

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 (entered late).

MEMBERS ABSENT: None

Acting President Blais led the Council and the audience in the Salute to the Flag.

Acting President Blais 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 May 5, 2015. All were in favor.

A motion was made, duly seconded and unanimously voted to approve the minutes of May 12, 2015.

Voted on Roll Call—10 yeas—0 nays (Weydt absent from the vote) to Suspend the Rules

President Cook presented Veteran's Agent Carl Bradshaw, who is retiring after 5 ½ years of service to the City of Attleboro, the following resolution.

**MUNICIPAL COUNCIL  
RESOLUTION OF APPRECIATION  
For  
CARL BRADSHAW  
VETERAN'S AGENT**

On behalf of the Attleboro Municipal Council and the residents of the City of Attleboro, please accept our heartfelt appreciation for your dedicated service to the City of Attleboro.

For five years you have faithfully served as the City of Attleboro's Veteran's Agent. Your years of service are noteworthy for the dignity, respect, and honor which so notably characterized the way you performed your multiple duties.

Once again, **THANK YOU** for your dedicated professionalism and strong commitment to the servicemen and women and the veterans in our City. The Attleboro Municipal Council congratulates you on your new position and further wishes you great happiness and health in all your future endeavors.

Signed and Sealed this 2<sup>nd</sup> Day  
of June in the Year 2015

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Frank B. Cook, President

Mayor Kevin J. Dumas presented Veteran's Agent Carl Bradshaw with a Proclamation.

Jonathan Weydt entered the meeting at 7:11 P.M.

**JOINT PUBLIC HEARING** relative to amending certain sections pertaining to the Flood Plain District of the Revised Ordinances of the City of Attleboro, specifically §17-12.1 GENERAL relative to map panel numbers and a date; §17-12.2 DEFINITIONS, Mean Seal Level and Floodway; and §17-12.6.3(A)(3)(A) SPECIAL PERMITS by deleting the reference to "120G" of the State Building Code 780 CMR.

Speaking in favor was Planning & Development Director Gary Ayrassian. He stated that it is important that the proposed changes be voted on by the Council at the June 16<sup>th</sup> meeting as FEMA requires a vote to take place before July 16<sup>th</sup> so that residents are not without the new flood insurance maps.

Mr. Ayrassian distributed information to Council members and read the following housekeeping changes into the record.

1. Amend §17-12.1 GENERAL by deleting existing map panel numbers 25005C0104F, 25005C0106F, 25005C0107F, 25005C0108F, 25005C0111F, 25005C0112F, 25005C0113F, 25005C0114F, 25005C0116F, 25005C0117F, 25005C0128F.
2. Amend §17-12.1 GENERAL by inserting new map panel numbers 25005C0104G, 25005C0106G, 25005C0107G, 25005C0108G, 25005C0111G, 25005C0112G, 25005C0113G, 25005C0114G, 25005C0116G and 25005C0128G.
3. Amend §17-12.1 GENERAL by deleting the two references to the date "July 7, 2009" and inserting in place thereof the date "July 16, 2015".
4. Amend the definition of "Floodway" in §17-12.2 DEFINITIONS by deleting "Flood Boundary and Floodway Maps" and inserting in place thereof "Flood Insurance Rate Maps".
5. Amend the definition of "Mean Sea Level" in §17-12.2 DEFINITIONS by deleting "National Geodetic Vertical Datum (NGVD) of 1929" and inserting in place thereof "North American Vertical Datum (NAVD) of 1988".
6. Amend §17-12.6.3(A)(3)(A) SPECIAL PERMITS by deleting the reference to "120.G" of the State Building Code 780 CMR.

7. Amend §17-12.11 AMENDMENT by deleting “Flood Boundary and Floodway Maps (FBFM)”.

Mr. Churchill asked Mr. Ayrassian if he would know which of the residential lots would be affected by the new maps.

Mr. Ayrassian responded that he does not know what individual lots would be affected.

Mr. Conti noted that there is an order from FEMA to make changes and produce new maps. He asked if the mean sea level has changed.

Mr. Ayrassian answered no. He stated that the National Geodetic Vertical Datum (NGVD) of 1929 is no longer used and is considered archaic and that all of the new technical data uses North American Vertical Datum (NAVD) of 1988 and that it is simply a new reference point to mathematically calculate the elevation.

Mr. Conti discussed the new Flood Plain maps and that this could be a very serious situation for residential home owners. He noted that in order for a resident to opt out of the flood insurance survey it is very expensive.

