

**In Municipal Council
Regular**

**MARCH 3, 2015
7:05 P.M.**

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

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.

A motion was made, duly seconded and unanimously voted to approve the minutes of January 20, 2015. All were in favor.

A motion was made, duly seconded and unanimously voted to approve the minutes of February 3, 2015.

A motion was made, duly seconded and unanimously voted to approve the minutes of February 17, 2015. All were in favor.

Continued from the Meeting of February 17, 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 March 17, 2015.

JOINT PUBLIC HEARING relative to a new section pertaining to Registered Marijuana Dispensary Uses and to amend certain sections of Chapter 17, Zoning of the Revised Ordinances of the City of Attleboro.

Mr. Cooper stated that the relevant departments (Police, Health and Fire) are not present as these departments have been involved in the joint public hearing process for the first hearing. He explained that the new joint public hearing that is being held this evening is to review the final ordinance and make a decision within the required 90 day time period.

Ms. Heagney entered the meeting at 7:11 p.m.

President Cook announced that Gretchen Robinson was present to speak on the issue, but that she forgot her notes at home and would return shortly. He discussed recessing the joint public hearing until Ms. Robinson returned.

Mr. Kirby made a motion to Suspend the Rules so that items on the agenda could be taken out of order. This motion was seconded.

Voted on Roll Call—10 yeas—0 nays (Mr. Conti absent from the vote) to Suspend the Rules. All were in favor.

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

March 3, 2015

Dear Municipal Councilors:

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

<u>Name</u>	<u>Appointment</u>	<u>Term</u>	<u>Expires</u>
Charles Caron	Attleboro Housing Authority	5 Years	February 2020
William Hogarth	Board of Assessors	3 Years	February 2018
Milton Knox	Board of Fire Commissioners	3 Years	February 2017
Bruce Hagerman	Conservation Commission	3 Years	February 2018
Donald Ouellette	Conservation Commission	3 Years	February 2018
Sue Bourdeau	Conservation Commission	3 Years	February 2018
Tony Viveiros	Constable	1 Year	February 2016
Walter Chicoine	Constable	1 Year	February 2016
Terrance McCrosson	Constable	1 Year	February 2016
Terence Gayton	Council on Aging	4 Years	February 2019
Joseph Feroce	Council on Aging	4 Years	February 2019
David Larson	Council on Aging	4 Years	February 2019
Merrill Falk	Council on Human Rights	3 Years	February 2018
James Azevedo	Cultural Council	3 Years	February 2018
Diane Keenan	Cultural Council	3 Years	February 2018
Kathryn O'Neil	Cultural Council	3 Years	February 2018
Ben Couto	Cultural Council	3 Years	February 2018
Henry Reiley III	Election Commission	4 Years	February 2019
Linda Binns	Library Trustees	3 Years	February 2018
Eileen Struminski	Library Trustees	3 Years	February 2018
Cheryl Nimiroski	Library Trustees	3 Years	February 2018
Richard Renoni	Municipal Building Commission	3 Years	February 2018
John Jacobi III	Municipal Building Commission	3 Years	February 2018
Jackie Romaniecki	Municipal Building Commission	3 Years	February 2018

Terri Desisto	Municipal Building Commission	3 Years	February 2018
Deborah Leach	Park Commission	5 Years	February 2020
Melinda Kwart	Planning Board	5 Years	February 2020
Julie Hall	Planning Board	5 Years	February 2020
Catherine Merkle	Personnel Board	3 Years	February 2018
James DiLisio	Board of Police Commissioners	3 Years	February 2018
Leo Johnson	Board of Recreation Commissioners	3 Years	February 2018
Lynne Mendes	Board of Recreation Commissioners	3 Years	February 2018
James DiLisio	Redevelopment Authority	5 Years	February 2020
Christopher Stoves	Solid Waste Advisory Committee	3 Years	February 2018
Gregory Ilkowitz	Traffic Study Commission	3 Years	February 2018
Brenda Haskell	Traffic Study Commission	3 Years	February 2018
Walter Rarus	Traffic Study Commission	1 Year	February 2016
Martha Conti	Trust Fund Commissioners	3 Years	February 2018
Phil Audette	Veterans Graves Officer	1 Year	February 2016
Nathaniel O'Connor	Youth Commission	1 Year	February 2016
Hadley Porreca	Youth Commission	1 Year	February 2016
Troy Nason	Youth Commission	1 Year	February 2016
Brian Ulbrich	Youth Commission	1 Year	February 2016
Julie O'Connor	Youth Commission	1 Year	February 2016
Daniel Hasenfus	Youth Commission	1 Year	February 2016
Nicholas Hasenfus	Youth Commission	1 Year	February 2016
Kent Richards	Zoning Board of Appeals (Assoc)	2 Years	February 2017

