

**In Municipal Council
SPECIAL**

**JUNE 23, 2015
7:16 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 called for a Moment of Silence following the Salute to the Flag in memory of Ralph Blackader Jr. who was a former police officer and extended his sympathy to the family of the late Mr. Blackader's sister, especially his sister, Mary Ann Trabucco.

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.

City Clerk Elizabeth Shockroo read the call to the special meeting.

Date: JUNE 2, 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: JUNE 23, 2015

Time: 7 P.M.

Place: Council Chambers

Purpose: 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.

cc: Mayor Kevin J. Dumas

President Cook explained that the special meeting was originally called for to vote for funding for a new septic system at the Briggs Corner (Brander) Fire Station but that that matter would not be taken up this evening. He went on to say that a special meeting is always held the last week in June to take care of year-end matters.

A motion was made, duly seconded and unanimously voted to approve the minutes of May 19, 2015. All were in favor.

A motion was made, duly seconded and unanimously voted to approve the minutes of June 9, 2015. All were in favor.

A motion was made, duly seconded and unanimously voted to approve the minutes of June 16, 2015. All were in favor.

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

June 23, 2015

Dear Municipal Councilors:

1. I respectfully submit a communication from City Auditor Deborah Gould requesting permission to pay prior year unpaid police details that are deemed uncollectable. During FY2015, the City updated the detail billing system to invoice police details through our Munis General Billing Software system with the first set of invoices billed in the new system in mid-May. As a result, either by active management within the Police Department or through new measures taken as part of the recent implementation of the new billing system, internal controls have improved. The amounts outstanding and due from customers at June 30th are reportable to the Commonwealth and are deducted from the City's annual certification of free cash. The reduction occurs because the general fund is ultimately responsible for the liability. Therefore, I hereby request Your Honorable Body to transfer \$5,780.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 12101000-514055 (Police – Prior Year Police Details). Please note that action on the matter prior to June 30th would benefit the balance sheet as the outstanding unpaid police details would not be a deduct on the calculation for free cash.

In accordance with Article 2, Section 2-9 (b) of the City Charter of the City of Attleboro, I respectfully request Your Honorable Body to consider this as an emergency measure.

1/6/23/15 – REFERRED TO COMMITTEE—PUBLIC SAFETY & EMERGENCY MANAGEMENT

2. As you are aware, the Municipal Building Commission (MBC) unanimously recommended the architectural firm of Robinson Green Beretta Corporation (RGB) to design the Water Department's equipment and maintenance building at Orr's Pond. Since that time, RGB completed the building's architectural design, the MBC approved that design, and the project

was put out to bid for construction. The construction bids were opened on May 13, 2015, and the lowest responsible bidder was Construction Dynamics, which submitted a bid of \$3,587,000.00. As you may further recall, the ABM Group was selected to serve as the Clerk of the Works on this project. Other direct costs associated with this new facility include upgrades to the stormwater management system at the project site and in the immediate watershed, telephone/communications upgrades, furniture and fixtures, as well as borrowing costs and a construction contingency. I look forward to an opportunity to fully discuss the details of this project with Your Honorable Body, at your convenience.

Based upon the qualified bid results, and the need to perform the other specified improvements in connection with this new facility, I respectfully request Your Honorable Body to approve the following loan order:

ORDERED: that Four Million, Three Hundred Fifty Thousand Dollars (\$4,350,000.00) is appropriated for the construction of a Water Department equipment and maintenance facility, including the payment of all costs incidental or related thereto and the costs of preparing, issuing and marketing any bonds or notes in connection therewith; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow Four Million, Three Hundred Fifty Thousand Dollars (\$4,350,000.00) under Section 7(3) of Chapter 44 of the Massachusetts General Laws or any other enabling authority; that One Hundred Thousand Dollars (\$100,000.00) of the amount appropriated shall be allocated to the costs of preparing, issuing and marketing any such borrowing, provided that any portion of such One Hundred Thousand Dollars (\$100,000.00) not needed for such costs of issue may be used for project expenses; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.