Mr. Ayrassian agreed. He stated that flood plains change over time and that there would be properties that are now located in a flood plain but may not be in a flood plain with the new maps, and other properties that were not located in a flood plain but now would be. He went on to say that the flood plain maps are extremely sophisticated and that very rarely are incorrect.

Mr. Conti asked Mr. Ayrassian if there are any additional changes as there are other classifications.

Mr. Ayrassian responded that he is not aware of any other changes but that he would check with the Conservation Agent.

Planning Board Chairperson Danesi noted that the new 117F map is not on the new list.

Mr. Ayrassian responded that he would check but he did not believe that this map existed.

Planning Board Member Hall asked Mr. Ayrassian how home owners would find out if they are/or are not located in a flood plain. She asked if it would be through the homeowner's insurance company.

Mr. Ayrassian responded that he did not know.

Ms. Hall noted that a correction needs to be made to #3 which lists a date of July 26<sup>th</sup> and that it should be July 16<sup>th</sup>.

Mr. Denlea invited Mr. Ayrassian to attend the Ordinance, Elections and Legislations Committee meeting on Tuesday, June 9<sup>th</sup> to display the new flood plain maps.

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

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

Mr. Denlea 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.

**PUBLIC HEARING** relative inserting a new section, Section 11-18, NICOTINE DELIVERY PRODUCTS of the Revised Ordinances of the City of Attleboro.

### ***NICOTINE DELIVERY PRODUCTS***

*Insert New Section 11-18 and renumber existing sections 11-18 through 11-20 to 11-19 through 11-21.*

#### *Section 11-18 Nicotine Delivery Products*

##### *11-18.1 Purpose*

*Whereas there exists conclusive evidence that: the United States Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin; the appeal created by Nicotine Delivery Products or e-cigarettes, which contain addictive nicotine, can lead minors into a nicotine addiction that may result in their daily use of tobacco; the United States Food and Drug Administration has conducted laboratory tests finding e-cigarettes contain toxic chemicals and carcinogens; and the City intends to protect minors against the use of liquid nicotine and nicotine delivery products (as defined below), such as but not limited to e-cigarettes.*

##### *11-18.2 Definitions*

- a. *E-cigarette*: *Any electronic device composed of a mouthpiece, heating element, battery, and/or electronic circuits, that provide(s) a vapor of liquid nicotine to the user, or relies on vaporization of any liquid or solid nicotine. This term shall include such devices whether they are manufactured as e-cigarettes (or electronic cigarettes), e-cigars, e-pipes, or under any other product name.*

- b. Electronic Smoking Device: Any product that can deliver nicotine to the user through inhalation of vapor.
- c. Liquid Nicotine: Any product, also known as a “nicotine solution,” composed either in whole or in part, of nicotine and manufactured for use with Nicotine Delivery Products, including but not limited to e-cigarettes.
- c. Nicotine Delivery Product: Any manufactured article or product made wholly or in part of a tobacco substitute or otherwise containing nicotine that is expected or intended for human consumption, but not including a product approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes, electronic smoking devices, personal vaporizers, or other electronic nicotine delivery systems, such as electronic inhalers, intended for consumption of nicotine.

### 11-18.3 Prohibition

- a. No person or business shall sell, offer for sale, distribute, or permit to be sold, any nicotine delivery product (including any e-cigarette or electronic smoking device), liquid nicotine, or any other substance containing nicotine to any person under eighteen (18) years of age in the City.
- b. Each person selling, offering for sale, distributing, or permitting to be sold any nicotine delivery product (including any e-cigarette or electronic smoking device), liquid nicotine, or any other substance containing nicotine to any person who appears under the age of twenty-seven (27) shall verify the age of the purchaser by means of a government-issued photographic identification containing the bearer’s date of birth that the purchaser is eighteen (18) years or older.
- c. All retail sales of nicotine delivery products (including any e-cigarette or electronic smoking device), liquid nicotine, or any other substance containing nicotine shall be face-to-face between the seller and the purchaser.

### 11-18.4 Penalties

Whoever violates any of the provisions of this ordinance shall be punished by a criminal fine under Massachusetts General Laws Chapter 40, Section 21, as amended, of one hundred (\$100.00) dollars for the first offense; two hundred (\$200.00) dollars for the second offense; and three hundred (\$300.00) dollars for the third offense and for each subsequent offense thereafter. The provisions of this section may be enforced in accordance with the provisions for the non-criminal disposition of violations under Massachusetts General Laws Chapter 40, Section 21D, as amended.