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

<u>Name</u>	<u>Appointment</u>	<u>Term</u>	<u>Expires</u>
Randal Vincent	Alternate Inspector of Wiring	1 Year	February 2016
Laban O'Brien	Assistant Inspector of Wiring	1 Year	February 2016
Robert Mangiaratti	City Solicitor	1 Year	February 2016
Carl Bradshaw	Director of Veterans Services	1 Year	February 2016
	Veterans Agent/Vet. Burial Agent		
Gary Ayrassian	Director of Planning & Development	2 Years	February 2017
Tara Martin	Environmental Planner	2 Years	February 2017
Scott Lachance	Forest Warden	1 Year	February 2016
Christopher Quinn	Health Officer	1 Year	February 2016
Brian Germain	Inspector of Gas Piping & Gas Appliances	3 Years	February 2018
Kyle Heagney	Lockup Keeper	1 Year	February 2016
Joan Higgins	Parking Clerk	1 Year	February 2016
Owen Bebeau	Personnel Director	3 Years	February 2018

1/3/15 – REFERRED TO COMMITTEE—PERSONNEL & HUMAN SERVICES

2. For Your Information: The following reappointments have been made to positions for which confirmation is not required and for the terms as indicated:

<u>Name</u>	<u>Appointment</u>	<u>Term</u>	<u>Expires</u>
James Jones	Cable Advisory Commission	1 Year	February 2016
Domenic Cotoia	Cable Advisory Commission	1 Year	February 2016
Richard McKearney	Cable Advisory Commission	1 Year	February 2016
Edward Stanton	Cable Advisory Commission	1 Year	February 2016
Jean Doyle	Cable Advisory Commission	1 Year	February 2016
Marian Wrightington	Historical Commission	3 Years	February 2018
Bryan Simmons	Historical Commission	3 Years	February 2018
Evelyn Silva	Historical Commission	3 Years	February 2018
Jeffery Keefer	Dog Officer	1 Year	February 2016
Carolyn Eaton	Dog Officer	1 Year	February 2016

2/3/3/15

3. I respectfully submit for confirmation by Your Honorable Body the appointment of Jay Hewitt, 11 Marbury Avenue, to fill an unexpired term on the Planning Board. Term to expire February 2017. (Copies in your packets)

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

4. I respectfully submit a communication from City Auditor Deborah Gould, regarding the amount due from the City to the School Department under a Memorandum of Understanding. Therefore, I respectfully request Your Honorable Body to appropriate \$68,371.37 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Account 13001000-551011 (School Appropriation - Medicaid) to fund the Municipal Sharing Agreement. (Copies in your packets)

4/3/3/15 – REFERRED TO COMMITTEE—BUDGET & APPROPRIATIONS

5. I respectfully submit a communication from Superintendent of Wastewater Paul Kennedy regarding the need for funds for overtime. Due to several significant snow events that have occurred since January, an excessive amount of overtime has been expended for snow removal. Therefore, I hereby request Your Honorable Body to transfer \$20,000.00 from Account 6000-578300 (Wastewater Enterprise Fund-Reserve Fund for Transfer) to Account 6000-513000 (Wastewater Enterprise Fund-Overtime.) (Copies in your packets)

5/3/3/15 – REFERRED TO COMMITTEE—PUBLIC WORKS

6. I respectfully submit a communication from Acting Superintendent of Water Paul Kennedy regarding the need for funds for overtime. Due to several significant snow events that have occurred since January, an excessive amount of overtime has been expended for snow removal. Therefore, I hereby request Your Honorable Body to transfer \$30,000.00

from Account 6100-524003 (Water Enterprise Fund-Maint Wells) to Account 6100-513000 (Water Enterprise Fund-Overtime.) (Copies in your packets)

