 0+00 to STA 3+64.50, drawn and engineered by Douglas E. Miller, P.E. (Civil #33965) of Goldsmith, Prest & Ringwall, South east, LLC, 500 East Washington Street, North Attleboro, MA 02760, dated May 4, 2011.

President Cook continued the public hearing to the meeting of February 17, 2015.

PUBLIC HEARING relative to the application for a New 2015 Class 2 Auto License from State Auto Wholesalers, 885 Washington Street, Attleboro, MA for 7 Customer Parking Spaces and 34 Display Spaces

Speaking in favor was David Armenakian, 11 Rockhill Drive, Cranston, RI. He stated that his cousin is now on the license and the company will be incorporated.

No one appeared to speak in favor or in opposition.

President Cook asked Mr. Churchill if the public hearing should be held open.

Mr. Churchill answered no.

Mr. Churchill stated that the application would be voted on at the next full council meeting.

President Cook noted that the date for the next full Council meeting is February 17th and that the City Clerk would notify the applicant.

President Cook closed the public hearing.

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

February 3, 2015

Dear Municipal Councilors:

1. I respectfully submit a communication from City Auditor Deborah Gould regarding the need for deficit spending into additional snow accounts for accurate reporting for potential FEMA/MEMA reimbursement. As you are aware, Your Honorable Body voted to authorize deficit spending under M.G.L. Chapter 44, Section 3, on August 21, 2014 for FY2015. As you are also aware, the recent Blizzard, named storm Juno was such a significant snow event that there is a possibility that some state or federal relief may become available in the future to assist the City in defraying costs associated with the storm. Although all the expenses can be charged to the existing snow deficit accounts, the separating of the expenses into the distinct Emergency Management accounts in the general ledger would be beneficial. In accordance with Massachusetts General Law Chapter 44, Section 31D regarding snow removal expenditures, I hereby request Your Honorable Body to approve deficit spending in the following accounts during FY2015:

- 12911000-513000 (Emergency Management – Overtime)
- 12911000-519120 (Emergency Management – Allowance Meals)
- 12911000-529020 (Emergency Management – Waste Disposal)
- 12911000-524240 (Emergency Management – Equipment Maintenance)
- 12911000-530101 (Emergency Management – Professional Services)
- 12911000-548011 (Emergency Management – Diesel Fuel)
- 12911000-548010 (Emergency Management – Gasoline)
- 12911000-548040 (Emergency Management – Supplies Equipment)

12911000-549010 (Emergency Management – Supplies Sand)

In an effort to make timely payments from these general ledger accounts to the City's vendors and employees for Juno related expenses and 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.

1/2/3/15 – REFERRED TO COMMITTEE—PUBLIC WORKS

2. I respectfully submit a communication from City Collector Debora Marcoccio regarding Appellate Tax Board (ATB) cases concerning tax abatement settlements. As part of the ATB settlements with these cases, the interest was not able to be waived and thus must be paid. Therefore, I hereby request Your Honorable Body to transfer \$24.27 from Account 11241000-578300 (City Wide-Reserve Fund for Transfer) to Account 11461000-592510 (Collector-Interest). Upon approval, the available balance in the Reserve Fund for Transfer Account will be \$49,913.73. (Copies in your packets)

2/2/3/15 – REFERRED TO COMMITTEE—CITY PROPERTY & CLAIMS

3. I am pleased to report that union members have ratified a collective bargaining agreement between the City and Local 4928 of the Attleboro Public Library Employees Association for the period of July 1, 2014 through June 30, 2017. The agreement reflects concessions made by both parties and I believe that it is in the best interest of the employees and the taxpayers. Now that the Library Union has ratified its agreement, it is fair and equitable to extend similar salary adjustment increases to non-union employees in the Library Department. Therefore, I respectfully request Your Honorable Body to appropriate \$15,527.00 from Fund 1000-359000 (Undesignated Fund General Government/Free Cash) to Account 16101000-511000 (Library-Salary & Wages) to fund this collective bargaining agreement.

3/2/3/15 – REFERRED TO COMMITTEE—PERSONNEL & HUMAN SERVICES

Sincerely,

Kevin J. Dumas, Mayor

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

Memorandum to the Planning Board from Director of Planning and Development relative to the Discontinuance of a portion of Harvard Street

REFERRED TO THE TRANSPORTATION & TRAFFIC COMMITTEE

Communication from Gerald F. Chase, 48 Nick Rock Road, Attleboro, MA relative to State Line Auto Brokers, 1115 Washington Street, Attleboro, MA

REFERRED TO THE LICENSE COMMITTEE

Communication from Karla Bassler, 18 Old Farm Lane, Attleboro, MA relative to the Discontinuance of a portion of Harvard Street. (two-week time period allowed for information to be submitted-ends today)

REFERRED TO THE TRANSPORTATION & TRAFFIC COMMITTEE

VOTED: TO GO INTO COMMITTEE OF THE WHOLE AT 8:18 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 8:18 P.M.