*\*This ordinance shall become effective upon its passage.*

Speaking in favor was Doctor Christopher Quinn. He read the following statement into the record:

*Research on tobacco products shows a vast majority of use begins before the age of 21. Further, it is known that the brain is especially susceptible to nicotine addition in the teen years. Quitting tobacco and nicotine addition is hard, so the push would to delay the start of this behavior. Experimentation with the current use of cigarettes has now sharply increased among the youth and adults in the United States. As of December 2014, forty states have prohibited the sale to minors of electronic nicotine delivery systems, including e-cigarettes, vapor and other battery-powered devices capable of delivering nicotine and addictives to the users. Sixteen million children under eighteen years can still legally purchase electronic nicotine delivery products in the remaining ten states and in the District of Columbia. This proposed ordinance is one step in the direction to delay the onset of potential nicotine addiction and hopefully prevent it altogether.*

Speaking in favor was Police Chief Kyle Heagney. He stated that he supports the proposed ordinance.

Mr. Churchill stated that this is easy for children to purchase this nicotine product.

Chief Heagney responded that this product is being marketed to children and that the proposed ordinance would make over the counter sales difficult. He stated that if this remains unregulated, it becomes very dangerous.

Ms. Heagney asked Chief Heagney if he is referring to the vapor cigarettes.

Chief Heagney answered yes and that the product comes in different colors and flavors. He stated that it would be illegal to possess or smoke these products.

Speaking in favor was Mayor Kevin J. Dumas. He stated that he recently attended a conference and this topic came up. He stated that the cigarette industry supports these regulations and that many municipalities are putting these regulations in place. He stated that he supports the proposed ordinance.

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

President Cook asked Council Denlea if the public hearing should be held open.

Mr. Denlea answered no.

President Cook closed the public hearing.

Heather Porreca left the meeting at 7:48 P.M.

**The following communications were received from the Mayor and read by the Assistant Clerk of the Council, Sharon Rivard:**

June 2, 2015

Dear Municipal Councilors:

1. As you may recall, at your meeting on May 19, 2015, a request to appropriate \$100,000.00 of the total \$200,000.00 that the Board of Assessors released from the Allowance for Abatement for FY2005 and FY2006 was made to support the FY21016 budget. This left \$100,000.00 that remained to be appropriated as of May 19, 2015. Further, you were advised that a request to appropriate this remaining \$100,000.00 would be forthcoming as well as an additional release of overlay to satisfy old abatement matters.

Since that time, and in accordance with M.G.L. c 59, Section 25, the Attleboro Board of Assessors did in fact release \$100,000.00 from the FY2004 Allowance for Abatement Account. Please find the enclosed vote of the Board of Assessors releasing \$100,000.00 of available surplus overlay to the City for any lawful purpose.

Thus, this now leaves a total balance to be appropriated in the amount of **\$200,000.00** to be used for any lawful purpose.

Therefore, I respectfully submit a communication from City Auditor Deborah Gould, City Collector Debora Marcoccio and Chief City Assessor Stanley Nacewicz regarding deficit and surplus amounts needed in overlay accounts from previous years in regards to abating personal property taxes that are uncollectable. You will find the required communication from the Board of Assessors certifying the available overlay surplus for any lawful purpose, and hereby request Your Honorable Body to appropriate **\$200,000.00** from Account 1000-359600 (Fund Balance Overlay Surplus) to Accounts as follows:

\$ 4.26 to Account 1000-123086 (Allowance for Abatement 1986)  
\$ 4.46 to Account 1000-123087 (Allowance for Abatement 1987)  
\$ 4.70 to Account 1000-123088 (Allowance for Abatement 1988)  
\$ 4.78 to Account 1000-123089 (Allowance for Abatement 1989)  
\$ 8.76 to Account 1000-123090 (Allowance for Abatement 1990)  
\$ 8.96 to Account 1000-123091 (Allowance for Abatement 1991)  
\$18,520.42 to Account 1000-123093 (Allowance for Abatement 1993)  
\$ 6.30 to Account 1000-123094 (Allowance for Abatement 1994)  
\$28,859.00 to Account 1000-123095 (Allowance for Abatement 1995)  
\$28,805.28 to Account 1000-123096 (Allowance for Abatement 1996)  
\$ 3,268.50 to Account 1000-123002 (Allowance for Abatement 2002)  
\$30,000.00 to Account 1000-123008 (Allowance for Abatement 2008)  
\$51,118.57 to Account 1000-123009 (Allowance for Abatement 2009)  
\$25,000.00 to Account 11411000-530895 (Assessor – Legal Services)  
\$14,386.01 to Account 11241000-5783000 (City Wide – Reserve Fund for Transfer)

(Copies in your packets)