6/3/15- REFERRED TO COMMITTEE—PUBLIC WORKS

7. As you are aware, on October 7, 2014, Your Honorable Body transferred funds for repairs to the retaining wall at the Mullaney Twins Parking Lot along County Street. All expenses for the repairs to the retaining wall have been satisfied and no longer require funding. Therefore, I hereby request Your Honorable Body to transfer \$3,097.00 from Account 11241000-584019 (City Wide-Retaining Wall) to Account 11241000-578300 (City Wide-Reserve Fund for Transfer). Upon approval, the available balance in Reserve Fund for Transfer will be \$53,010.73.

7/3/15 – REFERRED TO COMMITTEE—PUBLIC WORKS

8. I respectfully submit a communication from Veterans Agent Carl Bradshaw regarding the need of approximately \$25,000.00 in the Veterans Aid Account for the remainder of FY2015. Therefore, I hereby request Your Honorable Body to appropriate \$25,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash) to Account 15431000-577010 (Veterans-Benefits Veterans Aid). (Copies in your packets)

8/3/15 – REFERRED TO COMMITTEE—BUDGET & APPROPRIATIONS

9. I respectfully submit a communication from Veterans Agent Carl Bradshaw regarding the need for additional funds for the Memorial Day parade in order to secure extra participants to add to the overall patriotic celebration of the day. Therefore, I hereby request Your Honorable Body to transfer \$8,000.00 from Account 11241000-5783000 (City Wide-Reserve Fund for Transfer) to Account 15431000-577210 (Veterans-Parades and Memorials). Upon approval, the available balance in Reserve Fund for Transfer will be \$45,010.73. (Copies in your packets)

9/3/15 – REFERRED TO COMMITTEE—BUDGET & APPROPRIATIONS

10. I respectfully submit a communication from Superintendent of Wastewater Paul Kennedy regarding the need for funds for the Nitrogen Removal Pilot Plant Post Aerator design. In order to consistently meet the discharge limit for dissolved oxygen, it will require an additional upgrade to the existing post aeration tank. This request is for the design only, which consists of final design plans, contract documents, bid documents and record drawing. A future request will be made for the construction funds once the bids are obtained. Therefore, I hereby request Your Honorable Body appropriate \$48,000.00 from Account 6000-359000 (Wastewater Enterprise Fund – Retained Earnings) to Account 6000-53010 (Wastewater Enterprise Fund – Professional Services). (Copies in your packets)

10/3/15 – REFERRED TO COMMITTEE—CAPITAL IMPROVEMENT & CITY DEVELOPMENT

11. I respectfully submit a communication from Acting Superintendent of Public Works Ron Dubuc regarding the need for funds to cover heating costs for the remainder of Fiscal Year 2015. The increased expenses to the heating account are due to Public Works taking over the Forestry Department space at the highway yard garage, the new service to the emergency generator at Lamb Street and the below average temperatures and above average snow fall this winter. Therefore, I hereby request Your Honorable Body to transfer \$10,000.00 from Account 14201000-548010 (DPW Gasoline) to Account 14201000-521010 (DPW Heating). (Copies in your packets)

11/3/3/15 – REFERRED TO COMMITTEE—PUBLIC WORKS

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

- 35 Assorted computers that have been stripped of their electronics
- 18 assorted monitors that are not in working condition
- 3 hp laserjet printers not in working condition
- 1 hp laserjet 5si poor working condition
- 1 hp designjet not in working condition

12/3/3/15 – REFERRED TO COMMITTEE—CITY PROPERTY & CLAIMS

13. I respectfully submit a communication from Chief of Police Kyle P. Heagney regarding the need for funds to replace non functional heating panels. The Police station is primarily heated by radiant ceiling heating panels. Most of these panels have been in-service since the police station opened; however, nine heating panels have burned out and are no long working. Therefore, I hereby request Your Honorable Body to transfer \$4,904.28 from Account 11241000-578300 (City Wide-Reserve Fund for Transfer) to Account 12101000-524011 (Police-Maintenance of Buildings). Upon approval, the available balance in Reserve Fund for Transfer will be \$40,106.25. (Copies in your packets)