Committee Reports:

Mr. Denlea called for an Ordinance, Elections and Legislative Matters Committee meeting on Tuesday, February 10, 2015.

On recommendation of the **License Committee** and on motion of Mr. Churchill, the following vote was taken:

1. Voted on Roll Call—6 yeas—4 nays (Denlea, Conti, Blais and Cooper voting nay and Heagney absent) to approve the application for Temporary Renewal 2015 Class 2 Auto License from Stateline Auto Brokers, Inc., 1115 Washington Street, Attleboro, MA for 5 Customer Parking Spaces and 30 Display Spaces with the following condition:
 - That the applicant shall complete and file the Class 2 Auto license application to store unregistered vehicles on the property across the street within 60 days.

--Approved by the Mayor on February 5, 2015

Mr. Churchill called for a License Committee meeting on Tuesday, February 10, 2015.

Mr. Conti called for a Capital Improvement & City Development Committee meeting on Tuesday, February 10, 2015. He reminded Councilors that the Capital Improvement Plan Department meetings would be held on Wednesday, February 4th at 5 P.M. He went on to say that the February 2nd Capital Improvement Plan Department meetings were cancelled due to the snow storm but would be rescheduled to a later date.

Mr. Weydt called for a Zoning & Land Use Committee meeting on Tuesday, February 10, 2015.

Mr. Kirby called for a Budget & Appropriations Committee meeting on Tuesday, February 10, 2015.

Mr. Kirby called for a Special Committee on Dog Parks Committee meeting on Tuesday, February 10, 2015.

On recommendation of the **Public Works Committee** and on motion of Mr. Blais, the following votes were taken:

2. Voted on Roll Call—10 yeas—0 nays to adopt the following **EMERGENCY PREAMBLE:**

That the Attleboro Municipal Council vote to take action as provided in the City Charter, Section 2-9(b) regarding the emergency which presently exists, in accordance with Massachusetts General Law Chapter 44, Section 31D regarding snow removal expenditures, to approve the deficit spending in the following accounts during FY2015:

12911000-513000 (Emergency Management – Overtime)
12911000-519120 (Emergency Management – Allowance Meals)
12911000-529020 (Emergency Management – Waste Disposal)
12911000-524240 (Emergency Management – Equipment Maintenance)
12911000-530101 (Emergency Management – Professional Services)
12911000-548011 (Emergency Management – Diesel Fuel)
12911000-548010 (Emergency Management – Gasoline)
12911000-548040 (Emergency Management – Supplies Equipment)
12911000-549010 (Emergency Management – Supplies Sand)

Due to 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.

2. Voted on Roll Call—10 yeas—0 nays to approve the request of the Mayor, as an emergency measure and in accordance with Massachusetts General Law Chapter 44, Section 31D regarding snow removal expenditures, the deficit spending in the following accounts during FY2015:

12911000-513000 (Emergency Management – Overtime)
12911000-519120 (Emergency Management – Allowance Meals)
12911000-529020 (Emergency Management – Waste Disposal)
12911000-524240 (Emergency Management – Equipment Maintenance)
12911000-530101 (Emergency Management – Professional Services)
12911000-548011 (Emergency Management – Diesel Fuel)
12911000-548010 (Emergency Management – Gasoline)
12911000-548040 (Emergency Management – Supplies Equipment)
12911000-549010 (Emergency Management – Supplies Sand)

--Approved by the Mayor on February 5, 2015

Mr. Blais called for a Public Works Committee meeting on Tuesday, February 10, 2015.

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

1. Voted unanimously to hold a **PUBLIC HEARING on Tuesday, February 17, 2015** relative to the installation of “Stop” signs at the intersection of Dale Avenue,

eastbound and westbound where it intersects with Woodcrest Drive and Edgecliff Avenue.

--Approved by the Mayor on February 5, 2015

Mr. Thibodeau called for a Transportation & Traffic Committee meeting on Tuesday, February 10, 2015.

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

1. Voted unanimously, in accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, to approve the request of the Mayor to accept the donation of forty (40) Nikon AW120 Waterproof Digital Cameras with an estimated value of \$13,998.00 from the City of New Bedford through the Byrne Justice Assistance Grant to the Attleboro Police Department.