1/6/2/15 – REFERRED TO COMMITTEE—BUDGET & APPROPRIATIONS

2. As you may recall, in March 2014, the Commonwealth’s Gateway City Parks Program awarded the City a \$300,000.00 grant to develop a greenway/blueway pedestrian connector between Riverfront Drive Park and the Balfour Riverwalk from County Street, by way of the Ten Mile River, to Wall Street. I am pleased to inform you that the Commonwealth’s Gateway City Parks Program awarded the City an additional \$200,000.00 grant towards this project for the acquisition of Map 32, Lot 55B and Map 32, Lot 55C which is land under agreement between the Attleboro Redevelopment Authority and Orville P. Richardson. These funds will be used to match other funds along with the assistance of the Attleboro Redevelopment Authority to purchase this last parcel of land on the Intermodal Transportation Center (ITC) site. The City will utilize its current Massworks Grant to demolish the two existing buildings in addition to the DPW Highway Division Buildings later this year and will further extend plans for the new Riverfront Park out from its current end point to Olive Street. The subject property along with the property where Riverfront Park and Riverfront Drive will be situated, will be conveyed to the City of Attleboro once the project is complete.

This land transaction must be completed by June 30, 2015 in order to satisfy the grant as these remaining State dollars must be expended by this time period.

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 of such funds and any future grant amendments by the Attleboro Planning and Development Department. (Copies in your 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.

2/6/2/15 – REFERRED TO COMMITTEE—CAPITAL IMPROVEMENTS AND CITY DEVELOPMENT

3. I respectfully submit a communication from Legal Secretary Alison Wood regarding surplus items that the Water 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)

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>CONDITION</u>
200	Water Meters	Used

3/6/2/15 – REFERRED TO COMMITTEE—CITY PROPERTY & CLAIMS

4. I respectfully request Your Honorable Body to accept the generous donation of a veteran’s flag from the family of the late Russell E. Marchand to the City, in accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro. (Copies in our packets)

4/6/2/15 – REFERRED TO COMMITTEE—CITY PROPERTY & CLAIMS

5. I respectfully submit a communication from Acting Superintendent of Water and Superintendent of Wastewater Paul Kennedy regarding the appropriation of funds needed for capital improvement projects in both enterprise funds. These funds need to be captured before the end of FY2015 to allow for the design or construction of projects to begin before retained earnings are certified in the Fall, as retained earnings lapse at June 30th. Please be aware that the following appropriations are approximate costs and any needed adjustments per final bids will be made in the future.

Therefore, I respectfully request Your Honorable Body appropriate \$325,000.00 from Account 6000-359000 (Wastewater Enterprise Fund – Retained Earnings) to the following:

\$125,000.00 to Fund #3216 – Construction of Brownell Street Sewer

\$200,000.00 to Fund #3217 – Construction of the Wastewater plant’s Diffused Air System

In addition, to appropriate \$153,000.00 from Account 6100-359000 (Water Enterprise Fund - Retained Earnings) to Fund #3318 – Design to rehabilitate the Oak Hill Water Storage Tank

(Copies in your packet)

5/6/2/15 – REFERRED TO COMMITTEE—CAPITAL IMPROVEMENT AND CITY DEVELOPMENT

Sincerely,

Kevin J. Dumas, Mayor

**The following communications were received and read by the Assistant Clerk of the Council, Sharon Rivard:**

Public Notice of Environmental Form and plans for Review of Viridian Meadows, Slater Street, Attleboro, MA from Commonwealth Engineers, 400 Smith Street, Providence, RI to the Executive Office of Energy & Environmental Affairs, 100 Cambridge Street, Boston, MA.  
FILED WITH THE OFFICE OF THE CITY CLERK

Communication from Attorney Edward Casey relative to Bishop Feehan High School and Harvard Street.

REFERRED TO THE TRAFFIC STUDY COMMISSION AND MEMBERS GIVEN COPIES

Notice of a Special Meeting to be held on Tuesday, June 23, 2015 at 7 P.M. To vote on the emergency measure for a new septic system at the Briggs Corner (Brander) Fire Station and any other legal matters that may come before the Council.