13/3/3/15 – REFERRED TO COMMITTEE—PUBLIC SAFETY & EMERGENCY MANAGEMENT

14. I respectfully submit a communication from Chief of Police Kyle P. Heagney regarding the need for funds to replace the QED server at the Police station. The QED computer system is the backbone of the daily police operations and is the central depository for all generated reports. The computer software vendor recently informed the department that the server needs to be replaced forthwith. Upon the most recent operating software upgrade, it was discovered the server space was at a critical level. The amount of data which is needed to be stored on the server has surpassed the maximum capacity and has caused major issues with operating the system. The Director of MIS has looked into this matter and confirmed that the QED service needs to be replaced. Therefore, I hereby request Your Honorable

Body to appropriate \$14,500.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash) to the following:

\$8,300.00 to Account 12101000-585140 (Police-Computer Equipment)

\$6,200.00 to Account 12101000-524211 (Police-Maintenance of Software)

(Copies in packets)

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.

14/3/3/15 – REFERRED TO COMMITTEE—PUBLIC SAFETY & EMERGENCY MANAGEMENT

Sincerely,

Kevin J. Dumas, Mayor

President Cook requested Council members to contact Councilor Heagney for any reappointments which need to be voted upon separately. Accordingly, President Cook asked Councilor Heagney to separate the three Constable reappointments as he cannot vote on these candidates due to a conflict of interest as previously confirmed by the City Solicitor's office.

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

Application for a New 2015/2016 Hackney Carriage Driver's License from Kimberly Gail Spivey, 833 Hillside Avenue, Attleboro, MA
REFERRED TO THE LICENSE COMMITTEE

JOINT PUBLIC HEARING relative to a new section pertaining to Registered Marijuana Dispensary Uses and to amend certain sections of Chapter 17, Zoning of the Revised Ordinances of the City of Attleboro.

Speaking in favor was Gretchen Robinson, 1 Wood Street, Attleboro, MA. She read the following statement into the record:

I wish to speak in favor of the proposal before the Attleboro City Council to allow applications for a dispensary in the City to meet the medical needs of those who could benefit from medical cannabis. Early in my work history, I was an RN in a cancer hospital for several years. I still have indelible memories of some patients and what they went through. Later serving as a hospital and hospice chaplain, I saw the medical staff work diligently to alleviate pain and ensure that patients died with their dignity intact. Between those two periods of work, the medical field made huge progress in both understanding and treating pain, of which there are many types. We've also seen services for palliative care. We've seen a huge growth in home care.

My motivation to go into ministry, my “call to serve” other has always included a strong need to help alleviate suffering. Suffering, to me, comes in two categories: First, the suffering that we all encounter in the course of life. The suffering that comes in the natural course of life, such as when as babies, we cried when were teething or as kinds when we scraped a knee or were stung by a bee. The second kind of is “unnecessary suffering” that could be alleviated, if only we had the means and the will to do so.

In the US, marijuana, or as I prefer, cannabis, has been, in effect, demonized for reasons I won't get into, but the net effect has been to make many people view cannabis use in a highly unfavorable terms.

Gradually, this is changing. Massachusetts is one state that voted two years ago to set up an infrastructure that would enable the setting up and regulation of marijuana. One public official reminded me that 66% of MA voters voted “yes” on the referendum in 2012, with 68% of local voters in favor of suitable patients getting access to medical cannabis with their doctor's okay.

Those percentages say a lot. John and Jane Q. public are not fools. They have weighed and considered this well. They have seen family members, friends, and co-workers suffer from pain and nausea that went poorly treated. They want the state to find a way for the medical field to treat those who are suffering unnecessarily. And so we come to this point here, now, as to how to legally implement the will of the voters.

I want to interject here that I understand our Chief of Police, Kyle Heagney is against a dispensary here in Attleboro. He is fulfilling his role as he sees it, I think, of urging caution. But it is our esteemed City Councilor who get to weigh what is the right thing to do.