--Approved by the Mayor on February 5, 2015

2. Voted on Roll Call—10 yeas—0 nays to approve the request of the Mayor to transfer \$10,500.00 from Account 11241000-578300 (City Wide-Reserve Fund for Transfer) to Account 12101000-532010 (Police-Tuition and Books) regarding the need for additional funding to train and equip three (3) police recruits due to retirements and promotions.

--Approved by the Mayor on February 5, 2015

3. Voted on Roll Call—10 yeas—0 nays to approve the request of the Mayor to transfer \$3,000.00 from Account 11241000-578300 (City Wide-Reserve Fund for Transfer) to Account 12101000-558310 (Police-Uniforms) for the purchase of the uniforms required by the police recruit training academy.

--Approved by the Mayor on February 5, 2015

4. Voted on Roll Call—10 yeas—0 nays to approve the request of the Mayor to transfer \$1,671.50 from Account 11241000-578300 (City Wide-Reserve Fund for Transfer) to Account 12101000-558208 (Police Supply) sets of new breast and hat badges for ten new police officers.

--Approved by the Mayor on February 5, 2015

Mr. Cooper called for a Public Safety & Emergency Management Committee meeting on Tuesday, February 10, 2015

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

1. Voted unanimously, in accordance with Section 1-12 of the Revised Ordinance of the City of Attleboro, to approve the request of the Mayor to accept the donation of seven (7) used 5-drawer filing cabinets with an estimated value of \$350.00 to the Protective Inspection Department from Brian Germain.

--Approved by the Mayor on February 5, 2015

Ms. Porreca called for a City Property & Claims Committee meeting on Tuesday, February 10, 2015.

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

1. Voted unanimously to confirm the following appointments to positions and for terms indicated:

<u>Name</u>	<u>Appointment</u>	<u>Term</u>	<u>Expires</u>
Kasey Sullivan	Youth Commission	2 Year	February 2017
Jacob Vieira	Youth Commission	2 Year	February 2017
Paulina Janik	Youth Commission	2 Year	February 2017

--Approved by the Mayor on February 5, 2015

2. Voted on Roll Call—10 yeas—0 nays to approve the request of the Mayor to appropriate \$289,469.87 from Fund 1000-359000 (Undesignated Fund General Government/Free Cash) relative to funding of the union agreements and non-union employees to the following Salaries & Wages Accounts:

\$1,518.40 to Account 11111000-511000 (Department of Municipal Council-Salary & Wages)
\$6,466.72 to Account 11211000-511000 (Department of Mayor-Salary & Wages)
\$6,595.10 to Account 11331000-511000 (Department of Budget & Admin.-Salary & Wages)
\$5,620.00 to Account 11351000-511000 (Department of Auditor/Accounting-Salary & Wages)
\$4,593.16 to Account 11411000-511000 (Department of Assessor-Salary & Wages)
\$4,997.72 to Account 11451000-511000 (Department of City Treasurer-Salary & Wages)
\$5,837.14 to Account 11461000-511000 (Department of City Collector-Salary & Wages)
\$4,839.38 to Account 11521000-511000 (Department of Personnel-Salary & Wages)
\$4,494.62 to Account 11611000-511000 (Department of City Clerk-Salary & Wages)
\$1,917.24 to Account 11621000-511000 (Department of Election-Salary & Wages)
\$5,749.76 to Account 11751000-511000 (Department of Planning & Land Use-Salary & Wages)
\$42,461.95 to Account 12101000-511000 (Department of Police-Salary & Wages)
\$206.82 to Account 12111000-511000 (Department of Parking-Salary & Wages)
\$128,500.00 to Account 12201000-511000 (Department of Fire-Salary & Wages)
\$7,218.64 to Account 12401000-511000 (Department of Protective Inspection-Salary & Wages)
\$2,223.32 to Account 12921000-511000 (Department of Animal Control-Salary & Wages)
\$20,260.36 to Account 14201000-511000 (Department of Public Works-Salary & Wages)
\$236.81 to Account 14231000-511000 (Department of Snow/Ice Control-Salary & Wages)
\$8,140.52 to Account 15101000-511000 (Department of Health-Salary & Wages)
\$6,366.62 to Account 15411000-511000 (Department of Council on Aging-Salary & Wages)
\$2,297.10 to Account 15431000-511000 (Department of Veterans-Salary & Wages)
\$18,928.49 to Account 16501000-511000 (Department of Park-Salary & Wages)

--Approved by the Mayor on February 5, 2015

3. Voted on Roll Call—10 yeas—0 nays to approve the request of the Mayor to appropriate \$38,787.89 from Account 6000-359000 (Wastewater Enterprise-Retained Earnings) to Account 6000-511000 (Wastewater Enterprise-Salary & Wages).