2/6/23/15 – REFERRED TO COMMITTEE—BUDGET & APPROPRIATIONS

A motion was made, duly seconded and unanimously voted to refer the above matter to the Planning Board for study and recommendation and to hold a **PUBLIC HEARING on Tuesday, July 21, 2015.**

--Approved by the Mayor on June 25, 2015

3. I respectfully submit for confirmation by Your Honorable Body the appointment of Ken Badertscher, 74 Sanborn Avenue, West Roxbury, MA 02132 to fill an unexpired term of Director of Veterans' Services. Term to expire February 2016. Mr. Badertscher was offered employment with the City of Attleboro on June 17, 2015, under a temporary 90 day appointment in accordance with Section 3.3 (b) of the Attleboro Home Rule Charter. Resume in your packets.

3/6/23/15 – REFERRED TO COMMITTEE—PERSONNEL & HUMAN SERVICES

4. I respectfully submit a communication from Director of Recreation Dennis Walsh regarding the receipt of approximately \$11,100.00 through the Community Development Block Grant for Federal Fiscal Year 2015 (FFY2015). 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)

4/6/23/15 – REFERRED TO COMMITTEE—CAPITAL IMPROVEMENTS & CITY DEVELOPMENT

5. For Your Information: the City has gone out to bid to repair the failing septic system at the Briggs Corner Fire Station. The City's Health Agent Alan Perry is in the process of checking the references on the lowest bidder, as the repairs need to be done by a qualified and reputable installer. This information is being explained now as to make you aware that a funding request will come before Your Honorable Body in the near future.

5/6/23/15

6. I respectfully submit a communication from City Auditor Deborah Gould requesting a change to the Revised Ordinance of the City of Attleboro Section 5-7 System of Auditing and Accounting. Changes to Massachusetts General Law Chapter 30B increased the required thresholds for procurement. As a result of the changes, the school committee revisited the procurement policies of the schools. Consequently a review of Ordinance 5-7.5 has taken place by the Auditing department and it is suggested that two (2) changes to the dollar amounts within Ordinance 5-7.5. Presently, school purchase orders, which are considered contracts, in amounts equal to or greater than \$5,000.00 are electronically signed by the City Auditor. In addition, there has been a great deal of interest by City Departments to increase the dollar amounts in Section 5-7.5 of \$200.00 to a greater amount. Therefore, I respectfully request that Your Honorable Body amend Section 5-7. of the Revised Ordinances of the City of Attleboro as follows:

Delete in its entirety and replace with the following:

5-7.5 The procurement of supplies and services by the City shall be accomplished, to the extent it is applicable, in accordance with the Uniform Procurement Act contained in Chapter 30B of the General laws and, to the extent it is not applicable, in accordance with other applicable statutes and ordinances. All contracts made for supplies and services which are in the amount of \$500.00 or more shall be in writing and signed by the Mayor, except as otherwise provided herein, and the City Auditor. Contracts made by the School Committee which are in an amount of less than \$10,000.00 need not be signed by the Mayor or the City Auditor. The signature of the City Auditor at the amount defined in this section shall indicate that sufficient funds are available in an appropriate account to pay the contract amount.

City Solicitor Robert Mangiaratti reviewed the changes and approved them to form.

Furthermore, I hereby request Your Honorable Body to hold a Public Hearing on July 21, 2015 on the above ordinance changes.

A motion was made, duly seconded and unanimously voted to hold a **PUBLIC HEARING on Tuesday, July 21, 2015** relative to the above matter.

--Approved by the Mayor on June 25, 2015

7. I respectfully submit a communication from City Auditor Deborah Gould and City Treasurer Ethel Sandbach requesting a change to the Revised Ordinance of the City of Attleboro Section 5-7 System of Auditing and Accounting. As part of the review of Section 5-7, a change to Section 5-7.12 is recommended.

In order to process invoices timely the City completes warrants on a weekly basis as such the statement “All the City bills are to be paid on a bi-weekly basis and not to conflict with the payroll schedule.” is contrary to practice and is not practical. As such, it is the joint recommendation of both the City Auditor and the City Treasurer that this sentence be stricken in its entirety.