In my work I learned that untreated pain and/or nausea is debilitating and demoralizing. People can die if they don't get good treatment for the unremitting nausea caused by chemotherapy, what's been described as “morning sickness on steroids.” Pain harms the immune system and destroys the quality of a person's life. This affects families and out in the community, too. No one wants to see someone suffer unnecessarily.

The medicinal purposes for medical cannabis are:

- 1. relief conditions such as glaucoma (which can cause a person to go blind).*
- 2. nausea associated with chemotherapy and appetite loss—and the loss of the will to live*
- 3. It is well-known to relieve chronic pain without the intense physical dependency that comes with opiates or other standard medications that depress the central nervous system.*
- 4. medical cannabis is useful in managing many gastrointestinal disorders, including Crohn's disease, irritable bowel disorder, and more.*
- 5. Neurological disorders, including spinal cord injury, so-called “phantom pain” from loss of a limb, and chronic debilitating diseases such as multiple sclerosis, Parkinson's Disease, and others.*
- 6. In cancer treatment it may prevent the spread of some cancers, new research is starting to show.*

I'm going to say a bit about Parkinson's Disease, since that's what I know. I lead a Parkinson's support group once a month for education and encouragement. Pain, muscle rigidity, and jerking motions can affect some patients. MC reduces pain and spasticity resulting from nerve damage

- 7. Also part of Parkinson's Disease is unexplained weight loss and can be very scary. MC increases appetite in patients experiencing severe weight loss, as it eases neurological symptoms.*
- 8. Another form of pain is inflammatory pain. Cannabis seems to be more effective than opiates in treating long-term, chronic pain. (Opiates are better for treating short-term acute pain.)*
- 9. It helps with autoimmune diseases (such as arthritis) by suppressing the immune system, decreasing pain and inflammation.*
- 10. Neuropathic pain, such as foot pain from diabetes.*

So those are some of its uses. I want to say that I have never taken or used any illegal drug. An I probably never would. I've respected the law and been a law-abiding person all of my life. And yet I've know people who had to sneak out and get marijuana so they could feel better. They don't want to break the law, but they will for themselves or a family member. Unfortunately, buying street drugs, you never know what you will get.

Allowing for dispensaries, will enable scientific research to be done on MC, so that strains of the plant that are grown that don't give a high but relax muscles in neck, arms, back, legs, feet. Or some that help the smooth muscles in our internal organs relax and function better.

It's important to say that there are other ways to "use" medical cannabis, other than smoking it. It can be assessed using a tincture, that is an infusion in alcohol, or an oil based form that one takes small teaspoons of, I understand. These forms will be further developed as medical cannabis becomes more available for those who need it.

So that's the background I wanted to offer. There's lots of pro-and-con sites online and specialized sites that advocate for or against medical cannabis. But I want to end by saying that one reason we need local dispensaries is, is to bring some evolving medical care to Attleboro. I know for a fact that patients with Parkinson's can get a prescription from their doctor for MC. These are not druggie types; they are not drug-seeking, they are college professors and reliable people, many of who never used MC. And I want that for local people who could try and possibly benefit from MC. Not to provide access to someone in pain, not to alleviate their very real suffering because of some hoary old ideas or a notion that people are going to get addicted, is just plain wrong, but wrongheaded.

If anyone wants to call me, I am leaving my phone number and email. Please feel free to call me.

*Gretchen Robinson
508-226-2910
Whistling.girl2910@gmail.com*

Mr. Conti entered the meeting at 7:30 P.M.

Mr. Weydt advised Ms. Robinson that the use is only allowed in an industrial zoning district. He voiced concern that it would be difficult for residents to access the facility as it is away from the general business district (bus routes, etc.). He asked Ms. Robinson if she thinks this use should be allowed in a business district.

Ms. Robinson suggested that medical marijuana should be treated as a medication and that she did not want to suggest what the Council should do. She stated that the proposal would evolve and that more research would be done as time goes by.

Ms. Heagney thanked Ms. Robinson for the background information. She asked for clarification on the special permit being allowed in the industrial zoning districts, as her copy has not been formatted properly.

President Cook stated that in Industrial and in the Industrial Business Park, the use would be allowed with a Special Permit from the Municipal Council.