MEMBERS GIVEN COPIES

Application from Liquid Environmental Solutions for a New Aboveground storage license for two aboveground 10,000 gallon Methanol tanks and one aboveground 5,000 gallon Windshield Wipe Fluid tank at 527 Pleasant Street, Attleboro, MA  
REFERRED TO THE LICENSE COMMITTEE

A motion was made, duly seconded and unanimously voted to hold a **PUBLIC HEARING on Tuesday, July 21, 2015** relative to the application from Liquid Environmental Solutions for a New Aboveground storage license for two aboveground 10,000 gallon Methanol tanks and one aboveground 5,000 gallon Windshield Wipe Fluid tank at 527 Pleasant Street, Attleboro, MA  
--Approved by the Mayor on June 4, 2015

Communication from Mona Mopukhaiber from Best Buy Automotive, Inc, 931 Washington Street, Attleboro, MA stating that she will be closing her business on May 22, 2015  
REFERRED TO THE LICENSE COMMITTEE

Application for a 2015 New Hackney Carriage Driver's License from Donald Potter Blair, 1340 County Street, #49, Attleboro, MA  
REFERRED TO THE LICENSE COMMITTEE

Application for a 2015 Renewal Hackney Carriage Driver's License from Albert H. Bromley, 39 South Avenue, Attleboro, MA  
REFERRED TO THE LICENSE COMMITTEE

Application for a 2015 New Hawker's and Peddler's License from Jason St. Jean, 7 Washington Drive, Johnston, RI 02919  
REFERRED TO THE LICENSE COMMITTEE

**VOTED: TO GO INTO COMMITTEE OF THE WHOLE at 8:00 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 8:00 P.M.**

### **Committee Reports:**

On recommendation of the **Ordinance, Elections and Legislative Matters Committee** and on motion of Mr. Denlea, the following votes were taken:

1. Voted on Roll Call—7 yeas—3 nays (Heagney, Weydt and Conti voting nay and Porreca absent from the vote) to adopt Chapter 10, Section 58 of the Acts of 2015 relative to the act that authorizes cities and towns to amortize their FY2015 snow and ice removal account deficits over the next three fiscal years in equal installments or more rapidly.

--Approved by the Mayor on June 4, 2015

2. Voted on Roll Call—10 yeas—0 nays (Porreca absent from the vote), in accordance with Chapter 40A, Section 5 of the MGL to amend the following sections of the Revised Ordinances of the City of Attleboro:

1. Amend §17–3.4 Table of Use Regulations – Wholesale, Transportation, and Industrial by inserting new land uses #15 and #16.

PRINCIPAL USES – WHOLESALE, TRANSPORTATION, AND INDUSTRIAL

	GR	SR	CB	GB	PHB	I	IBP
15. Bituminous Concrete/ Asphalt Plant	N	N	N	N	N	S	N
16. Concrete Plant	N	N	N	N	N	S	N

2. Amend §17–3.5 Table of Accessory Use Regulations by inserting new accessory uses #28 and #29.

ACCESSORY USES IBP	GR	SR	CB	GB	PHB	I
28. Bituminous Concrete/ N Asphalt Plant	N	N	N	N	N	S
29. Concrete Plant N	N	N	N	N	N	S

3. Amend §17–11.2 Definitions by inserting the following definitions alphabetically:

Asphalt plant: a use of land, building or structure, or parts thereof, whether portable or non-portable, which produces and/or recycles asphalt or similar coated road stone and has equipment designed to heat and dry aggregate and to mix mineral aggregate with asphalt cement, bitumen, liquid asphalt, and/or tar. Asphalt plant includes, but is not limited to, the systems for screening, handling, storing and weighing hot aggregate, systems for loading, transferring and storing mineral filler, systems for mixing asphalt concrete, stockpiling and storage of bulk materials used in the process or finished product(s) manufactured on the premises, the storage and maintenance of equipment, and facilities for the administration or management of the business.

Concrete plant: a use of land, building or structure, or parts thereof, whether ready mix or central mix, which combines various ingredients such as, but not limited to, sand, water, aggregate (rocks, gravel), fly ash, potash, and/or

cement, to form concrete. A concrete plant shall include those parts and accessories, including mixers, cement batchers, aggregate batchers, conveyors, radial stackers, aggregate bins, cement bins, heaters, chillers, cement silos, and batch plant controls.

--Approved by the Mayor on June 4, 2015

Mr. Denlea called for an Ordinance, Elections and Legislative Matters Committee meeting on Tuesday, June 9, 2015.

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

1. Voted unanimously (Porreca absent from the vote) to approve the following applications for 2015 Renewal Hackney Carriage Driver's Licenses from:
  - Andrew James Maden, 216 Knight Avenue, Attleboro, MA
  - Mae Irene Fitton, 140 South Avenue, Attleboro, MA

--Approved by the Mayor on June 4, 2015

Mr. Churchill called for a License Committee meeting on Tuesday, June 9, 2015.

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

1. Voted on Roll Call—10 yeas—0 nays (Porreca absent from the vote) 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 allow the Planning and Development Department to expend approximately \$200,000.00 and any further grant amendments from the Commonwealth's Gateway City Parks Program grant for the acquisition of Map 32, Lot 55B and Map 32, Lot 55C which is land under agreement between the Attleboro Redevelopment Authority and Orville P. Richardson.