In addition, the Office of the City Auditor working with the purchasing department and the City Treasurer issues deadlines for the submission of Schedules of Invoices Payable to provide sufficient time for the completion of warrants. As such it is recommended that the sentence “All bills of the preceding bi-weekly period will be in the Accounting Office the following Monday to be paid.” be stricken and replaced.

Finally, within 5-7.12 reference is made twice to the date of July 10th, it is respectfully requested that the date be amended to July 15th to be consistent with the allowable 15 day accrual period.

Delete in its entirety and replace with the following:

5-7.12: Upon receipt of any bill, invoice, account, or claim against the City (each hereinafter referred to as an “Invoice”), other than a final judgment, the department, board, or officer authorized to create the liability, or if not within the authority of any department, board or officer then the Mayor (hereinafter collectively referred to as “Department”) shall examine such Invoice to determine if it is properly due and payable. If the Department determines, that the Invoice is properly due and payable, then within two weeks of receiving the Invoice, the Department shall certify the Invoice and immediately transmit the certified Invoice to the Accounting Department. Except that each Department shall so examine and certify Invoices dated June of any calendar year so as to allow the processing of payment no later than the following July 15th and such payments shall be deemed to be as the June 30th preceding. Each Department shall similarly examine and certify the payrolls of their respective employees and transmit them to the Accounting Department on a regular basis so as to allow the payment of City employees in accordance with the pertinent collective bargaining agreement, the City Personnel Regulations or the employment contract of such employees. Provided, however, that payrolls shall be made up to the 30th day of June for that period between the last full payroll and the end of the fiscal year, which shall be paid on or before July 15th following,

and shall be deemed to be as of June 30th preceding. With each such certified Invoice or payroll, the Department shall submit to the Accounting Department a schedule giving the dates of the Invoices or payroll, the payee, the appropriation chargeable therewith and the amounts thereof.

City Solicitor Robert Mangiaratti reviewed the changes and approved them to form.

Furthermore, I hereby request Your Honorable Body to hold a Public Hearing on July 21, 2015 on the above ordinance changes.

7/6/23/15 – REFERRED TO COMMITTEE—ORDINANCES, ELECTIONS AND LEGISLATIVE MATTERS

A motion was made, duly seconded and unanimously voted to hold a **PUBLIC HEARING on Tuesday, July 21, 2015** relative to the above matter.

--Approved by the Mayor on June 25, 2015

8. I respectfully submit for confirmation by Your Honorable Body the reappointment of Connor Davis to fill an expired term on the Youth Commission for a term of two years. Term to expire February 2017. (Copies in your packets)

8/6/23/15 – REFERRED TO COMMITTEE—PERSONNEL & HUMAN SERVICES

9. I respectfully submit two communications from City Auditor Deborah Gould and City Treasurer Ethel Sandbach regarding a review of available funds in the General Ledger for funds classified in the Capital Project grouping. Therefore, I hereby request Your Honorable Body to take the following votes to reduce the City's Authorized and Unissued debt:

Fund #3531 – Fire and Police Vehicle/Equipment

Rescind \$19,087.00 of the original Fire and Police Vehicle and Equipment project loan authorization in Vote #2 on June 23, 2014 as the project is complete.

Fund #3528 – Animal Shelter

Rescind \$9,171.00 of the original Animal Shelter project loan authorization in Vote #1 on April 15, 2014 as the project is complete.

Fund #3314 –East and West Wells at Wading River

Rescind \$666,542.00 of the East and West Wells at Wading River project loan authorization in Vote #6 on December 16, 2014 as the balance of the authorized unissued debt is not required for the project

(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.

Sincerely,

Kevin J. Dumas, Mayor

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

Application for a 2015 Renewal to Keep a Stand in a Public Place from Carlos M. Silva, Sangria's, 59 Park Street, Attleboro MA
REFERRED TO THE LICENSE COMMITTEE

Application for a 2015 New Class 2 Auto License from Best Buy Automotive and Tires, Inc., 931 Washington Street, Attleboro, MA for 4 Customer Parking Spaces and 10 Display Spaces.
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 for a 2015 New Class 2 Auto License from Best Buy Automotive and Tires, Inc., 931 Washington Street, Attleboro, MA for 4 Customer Parking Spaces and 10 Display Spaces.