Mr. Weydt asked Ms. Robinson if each applicant were to separately come before the Council and that the Council would have a site visit to discuss the location and make a collective decision, if that would be a better idea.

Ms. Robinson replied no and that the process as presented must happen first.

Mr. Cooper read the section of the proposed ordinance into the record:

Personal Caregiver: means a person, registered by the Department, who is at least twenty-one (21) years old, who has agreed to assist with a registered qualifying patient's medical use of marijuana, and is not the registered qualifying patient's certifying physician. An employee of a hospice provider, nursing, or medical facility or a visiting nurse, personal care attendant, or home health aide providing care to a qualifying patient may serve as a personal caregiver, including to patients under eighteen (18) years of age as a second caregiver.

He stated that the personal caregiver could pick up the medication for the patient. He also noted that the ordinance could be amended at a later date.

Ms. Robinson stated that she feared that as this evolves that the big pharmacies would take over as this would be a good moneymaker.

Ms. Porreca stated that it is important to note that this ordinance would be evolving and that more discussions would take place.

Mr. Weydt stated that he is aware that the Council could change the ordinance. He voiced concern for a business that locates in an industrial zoning district and then five years later, the

Council changes the ordinance to not allow the marijuana facilities in that district. - He stated that it would be difficult for the business owner.

President Cook stated that in such a situation that business owner would be grandfathered and therefore not impacted by the zoning change.

Speaking in favor was Kathy Holfield, 664 Pike Avenue. She read a statement in support of the proposed ordinance.

Mr. Conti asked Ms. Holfield if she is in favor of the ordinance in its entirety.

Ms. Holfield answered yes.

No one appeared to speak in opposition or neither for nor against.

President Cook asked Mr. Cooper if the public hearing should be continued.

Mr. Cooper replied no.

President Cook asked Planning Board Chairman Paul Danesi if he wished to continue or close the joint public hearing. Mr. Danesi stated that the Planning Board requests that the joint public hearing be closed.

This matter was referred to the Planning Board Ordinance Committee for study and recommendation. The Planning Board will submit a written recommendation to the Municipal Council within twenty-one days.

President Cook closed the joint public hearing.

Continued from the Meeting of February 17, 2015: PUBLIC HEARING relative to the City's Capital Improvement Program for FY2016–2020.

No one appeared to speak in favor, opposition or neither for nor against.

Mr. Conti advised the Council that the Capital Improvement Plan Discussion meeting that was scheduled for Monday, March 9th has been cancelled. A Capital Improvement Plan (City-Wide) meeting has been scheduled for March 16th at 5 P.M. and a Capital Improvement Plan Discussion meeting has been scheduled for March 23rd at 5 P.M.

President Cook continued the public hearing to March 17, 2015 and announced his intention to close the hearing on that night.

VOTED: TO GO INTO COMMITTEE OF THE WHOLE at 8:02 P.M. to hear anyone who wishes to speak on any matter pertaining to City business.

No one appeared before the Committee of the Whole.

VOTED: TO ARISE at 8:02 P.M.

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

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

On recommendation of the **Capital Improvement & City Development Committee** and on motion of Mr. Conti, the following vote was taken:

1. Voted on Roll Call—9 yeas—0 nays (Thibodeau abstained and Weydt absent from the vote) to approve the request of the Mayor to appropriate \$6,000.00 from Account 6100-359000 (Water Enterprise Fund-Retained Earnings) to Fund 3316 Water Storage Facility to conduct a peer review to evaluate the stormwater management system presented by The Horsely Whitten Group for the storage/vehicle maintenance building at West Street.
--Approved by the Mayor on March 5, 2015

Mr. Conti called for a Capital Improvement & City Development Committee meeting on Tuesday, March 10, 2015.

