

**In Municipal Council
June 14, 2016
Special Meeting
7:04 P.M.**

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

MEMBERS ABSENT: None

President Cook reminded the audience that today was Flag Day and that the flag was at half mast in honor of the victims of the terrorism in Orlando.

Vice-President Jeremy Denlea read the following statement:

Thank you, President Cook.

Many of these words were taken from a speech given by Rep. Kennedy on the US House floor this very morning.

I am privileged to live in Massachusetts, a state that has been a leader in the LGBT rights movement and today I wear the same shirt I wore the day I got married to the man I love. Yet, when I got married on July 21, 2010 in Boston, my marriage was still considered illegal and non-existent by the vast majority of the country.

Today we all mourn the senseless violence and loss of life in Orlando. As we learn the names and stories of each victim, our focus now turns on how we respond, and how we prevent another act of terror, hate, another tragedy to which this country has become far too accustomed.

In the days and weeks ahead, these issues deserve and demand our attention, but as we wrestle with the means by which terror was expressed we cannot ignore the specific target itself: The LGBT community. We often use words like indiscriminate when we talk about gun violence, referring to the terrifying randomness these tragedies can reflect, the sense it could happen anywhere, anytime, to any of us. We cannot use the term indiscriminate here. While details are still coming to light, all signs point to a crime motivated by hate against a specific subset of our population.

This month is LGBT Pride month, 30 days to celebrate what it means to be an LGBT-American, to be true to yourself, to remember the blood, sweat and tears that activists and advocates have shed for generations, demanding the better of their country. Saturday afternoon throughout the streets of Boston was the Commonwealth's Annual Pride Parade. It's one of my favorite events of the year. The celebration, jubilation, camaraderie and energy that takes a city by storm. Last year I had the honor of marching

with my Congressman Joe Kennedy, III. I saw not only what our presence meant to the supporters surrounding us, but what those supporters mean to us. An incredible wave of love and acceptance that they had to fight a lifetime to see. This past Saturday was no different. Love and tolerance emanated from every sidewalk, every store front and every street.

Yet, less than 24 hours later, we woke up on Sunday to the devastating images of the Pulse Nightclub. Families and friends searching for loved ones, heroes carrying injured victims in their arms to a nearby hospital, strangers waiting in line for hours to donate blood- my mother was one of them. A community far too accustomed to violent and hate forced to confront the painful truth, for all our recent strides and successes, this country continues to give discrimination against the LGBT community a home. While this body stands firmly united in heartbreak and horror over what transpired on Sunday morning, we cannot ignore the example that our actions or inactions have helped set.

Our nation was founded on a sacred promise of equal treatment under the Law. Yet, even today we still fall short. When we allow some Americans to be fired from their job over who they love, we deny access to public accommodations in businesses, hospitals, and homeless shelters, when we set policies that treat an entire community as less worth of our protection.

When we do this, as a Nation we cannot be surprised when that prejudice takes root across the country and rears its ugly head. Bigotry begets violence. This is a lesson our country has learned time after time at tremendous human cost. Today, if we are serious about responding to hate, then we have to dismantle the policies within Government that give it power.

Let us bow our heads for a Moment of Silence.

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

There was a Moment of Silence for the 49 victims of the shooting in Orlando.

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

The following Special Meeting Notice was read by the City Clerk/Clerk of the Council,

Stephen K. Withers:

Date: May 31, 2016

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: TUESDAY, JUNE 14, 2016

Time: 7:00 P.M.

Place: Council Chambers

Purpose: Public Hearings relative to the Mayor's request that Section 7-8.1 (Solid Waste

Collection Fee) of the Revised Ordinances of the City of Attleboro be amended to establish a charge of \$202.68 per year from residential dwellings of one (1) through eight (8) units as well as a per bag cost of \$2.00, effective July 1, 2016 and relative to the Mayor's request that Section 16-11.2 (Water Rates) of the Revised Ordinances of the City of Attleboro be amended to establish a water rate of \$4.65 per 100 cubic feet, with a minimum charge for each three months of \$23.25 for the first 500 cubic feet, effective July 1, 2016; and any other matter/legal matter that may come before the Council.

cc: Mayor Kevin J. Dumas

Councilor Reynolds entered the Council Chambers at 7:07.

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

PUBLIC HEARING relative to the Mayor's request that Section 7-8.1 (Solid Waste Collection Fee) of the Revised Ordinances of the City of Attleboro be amended to establish a charge of \$202.68 per year from residential dwellings of one (1) through eight (8) units as well as a per bag cost of \$2.00, effective July 1, 2016.