--Approved by the Mayor on June 25, 2015

Committee Reports from four committees:

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

1. Voted on Roll Call—11 yeas—0 nays to approve the request of the Mayor to allow the Council on Aging to expend approximately \$95,000.00 of the FY2016 SHINE Grant and any further grant amendments.

--Approved by the Mayor on June 25, 2015

2. Voted on Roll Call—11 yeas—0 nays, 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 Council on Aging to expend approximately \$72,000.00 of the FY2016 Formula Grant and any further grant amendments.

--Approved by the Mayor on June 25, 2015

3. Voted on Roll Call—11 yeas—0 nays, 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 Council on Aging to expend approximately \$13,375.00 of the Community Development Block Grant for Federal Fiscal Year 2015 (FFY2015) and any further grant amendments.

--Approved by the Mayor on June 25, 2015

On recommendation of the **Budget & Appropriations Committee** and on motion of Mr. Kirby, 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 request of the Mayor to vote to reduce the City's Authorized and Unissued debt as follows:

Fund #3531 – Fire and Police Vehicle/Equipment
Rescind \$19,087.00 of the original Fire and Police Vehicle and Equipment project loan authorization in Vote #2 on June 23, 2014 as the project is complete.

Fund #3528 – Animal Shelter
Rescind \$9,171.00 of the original Animal Shelter project loan authorization in Vote #1 on April 15, 2014 as the project is complete.

Fund #3314 –East and West Wells at Wading River
Rescind \$666,542.00 of the East and West Wells at Wading River project loan authorization in Vote #6 on December 16, 2014 as the balance of the authorized unissued debt is not required for the project

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 vote to reduce the City's Authorized and Unissued debt as follows:

Fund #3531 – Fire and Police Vehicle/Equipment
Rescind \$19,087.00 of the original Fire and Police Vehicle and Equipment project loan authorization in Vote #2 on June 23, 2014 as the project is complete.

Fund #3528 – Animal Shelter
Rescind \$9,171.00 of the original Animal Shelter project loan authorization in Vote #1 on April 15, 2014 as the project is complete.

Fund #3314 –East and West Wells at Wading River
Rescind \$666,542.00 of the East and West Wells at Wading River project loan authorization in Vote #6 on December 16, 2014 as the balance of the authorized unissued debt is not required for the project

--Approved by the Mayor on June 25, 2015

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

1. Voted unanimously to hold a **PUBLIC HEARING on Tuesday, July 21, 2015** relative to the installation of “No Parking” signs on the east side of Berwick Road from Pole #7261 through Pole #7268.

--Approved by the Mayor on June 25, 2015

2. Voted unanimously to hold a **PUBLIC HEARING on Tuesday, July 21, 2015** to amend Section 10-4.11 (Isolated Stop Signs) by inserting “accepted or unaccepted” before the word streets in the first sentence.

--Approved by the Mayor on June 25, 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 request of the Mayor to transfer \$5,780.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 12101000-514055 (Police – Prior Year Police Details) to pay prior year unpaid police details that are deemed uncollectable.

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, as an emergency measure, the request of the Mayor to transfer \$5,780.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 12101000-514055 (Police – Prior Year Police Details) to pay prior year unpaid police details that are deemed uncollectable.

--Approved by the Mayor on June 25, 2015

3. Voted on Roll Call—11 yeas—0 nays to approve the request of the Mayor to appropriate \$1,000.39 from Account 11241000-578300 (City Wide- Reserve Fund for Transfer) to Account 12101000-599100 (Police – Transfer to 911 Grants) relative to the grants from the Commonwealth of Massachusetts in support of the Police Department’s 911 training and operations.

--Approved by the Mayor on June 25, 2015

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

1. Voted on Roll Call—10 yeas—0 nays (Ms. Heagney left the Council Chambers and abstained from the vote) to amend Article XVI – Uniform and Clothing Allowances of the Personnel Rules and Regulations for Exempt Employees.

--Approved by the Mayor on June 25, 2015

President Cook reminded the Councilors about the schedule and procedure for the July 21 and 23 meetings.

VOTED: TO ADJOURN at 7:59 P.M.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)