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

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

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

1. Voted on Roll Call—11 yeas—0 nays to approve the request of the Mayor to appropriate \$7,194.00 from Account 6100-359000 (Water Enterprise Fund-Retained Earnings) to Account 6100-553180 (Water Enterprise Fund-Supplies Water & Wastewater) in order to purchase 600 hydrant markers.
--Approved by the Mayor on March 5, 2015
2. Voted on Roll Call—11 yeas—0 nays to approve the request of the Mayor to appropriate \$1,016.16 from Fund 1000-359000 (Undesignated Fund General Government/Free Cash) to Account 12911000-513002 (Emergency Management – Police Blizzard OT) and \$12,156.25 from Fund 1000-359000 (Undesignated Fund General Government/Free Cash) to Account 12911000-513005 (Emergency Management- Fire Blizzard OT) relative to costs associated with winter storm Juno.
--Approved by the Mayor on March 5, 2015

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

Mr. Blais announced that the Emmett Larkin Foundation would hold its annual fundraiser on Saturday, March 14th at the Attleboro Elks on South Main Street, Attleboro, MA.

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

1. Voted on Roll Call—11 yeas—0 nays to adopt the following ordinance:

“ORDINANCE RELATIVE TO ISOLATED STOP SIGNS”

BE IT ORDAINED by the Municipal Council that Section 10-4.11 Isolated Stop Signs of the Revised Ordinances of the City of Attleboro be hereby amended by adding the following in proper alphabetical order:

Eastbound and westbound drivers on Dale Avenue at the intersection of Woodcrest and Edgecliff Avenue.

--Approved by the Mayor on March 5, 2015

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

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

1. 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 the City Charter, Section 2-9(b) regarding the emergency which presently exists relative to the request of the Mayor to appropriate \$14,500.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash) in order to replace the QED server to the following accounts:

\$8,300.00 to Account 12101000-585140 (Police-Computer Equipment)
\$6,200.00 to Account 12101000-524211 (Police-Maintenance of Software)

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—11 yeas—0 nays to approve, as an emergency measure, the request of the Mayor to appropriate \$14,500.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash) in order to replace the QED server to the following accounts:

\$8,300.00 to Account 12101000-585140 (Police-Computer Equipment)
\$6,200.00 to Account 12101000-524211 (Police-Maintenance of Software)

--Approved by the Mayor on March 5, 2015

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

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

Ms. Porreca announced that the Soup For Heat Event would be held on Saturday March 7th from 12 noon to 2 p.m. at the Reverend Larson Senior Center, 25 South Main Street, Attleboro, MA.

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

1. Voted unanimously to confirm the appointment of Ashley Candiales to fill an expired two year term on the Youth Commission. Term to expire February 2017.

--Approved by the Mayor on March 5, 2015

2. Voted on Roll Call—11 yeas—0 nays to amend 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.

(a) Amend to read as follows and to take effect on July 1, 2015:

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

And;

(b) 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 March 5, 2015

3. Voted on Roll Call—7 yeas—4 nays (Denlea, Cooper, Porreca and Cook voting nay) to strike the following item from the Docket of September 3, 2015:

Anti-Bullying

The City of Attleboro is committed to providing a safe, positive and productive environment where residents can achieve the highest standards. No one shall be subjected to harassment, intimidation, bullying, or cyber-bullying within the community.

“Bullying” is the repeated use by one or more persons of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at a target that:

- causes physical or emotional harm to the victim or damage to the target’s property;
- places the target in reasonable fear of harm to himself/herself, or of damage to his/her property;
- creates a hostile environment for the target;
- infringes on the rights of the target;

“Cyber-bullying” means bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

Cyber-bullying shall also include the creation of a web page or blog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying.

Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

Bullying and cyber-bullying may occur in and out of city property, at any time, at home and in locations outside of the home. Full cooperation of the parties involved is expected.

Definitions at the end of this policy are provided to give clarity in regard to terminology used throughout this policy.

For the purpose of this policy, whenever the term bullying is used it is to denote either bullying, or cyber-bullying.

Bullying shall be prohibited:

- on City owned or managed grounds;
- on property immediately adjacent to City owned or managed grounds;
- at a City-sponsored or City-related activity, function or program whether on or off City grounds;
- through the use of technology or an electronic device owned, leased or used by the City of Attleboro.

Reporting

Residents, who believe that they are a target of bullying, observe an act of bullying, or who have reasonable grounds to believe that these behaviors are taking place, should report incidents to a member of the Attleboro Council on Human Rights or the police department.

A means for anonymous reporting by residents and employees of incidents of bullying shall be established. No formal action shall be taken solely on the basis of an anonymous report.