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 (Porreca absent from the vote) to approve, as an emergency measure, in accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, to approve the request of the Mayor to allow the Planning and Development Department to expend approximately \$200,000.00 and any further grant amendments from the Commonwealth's Gateway City Parks Program grant for the acquisition of Map 32, Lot 55B and Map 32, Lot 55C which is land under agreement between the Attleboro Redevelopment Authority and Orville P. Richardson.

--Approved by the Mayor on June 4, 2015

Mr. Conti called for a Capital Improvements & City Development Committee meeting on Tuesday, June 9, 2015.

Mr. Weydt called for a Zoning & Land Use Committee meeting on Tuesday, June 9, 2015.

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

1. Voted on Roll Call—10 yeas—0 nays (Porreca absent from the vote) to approve the request of the Mayor to transfer \$25,000.00 from 1000-359000(Undesignated Fund Balance/Free Cash-General Government) to Account 11451000-517240 (Treasurer-Medicare Tax) to cover the shortfall in the Med-Tax Account due to unexpected salary payment for snow, new hires, unexpected overtime, retro pay and contractual raises.

--Approved by the Mayor on June 4, 2015

2. Voted on Roll Call—10 yeas—0 nays (Porreca absent from the vote) to approve the request of the Mayor to appropriate \$30,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash) to Account 15431000-577010 (Veterans-Benefits Veterans Aid) due to a tremendous increase in requirements.

--Approved by the Mayor on June 4, 2015

Heather Porreca returned to the meeting.

3. Voted on Roll Call—11 yeas—0 nays, under the provisions of Chapter 44, Section 53 E-½ as amended, to approve for Fiscal Year 2016 the reauthorization with continuing balances of the following Departmental Revolving Funds in the amounts indicated and with conditions as specified:

Animal Shelter (expenditure limit \$6,000.00) [2615]

- To receive one-third of income generated by the adoption fee derived under City Ordinances 9-2 (as amended) for both dogs and felines, and to receive \$1.00 of every fee collected pursuant to Section 9-43 of the Revised Ordinances of the City of Attleboro.
- To be expended by the Animal Control Officer with the approval of the Mayor and the Superintendent of Parks & Forestry for the purposes of direct services for the care of animals, such as medical treatment, spay and neutering of animals, and food for animals. Building maintenance, facility care expenses and salary & wages are prohibited.

Capron Park Zoo (expenditure limit \$1,100,000.00) [2607]

- To receive all fees paid for admission to Capron Park Zoo, including the Gift Shop, Concession Operations, and Education Programs from individuals or organizations in support of the operation of Capron Park Zoo.
- To be expended by the Zoo Director with the approval of both the Mayor and Superintendent of Parks & Forestry for the operation of Capron Park Zoo.

City Property (expenditure limit \$50,000.00) [2612]

- To receive income generated by tax title or other city-owned property.
- To be expended by the City Treasurer as Custodian of City Property with the approval of the Mayor for the support of tax title or other city-owned property, including any costs associated with the custody and/or sale of such property.

Council on Aging (expenditure limit \$20,000.00) [2606]

- To receive all income generated by senior programs.
- To be expended by the Director of the Council on Aging with the approval of the Mayor for printing and postage for the senior newsletter and for any other expenses for Council on Aging activities.

Fire Ambulances (expenditure limit \$1,100,000.00) [2610]

- To receive 40% of the income generated by charges for municipal ambulance service.
- To be expended by the Fire Chief with the approval of the Mayor for the purchase or lease of municipal ambulances, for the equipping and maintenance of said municipal ambulances, for personnel expenses and/or stipends associated with operating and administering the City's emergency medical service, and for expenses related to third party billing.

Fire Alarm System (expenditure limit \$40,000.00) [2609]

- To receive 50% of all fees paid in association with the Municipal Fire Alarm System.
- To be expended by the Fire Chief with the approval of the Mayor to support fire alarm activities and for the purchase and maintenance of communication equipment for the Fire Department and fire alarm stipend.

Health Immunization (expenditure limit \$10,000.00) [2611]

- To receive 100% of fees generated by the administration of vaccines and testing.
- To be expended by the Health Agent with the approval of the Mayor and the Health Officer for the purposes of necessary immunization for residents of the City of Attleboro, or as determined to be necessary to prevent the spread of diseases.

Parking Administration (expenditure limit \$250,000.00) [2602]

- To receive 50% of the income from parking fees and fines for parking violations.
- To be expended by the Parking Clerk with the approval of both the Mayor and the Director of Budget & Administration to support parking enforcement and to maintain and improve city-owned public parking areas.