Cheryl Perry, of 18 Constitution Avenue, Attleboro, MA, the City of Attleboro's Solid Waste Administrator at the Health Department, spoke in favor.

Ms. Perry stated that she is very proud of the Solid Waste program and the many services that are offered to the residents of Attleboro. She stated that the program is a "Cadillac Program" and there has not been an increase in the Solid Waste fee in four years and that the rate is still lower than what it was in 2006, which was \$2,004 that year.

Mr. Conti asked Ms. Perry about the first 35 gallons of trash a week, and if they are going to be collected without the need to buy a bag and without a bag fee.

Ms. Perry responded that the first barrel or regular bag collected is free and then any after that will be collected at a fee and a resident has to buy the City bag.

Mr. Conti also asked Ms. Perry if any dollars collected and run through the Revolving Account are used to lower the Solid Waste fee.

Ms. Perry responded yes, that there are a number of revenue-generating programs that are used to offset the fee, as well as many of the other collection programs.

Mr. Conti asked if we have any idea about the amount of money used in the Revolving Account that are used to offset the fee.

Ms. Perry responded that about \$240,000 in Revolving Account funds are used.

Dr. Quinn, the Health Officer for the City of Attleboro's Health Department, also spoke in favor.

Dr. Quinn stated that Ms. Perry does a great job running the City's Solid Waste Program. He also stated that Ms. Perry squeezes every dollar received to run her program and that he doesn't know of any town or city program of comparison.

No one spoke in opposition.

No one spoke neither for nor against.

After consultation with Ms. Heagney, President Cook declared this Public Hearing closed.

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

PUBLIC HEARING relative to the Mayor's request that Section 16-11.2 (Water Rates) of the Revised Ordinances of the City of Attleboro be amended to establish a water rate of \$4.65 per 100 cubic feet, with a minimum charge for each three months of \$23.25 for the first 500 cubic feet, effective July 1, 2016.

Paul Kennedy, the Acting Superintendent of the City of Attleboro's Water Department, spoke in favor.

Mr. Kennedy stated that over the past year and a half, the Water Department has finished several large projects and is currently in the process of starting several new projects over the next several years. He stated that running the Water Department is expensive, but that in the City of Attleboro the modest 4% increase, given the amount of projects that have been completed and that are being planned, isn't in his opinion, a lot to ask. Mr. Kennedy explained his comment further, stating that customers are charged per 100 cubic

feet, and for a cost of \$4.65 a customer gets 748 gallons of water. He stated that in comparison, buying the same amount of water at the market would be more expensive.

Mr. Kennedy asked the Council to improve the increase.

Mr. Conti stated that his brother pays less for water in Sharon than he does in the City of Attleboro and that he explained that the reason why is because the City of Attleboro had an expansive system that encompasses Foxboro and Wrentham.

Mr. Kennedy agreed with Mr. Conti, confirming the expansiveness of the City's water shed system and the cities and towns that provide us with water.

Mr. Conti also asked Mr. Kennedy about the 7 reports on the City's dams that he had previously asked him for and that he was quite shocked by the contents of those reports when he read them, stating that the reports were very critical of the City's system. He asked if one of the biggest challenges faced is that the guidelines and standards for maintaining such an expansive system keep changing.

Mr. Kennedy agreed.

Mr. Conti also asked Mr. Kennedy if it was true that there were 137 water meters that used 54 million gallons of waters during a one year period, including the schools.

Mr. Kennedy confirmed Mr. Conti's statement, further explaining that the aforementioned water usage represents only 1.47% of the City's total water use.

Through the Chair, Ms. Reynolds asked Mr. Conti for clarification about his question about why the School Department would not be allowed to get free water from the City unless all of the other Departments were allowed to get their water from free.

Mr. Conti explained that it was just his opinion in regards to fairness and equity, and not something that was prohibited by Law.

Ms. Hall stated that from a business perspective, that the charge for water is a part of the school's operating cost and that removing that cost could put the School Department in jeopardy in regards to funding that it receives from the State based on that operating cost.

Mr. Conti stated that Mr. Kennedy's list of accomplishments since taking over the City's Water Department has been impressive and that he has been impressed by the job that he has done.

No one spoke in opposition.

No one spoke neither for nor against.

After consultation with Ms. Heagney, President Cook declared this Public Hearing closed.