--Approved by the Mayor on February 5, 2015

4. Voted unanimously to hold a **PUBLIC HEARING on Tuesday, February 17, 2015** relative to amending the Personnel Rules and Regulations for Exempt and Unrepresented Employees by replacing the current longevity amounts to the following amounts below and adding the new Article XXI Light Duty.

Amend to read as follows:

Article X Longevity

Ten (10) years	\$ 500.00
Fifteen (15) years	\$ 900.00
Twenty (20) years	\$1,100.00
Twenty-five (25) years	\$1,300.00

Add new article as follows:

Article XXI Light Duty

Members of the bargaining unit shall be eligible for temporary light duty assignments regardless of whether they are absent from duty due to personal illness or a work-related injury.

To be eligible for light duty an employee must be able to perform some or all of his/her regular duties on either a full or part time basis, or be able to perform a specific light duty assignment developed by the head of the his/her department.

To be eligible for light duty an employee must submit a note from his/her treating physician stating that the employee is able to perform light duty and any specific requirements concerning the employee ability to perform or inability to perform certain tasks.

If a department head believes an employee may be ready to return to work on a regular or light duty basis, he/she may contact the employee about returning to work. If the employee declines to return to work, the department head may require the employee to be examined by the City physician, or another physician designated by the City, for an evaluation for fitness for duty, at the City's expense. If the City physician finds the employee fit for full or light duty, the employee shall immediately return to work in full or light duty capacity, unless he/she provides a note from his/her treating physician disagreeing with the finding of the City physician. Both the City physician and the employee's physician shall be provided with a copy of the employee's job description and a description of any proposed light duty assignment.

The employee's physician shall be afforded full opportunity to consult with the City's physician as to the employee's fitness to perform a light duty assignment or return to full duty. If the employee's physician and the City physician disagree as to such "fitness", they shall thereupon jointly designate a physician agreeable to both who, at the City's expense,

shall examine the employee and render a written medical opinion as to the employee's fitness, copies of which shall be transmitted by the employee to both the City physician and the employee's own physician. In the event of their inability to agree upon a third physician, a physician shall be jointly selected by the employee and the City.

Pending receipt of such opinion, the City shall not require the employee to return to duty and shall continue to fully compensate him/her on worker's compensation or sick leave for time lost due to any such absence, assuming the employee is otherwise eligible for said benefits.

If the third physician determines that the employee is not fit to return to full or light duty, the employee shall be continued on sick leave or worker's compensation benefits assuming he/she is otherwise eligible for said benefits.

If the third physician determines that the employee is fit to return to full duty or fit to return to limited duty, or that the employee's current disability is not related to the injury, the employee shall no longer be continued on paid leave, subjects to the provisions of M.G.L. chapter 152.

The opinion of the third physician shall be final and binding on the parties. His/her determination shall not be subject to the grievance /arbitration provisions of this Agreement.

These rules and regulations supersede all previously issued rules and regulations for the applicable employees.

--Approved by the Mayor on February 5, 2015

Mr. Blais abstained from the following vote and left the Council Chambers. Mr. Kirby read the following motion into the record:

5. Voted on Roll Call—9 yeas—0 nays (Mr. Blais abstained from the vote) to approve the request of the Mayor to appropriate \$49,459.23 from Account 6100-359000 (Water Enterprise-Retained Earnings) to Account 6100-511000 (Water Enterprise-Salary & Wages)

--Approved by the Mayor on February 5, 2015

On behalf of Ms. Heagney, Mr. Kirby called for a Personnel & Human Services Committee meeting on Tuesday, February 10, 2015.

Old Business:

1. On motion of Mr. Churchill, voted unanimously to hold a **PUBLIC HEARING on Tuesday, February 17, 2015** to consider revoking the 2015 Class 2 Auto License of AOK Used Cars, LLC., d/b/a AOK Car Sales, 650 Washington Street, S. Attleboro, MA for 57 Display Spaces and 12 Customer Parking Spaces.
REFERRED TO THE LICENSE COMMITTEE

--Approved by the Mayor on February 5, 2015

New Business:

2. On motion of Mr. Thibodeau, voted unanimously that the following matter be referred to the appropriate committee for study and recommendation: That Stop Signs could be placed on unapproved roads where subdivisions are still being developed but not finished, by order of the Police Chief on a temporary basis until the roadways are completed at which time they would be subject to the current process of approval through the Public Hearing process, to be accepted after the streets have been inspected and approved as City Streets.

REFERRED TO THE TRANSPORTATION & TRAFFIC COMMITTEE

--Approved by the Mayor on February 5, 2015

VOTED: TO ADJOURN at 8:56 P.M.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)