Police Vehicles (expenditure limit \$280,000.00) [2601]

- To receive 50% of the income generated by the traffic fines collected for the City of Attleboro by the Attleboro District Court and the Massachusetts Registry of Motor Vehicles, to receive proceeds from disposal of surplus police vehicles and vehicle-related equipment, and to receive 100% of the fees charged for the use of a police vehicles on traffic details.

- To be expended by the Chief of Police with approval of the Mayor to support traffic enforcement and for the purchase and maintenance of Police Department vehicles and vehicle-related equipment.

Police False Alarm (expenditure limit \$50,000.00) [2616]

- To receive 100% of the income generated by false alarm fees and fines collected for the City of Attleboro by the Attleboro Police Department.
- To be expended by the Chief of Police with the approval of the Mayor to provide any needed training and equipment; and provide for any personnel expenses including overtime associated with the operating and administering the false alarm ordinance.

Police K-9 (expenditure limit \$10,000.00) [2617]

- To receive 25% of the income generated by marijuana fines collected by the City of Attleboro.
- To be expended by the Chief of Police with the approval of the Mayor to support the police department K9 Unit for the purchase and maintenance of related K9 equipment, training, and any other related cost associated with K9 unit activities.

Recreation (expenditure limit \$175,000.00) [2614]

- To receive income generated by Recreation Department activities and rental of Recreation Department facilities to support such activities or facilities.
- To be expended by the Director of Recreation with the approval of the Mayor for the operation of Recreation Department activities, including wages for program staff for such activities.

Special Disposal (expenditure limit \$700,000.00) [2604]

- To receive \$25.03 per unit of the solid waste disposal fee as well as any other fees paid for solid waste disposal and recycling programs and to receive the income generated from the sale of rubbish bags.
- To be expended by the Health Agent with the approval of both the Mayor and the Health Officer for the operation of solid waste, recycling and household hazardous waste disposal programs, and by the Superintendent of Parks & Forestry with the approval of the Mayor for the operation of the City Compost Site.

Protective Inspection Services (expenditure limit \$65,000.00) [2603]

- To receive 65% of the fees paid for plumbing, gas and electrical inspection permits when needed to be performed by an outside contractor.
- To be expended by the Inspector of Buildings with the approval of the Mayor for the cost of professional services as established by ordinance for appointed plumbing and gas inspectors and all alternate inspectors.

--Approved by the Mayor on June 4, 2015

4. Voted on Roll Call—11 yeas—0 nays to approve the request of the Mayor to appropriate \$193,639.01 from Account 6000-359000 (Wastewater Retained Earnings) to fund the Wastewater Betterment's Share of debt in the FY2016 Budget.

--Approved by the Mayor on June 4, 2015

5. Voted on Roll Call—11 yeas—0 nays to approve the request of the Mayor to appropriate \$100,000.00 from Account 6000-359000 (Wastewater Retained Earnings to fund the FY2016 Wastewater Enterprise Fund.  
--Approved by the Mayor on June 4, 2015
6. Voted on Roll Call—11 yeas—0 nays to approve the request of the Mayor to appropriate \$5,669.00 from Fund 2500 (Receipts Reserved for Appropriation-Title V Reserve Fund) to the General Fund to provide program funding for FY2016.  
--Approved by the Mayor on June 4, 2015
7. Voted on Roll Call—11 yeas—0 nays to approve the request of the Mayor to appropriate \$70,000.00 from Account 6100-359000 (Water Retained Earnings) to fund the FY2016 Water Enterprise Budget.  
--Approved by the Mayor on June 4, 2015
8. Voted on Roll Call—11 yeas—0 nays to approve an appropriation in the amount of \$16,514.38 from Fund 8502 Water Reserve for Plant Fund to fund the FY2016 Water Enterprise Budget.  
--Approved by the Mayor on June 4, 2015
9. Voted on Roll Call—11 yeas—0 nays to approve the request of the Mayor to appropriate \$400,000.00 from Fund 8455 (Stabilization Fund) to the FY2016 General Government Budget.  
--Approved by the Mayor on June 4, 2015
10. Voted on Roll Call—9 yeas—2 nays (Conti, Weydt voting nay) to approve the request of the Mayor to appropriate \$75,000.00 of available free cash from Account 1000-359000 (Undesignated Fund Balance/Free Cash) to fund the FY2016 budget.  
--Approved by the Mayor on June 4, 2015

Mr. Kirby called for a Budget & Appropriations Committee meeting on Tuesday, June 9, 2015.

