

**In Municipal Council
Special**

**May 12, 2015
7:09 P.M.**

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

President Cook thanked Mr. Blais for presiding over the May 5, 2015 Council meeting during his unexpected illness.

City Clerk Elizabeth Shockroo read the call to the Special Meeting.

*Date: MAY 7, 2015
To: Members of the Municipal Council
From: Frank Cook, Council President*

Councilors:

By authority of Article 2, Section 2-7 (c) of the Attleboro Home Rule Charter, I hereby call a special meeting of the Municipal Council as follows:

*Date: MAY 12, 2015
Time: 7 P.M.
Place: Council Chambers
Purpose: To take up the Weydt Reconsideration vote relative to the \$80,900.00 Finberg Field Site Remediation appropriation and any other legal matters that may come before the Council.
cc: Mayor Kevin J. Dumas*

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

May 12, 2015

Dear Municipal Councilors:

1. As you are aware, on April 21, 2015, Your Honorable Body approved the Mayor and appropriate department(s) to research and develop a plan to participate in a contract, or contracts, to aggregate the electricity load of the residents and businesses in the City of Attleboro, and for other related services, independently, or in joint action with other municipalities, and further authorizes the Mayor to execute all documents necessary to accomplish the same.

The Aggregation Plan was made available for public review and comments for a two week period and a Public meeting was held on May 7, 2015 in the Bray Auditorium at Attleboro High School. Therefore, I hereby request Your Honorable Body to authorize the Mayor to execute and submit a Municipal Aggregation Plan for Electric Service to the Massachusetts Department of Public Utilities for review and approval. The Plan contains a petition and attachments including the aggregation plan, public outreach and education plan and electric service agreement.

Please note that this does not require the City to enter into any formal agreement, but simply allows the City to move forward in this process. (Copies in your packets)

1/5/12/15 – REFERRED TO COMMITTEE—PUBLIC WORKS

Sincerely,

Kevin J. Dumas, Mayor

City Clerk Elizabeth Shockroo read the reconsideration letter filed by Jonathan Weydt into the record:

May 6, 2015

*Elizabeth Shockroo
City Clerk/Clerk of the Council
77 Park Street
Attleboro, MA 02703*

Dear Ms. Shockroo:

I, Jonathan Weydt, hereby file with the Clerk of the Council/City Clerk, in accordance with the Attleboro Home Rule Charter, Section 2-9(e), notice of motion to reconsider the vote of the Municipal Council taken at the regular meeting of the Council held on Tuesday, May 5, 2015 which reads as follows:

- 1. Voted on Roll Call—8 yeas—2 nays (Conti and Weydt voting nay and Cook absent) to approve, as an emergency measure, the request of the Mayor to appropriate \$80,900.00*

Fund 8455 Stabilization Fund to Account 15101000-530101 (Health-Professional Services) relative to the Finberg Field Site Remediation.

Very truly yours,

Jonathan Weydt
WARD 4

Committee Reports:

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

The Council discussed the reconsideration of the following vote from the meeting of May 5, 2015: Voted on Roll Call—8 yeas—2 nays (Conti and Weydt voting nay and Cook absent) to approve, as an emergency measure, the request of the Mayor to appropriate \$80,900.00 from Fund 8455 Stabilization Fund to Account 15101000-530101 (Health-Professional Services) relative to the Finberg Field Site Remediation.

President Cook recognized Mr. Weydt who filed for the reconsideration.

Mr. Weydt stated that he filed for reconsideration last week because he represents Ward 4 residents and his constituents had concerns with the removal of soils from Finberg Field. He stated that he found additional information that he wanted to share with Councilors. He stated that there was no time to study the matter (presented as an emergency measure last week) and that he has spent a great deal of time in researching this issue and would like to present this information to the Council.

Mr. Weydt made a motion to move the question. This motion was seconded by Mr. Conti.

President Cook stated that a motion was made to move the question and all discussion would stop.

President Cook explained the procedure for the votes that would be taken this evening as some councilors requested an explanation on what they were voting on. He then answered questions that councilors had.

Mr. Cooper noted that he was unclear as to why Mr. Weydt moved the question as he had not presented all of the information.

President Cook stated that Mr. Weydt made a statement as to why he filed for reconsideration and did have the opportunity to present all of the information but made the motion to move the question.

Ms. Heagney suggested that the Council should take a recess to explain the process.

President Cook noted that a recess could not be taken as there was a motion on the floor to move the question.

President Cook explained that the first motion (made by Mr. Kirby) was to introduce the motion for reconsideration. He stated that Mr. Weydt gave his explanation and then moved the question which was seconded and that all discussion stopped. He stated that the matter before the Council is to either sustain the motion of Mr. Weydt to stop discussion (2/3rds vote required); and if the motion failed, it would go back to the main motion and that the Council would continue the discussion on the main motion.

Mr. Cooper requested that President Cook make a preparatory explanation before the vote is taken.

President Cook made a preparatory explanation that a “yes” vote would mean to move the question and that this would end all the debate and that a “no” vote would allow the discussion to continue. A roll call vote was taken to move the question.

1. Voted on Roll Call—11 yeas—0 nays to vote the question. This motion passed and all debate stopped.
2. Voted on Roll Call—5 yeas—6 nays (Heagney, Thibodeau, Blais, Kirby, Denlea and Cook voting nay) to reconsider the following vote from the meeting of May 5, 2015: Voted on Roll Call—8 yeas—2 nays (Conti and Weydt voting nay and Cook absent) to approve, as an emergency measure, the request of the Mayor to appropriate \$80,900.00 from Fund 8455 Stabilization Fund to Account 15101000-530101 (Health-Professional Services) relative to the Finberg Field Site Remediation.

--THIS MOTION FAILED and was sent to the Mayor on a separate Certificate of Vote. .

Therefore, the vote taken at the meeting of May 5, 2015 will stand: Voted on Roll Call— 8 yeas— 2 nays (Conti and Weydt voting nay and Cook absent) to approve, as an emergency measure, the request of the Mayor to appropriate \$80,900.00 from Fund 8455 Stabilization Fund to Account 15101000-530101 (Health-Professional Services) relative to the Finberg Field Site Remediation.

3. Voted on Roll Call—11 yeas—0 nays, in accordance with Sections 9-37.1 and 9-43 of Chapter 9, Licenses and Permits, of the Revised Ordinances of the City of Attleboro, to approve the request of the Mayor to appropriate \$19,100 in Fund 2508 Animal Shelter towards the completion of the new Animal Shelter.

--Approved by the Mayor on May 14, 2015

VOTED: TO ADJOURN at 7:33 P.M.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)