**The following Mayor's Communication was read by the City Clerk/Clerk of the Council,
Stephen K. Withers:**

June 14, 2016

Dear Municipal Councilors:

1. I respectfully submit a communication from City Solicitor Robert Mangiaratti regarding the request to withdraw the request to accept M.G.L. Chapter 32B, Section 8A as well as the corresponding budget reductions necessary to offset the reduction of revenue. Rather, the City has chosen at the advice of the Department of Revenue and with the support of the Insurance Advisory Committee to use surplus health insurance funds in FY2009 & FY2010 to subsidize rates for FY2017.

Therefore, I hereby request Your Honorable Body to perform the following:

Strike my request to accept M.G.L. Chapter 32B, Section 8A.

Cut from the budget line 13001000-587054 in the amount of \$390,000 for school boiler and hot water tank replacements, and budget line 13001000-551017 in the amount of \$112,000 for technology improvements. These cuts are necessary because the City will not receive the non-recurring revenue expected through the adoption of Section 8A in the amount of \$502,000.

(Copies in your packets)

1/6/14/16 – REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE

2. I respectfully submit a communication from Director of Veterans' Services Ken Badertscher regarding the donation of 200 manila 3-tab style folders valued at approximately \$45.00 from an anonymous donor. Also, the donation of a 30"x24" acrylic painting entitled "Stones", painted by artist Peter A. Campbell from anonymous donor. In accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body to accept these generous gifts to the City of Attleboro. (Copies in your packets)

2/6/14/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE

3. I respectfully submit a communication from Director of Recreation Dennis Walsh regarding the receipt of approximately \$10,950.00 through the Community Development Block Grant for FY2017. No match is required by the City of Attleboro. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, I hereby

request Your Honorable Body approve the expenditure of such funds by the Recreation Department and also approve any future grant amendments to fund Youth Advocate positions, provide supplies and assist towards field trips in Attleboro Youth Center. (Copies in your packets)

In order for this grant to become effective for July 1, 2016 for FY 2017, I hereby request Your Honorable Body to consider this prior to June 30, 2016.

3/6/14/16 – REFERRED TO THE CAPITAL IMPROVEMENTS & CITY DEVELOPMENT COMMITTEE

4. I respectfully submit a communication from Building Commissioner Douglas Semple regarding the need to transfer funds in order to have repairs done to one of the Inspector's cars that was involved in a minor accident. Although the City will receive money from the insurance company, this repair is needed immediately due to the fact that this department has three inspectors on the road and only two vehicles at this time. Therefore, I hereby request Your Honorable Body transfer \$1,152.61 from Account 12401000-511000 (Protective Inspection – Salary & Wages) to Account 12401000-524230 (Protective Inspection – Maintenance of Vehicles). (Copies in your packets)

In order to be able to process this request for the end of FY2016 deadline, I hereby request Your Honorable Body to consider this prior to June 30, 2016.

4/6/14/16 – REFERRED TO THE PUBLIC SAFETY & EMERGENCY MANAGEMENT COMMITTEE

Sincerely,

Kevin J. Dumas, Mayor

**The following Other Communication was read by the City Clerk/Clerk of the Council,
Stephen K. Withers:**

1. Rezoning Petition from the City of Attleboro's Planning Board to amend the following sections of the ZONING ORDINANCE: Section 17-2.1.3 ESTABLISHMENT OF INDUSTRIAL ZONING DISTRICTS and Section 17-3.4 TABLE OF USE REGULATIONS – COMMUNITY FACILITIES.
REFERRED TO THE ZONING & LAND USE COMMITTEE

A motion was made, duly seconded and unanimously voted to hold a Joint Public Hearing with the Planning Board on Tuesday, July 19, 2016 relative to the request of the Planning Board to amend Section 17-2/1/3 Establishment of Industrial Zoning Districts and Section 17-3.4 Table of Use Regulations - Community Facilities. All were in favor.

2. Email to the Municipal Council dated June 14, 2016, from Paul W. Jacques, Chair of the Attleboro IAC and Deb Maynard, Secretary of the City of Attleboro IAC regarding their long standing position that accepting MGL 32B Section 8A did not make for an allowable use of Health Insurance Trust Fund monies.
**REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE
AND COPY TO ALL MEMBERS**

President Cook explained to the audience that the email that Council received from the IAC was received late this afternoon and that there was a collaboration received between the City and the IAC that lead to the first item in the Mayor's Communication requesting that the related item be stricken from the budget as requested.

VOTED: TO ADJOURN at 7:34 P.M. for the purpose of the Council's Committee meetings to take place.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)

City Clerk/Clerk of the Council