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

1. Voted unanimously to approve the Petition from Verizon New England, Inc. and Massachusetts Electric Company (NGRID) to relocate JO Pole No. T.6710/e.6710 on the Northeasterly side of Olive Street approximately 634 feet Southeasterly from the center line of Robert Street on Olive Street to allow for a proposed street (Riverfront Drive).  
--Approved by the Mayor on June 4, 2015
2. Voted on Roll Call—11 yeas—0 nays to approve the request of the Mayor to appropriate \$200,000.00 from Account 3533-599000 (Our Common Backyard Briggs Playground Fund – Other Financing Uses) to Account 8455-499000 (Stabilization Fund – Other Financing Sources) in order to reimburse the stabilization fund.

--Approved by the Mayor on June 4, 2015

3. Voted on Roll Call—11 yeas—0 nays to approve the request of the Mayor to approve the use of \$1,828.25 in Fund 3533 (Our Common Backyard Briggs Playground Fund) toward the acquisition of security cameras for the Briggs Playground.

--Approved by the Mayor on June 4, 2015

Mr. Blais called for a Public Works Committee meeting on Tuesday, June 9, 2015.

Mr. Cooper called for a Public Safety & Emergency Management Committee meeting on Tuesday, Jun 9, 2015.

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

1. Voted on Roll Call—11 yeas—0 nays to approve the request of the Mayor to transfer \$594.44 from Account 11241000-585065 (City Wide-Telephone Upgrade) to Account 11241000-578300 (City Wide- Reserve Fund for Transfer) as all expenses have been paid to upgrade the telephone system at City Hall.

--Approved by the Mayor on June 4, 2015

2. Voted on Roll Call—11 yeas—0 nays to approve the request of the Mayor to transfer \$2,600.00 to 16301000-524020 (Recreation – Lights & Power) to the following:
  - \$ 350.00 from Account 16301000-514020 (Recreation – Night Differential)
  - \$2,250.00 from Account 16301000-511000 (Recreation – Salary & Wages)

--Approved by the Mayor on June 4, 2015

3. Voted on Roll Call—11 yeas—0 nays, in accordance with Section 2-12, to approve the request of the Mayor to declare the following Park and Forestry Department items as surplus for trade-in or resale value and available for disposition:

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>MODEL</u>	<u>SERIAL</u>	<u>NO</u>
	<u>CONDITION</u>			
1	Gravely flail motor attachment			Poor
1	Gravely snow blower attachment			Poor
1	Gravely snow plow attachment			Poor
1	1988 Toro walk behind mower		402707	Poor
1	1989 Gravely 50” walk behind mower		49001	Poor
1	1960 Gravely walk behind plow	Model L	L202	Poor
1	Ford 3PTH flail mower			Poor

--Approved by the Mayor on June 4, 2015

Ms. Porreca called for a City Property & Claims Committee meeting on Tuesday, June 9, 2015.

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

1. Voted unanimously to hold a **PUBLIC HEARING on Tuesday, June 16, 2015** to amend Article XVI – Uniform and Clothing Allowances of the Personnel Rules and Regulations for Exempt Employees.

--Approved by the Mayor on June 4, 2015

2. Voted on Roll Call—7 yeas—4 nays (Conti, Weydt, Cooper and Porreca voting nay) to establish the position of Constituent Services Administrator on the Classification Plan at Grade 4 to efficiently carry out duties within the Mayor’s Office.

--Approved by the Mayor on June 4, 2015

Ms. Heagney called for a Personnel & Human Services Committee meeting on Tuesday, June 9, 2015.

**Old Business: None**

**New Business:**

1. On motion of Mr. Thibodeau, voted unanimously to refer the following matter to the appropriate committee for study and recommendation: That “No Parking” signs be installed on the east side of Berwick Road from Pole #7261 through Pole #7268. These signs are needed to prevent vehicles from parking on the shoulder of the roadway and depressing said shoulder to degrade the embankment of the river also adjacent to the roadway. This request is being made by the City’s Conservation Agent.

REFERRED TO THE TRANSPORTATION & TRAFFIC COMMITTEE

--Approved by the Mayor on June 4, 2015

2. On motion of Mr. Thibodeau to refer the above matter to the **Traffic Study Commission** for study and recommendation.

--Approved by the Mayor on June 4, 2015

**VOTED: TO ADJOURN at 9:05 P.M.**

**A TRUE COPY**

**ATTEST:** \_\_\_\_\_  
**Assistant City Clerk/Clerk of the Council**

**MINUTES APPROVED BY COUNCIL:** \_\_\_\_\_  
**(DATE)**