Members of the community are encouraged to report an incident of bullying as soon as possible.

Investigation Procedures

The Police Chief or their designee, upon receipt of a report, shall promptly contact the individuals who have been the alleged target or alleged aggressor of bullying. The actions being taken to prevent further acts of bullying shall be discussed.

The Attleboro Council on Human Rights (ACHR) as an alternate designee shall promptly investigate the report of bullying, using A Complaint Form which may include interviewing the alleged target, alleged aggressor and/or witnesses.

The Attleboro Council on Human Rights shall assess an alleged victim's need for protection and recommend a safety plan that may be implemented.

Confidentiality shall be used to protect a person who reports bullying, provides information during an investigation of bullying, or is witness to or has reliable information about an act of bullying.

The receipt of the Bullying/Cyber-Bullying complaint will be acknowledged immediately. Individuals will be contacted and informed of the results.

The resolution of the complaint shall be in accordance with the law.

All complaints of Bullying and Cyber-Bullying shall be documented and a file shall be maintained by the City. The Attleboro Council on Human Rights shall document any incident of bullying that is reported per this policy and a file shall be maintained by the Police Chief or his/her designee. A monthly report shall be provided to the Mayor, Chairperson of the municipal Council Personnel and Human Services Committee and the Attleboro Council on Human Rights.

Retaliation Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited.

Counseling and Referral

The Attleboro Council on Human Rights and the Police Department shall provide referral to appropriate services, including guidance, intervention, and protection to persons, both targets and aggressors, affected by bullying, as necessary.

Training and Assessment

Annual Professional training shall be provided for City Employees and volunteers who have significant contact with persons in preventing, identifying, responding to, and reporting incidents of bullying.

Prevention and Intervention Plan

The Chief of Police and/or designees shall oversee the development, monitoring and updating of a prevention and intervention plan, in consultation with all parties involved, consistent with the requirements of this policy, as well as state and federal laws. The bullying prevention and intervention plan shall be updated at least biennially.

The Administration or assignees is responsible for the implementation and oversight of the bullying prevention and implementation plan.

Publication and Notice

Annual written notice of the bullying prevention and intervention plan shall be provided to the mayor and all members of City Council and The Attleboro Council on Human Rights.

Relevant sections of the bullying prevention and intervention plan relating to the duties of all city employees and agencies shall be included in the City policy.

The bullying prevention and intervention plan shall be posted on the Attleboro website

Definitions

“Hostile environment” - a situation in which bullying causes the environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of daily life.

“Aggressor” - a person who engages in bullying or retaliation.

“City grounds” - property on which a city building or facility is located or property that is owned, leased, managed or used by the City of Attleboro for a municipal-sponsored activity, function, program, instruction or training.

“Target” - a person against whom bullying or retaliation has been perpetrated.

“City staff” - not limited to a full time employee and paraprofessional.

“Retaliation” - any form of intimidation, reprisal, or harassment by a person directed against any person, staff or other individual for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, for cooperating in an investigation or for taking action consistent with this Anti-Bullying Policy.

Nothing in this policy shall be construed to abridge the rights of persons that are protected by the First Amendment to the Constitution of the United States or by Article XVI, as amended, of the Constitution of the Commonwealth.

Nothing in this policy shall supersede or replace existing rights or remedies under any other general or special law, nor shall this section create a private right of action.

LEGAL REFS:

Title VII, Section 703, Civil Rights Act of 1964 as amended Federal Regulation 74676 issued by EEO Commission Title IX of the Education Amendments of 1972 (New Business—Mr. Conti)

--Approved by the Mayor on March 5, 2015

Ms. Heagney called for a Personnel & Human Services Committee meeting on Tuesday, March 10, 2015

OLD BUSINESS: NONE

NEW BUSINESS:

1. Voted unanimously to refer the following matter to the appropriate committee for study and recommendation: That the Council continues to investigate the anti-bullying issue and plan for further discussions with Council on Human Rights. (New Business—Ms. Heagney)

REFERRED TO THE PERSONNEL & HUMAN SERVICES COMMITTEE

--Approved by the Mayor on March 5, 2015

VOTED: TO ADJOURN AT 8:44 P.M.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)