

**In Municipal Council  
Regular Meeting**

**August 18, 2016  
7:02 P.M.**

MEMBERS PRESENT: President Frank B. Cook. Councilors: Peter Blais, Richard Conti, Mark Cooper, James DiLisio, Julie Hall, Shannon Heagney, Kate M. Jackson, and Heather Porreca.

MEMBERS ABSENT: Vice-President Jeremy Denlea and Sara Lynn Reynolds.

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

There was a Moment of Silence in honor of Stephen Jacques, a former Attleboro Firefighter, and Joseph Bono, a 91-year old WW2 Veteran and former music teacher/director in Attleboro from 1953-1985.

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

President Cook explained that there would be a presentation by The Big Read this evening and that the rules would be suspended. President Cook entertained a motion to suspend the rules.

Voted on Roll Call—8 yeas—0 nays (Vice President Denlea, Ms. Reynolds, and Ms. Heagney absent) to Suspend the Rules.

Appearing before the Council was Joan Pilkington-Smyth, Director of the Attleboro Public Library, who provided The Big Read presentation to the Municipal Council. Ms. Pilkington-Smyth explained that this year is a serious year in terms of the book that was selected, entitled “The Beautiful Things That Heaven Bears.” She briefly explained some things related to the continent of Africa (the book deals with an Ethiopian immigrant’s search for acceptance, peace, and identity) and the catalyst in the book, explaining that the 228 page book deals with only 6 months of the person’s life.

Also appearing before the Council from The Big Read, and assisting Ms. Pilkington-Smyth, was Rusty D’Arconte.

**The following MAYOR’s COMMUNICATION was read by the City Clerk/Clerk of the Council, Stephen K. Withers:**

August 18, 2016

Dear Municipal Councilors:

1. I respectfully submit a communication from Election Commission Chairman George Spatcher regarding the need for funding and staff allocation. The reduction of force that was planned for July 1, 2016 was extended to November 28, 2016 and causes the need for funding in the amount of \$8,879.42 for this time period. Therefore, I hereby request Your Honorable Body to approve a supplemental appropriation in the amount of \$8,879.42 to Account 11621000-511000 (Elections – Salary).

In addition, there still exists the need for additional staff coverage during the election season especially with the implementation of early voting as required by law. It was my administration's plan in conjunction with the Elections Office, to cover the additional staff needs with the Constituent Service Administrator. As Your Honorable Body did not discuss the reduction of staff in my office with me in order to fully understand the impact of that staff reduction, this further causes another issue that now impacts the Elections Office. Currently, other departments within City Hall have their own personnel demands and limitations that do not allow to provide such ongoing coverage. As such, the Board further recommends the reinstatement of the Constituent Service Administrator.

(Copies in your packets)

1/8/18/16 – **REFERRED TO THE ORDINANCES, ELECTIONS & LEGISLATIVE MATTERS COMMITTEE**

Sincerely,

Kevin J. Dumas, Mayor

**No communications were received from the City Clerk's Office.**

**VOTED: at 7:30 P.M. TO RECESS for the purpose of taking a photo with The Big Read representatives and for conducting Committee meetings.**

**Ms. Heagney entered the Council Chambers at 7:35 P.M.**

**The meeting was called back to order at 8:36 P.M.**

**Committee Reports:**

On recommendation of the **Ordinances, Elections & Legislative Matters Committee**, and on the motion of Mr. DiLisio, the following vote was taken:

1. Voted unanimously (Vice-President Denlea and Ms. Reynolds absent) to hold a **PUBLIC HEARING** on Tuesday: September 6, 2016 at 7:00 P.M. on the following matter:

Delete existing Section 9-47.2 under Section 9-47 Motor Vehicle Dealers of the Revised Ordinances of the City of Attleboro and insert new Section 9-47.2 as follows:

Section 9-47.2

Completed renewal applications for licenses issued under Massachusetts General Laws Chapter 140, Sections 57 to 59 (Class 1, Class 2, and Class 3) must be received by the Office of the City Clerk on or before the first Friday in November. In order to be processed, the renewal application must be submitted in its entirety, including a check or money order for the applicable license renewal fee. If a renewal application does not meet the conditions hereunder, the existing license shall expire on January 1st in accordance with Massachusetts General Laws, Chapter 14, Section 59. The license renewal fee for an application received after the first Friday in

November shall be tripled. Payments of such triple fee shall not relieve any person from fully complying with the requirements of the above mentioned Massachusetts General Laws and the Revised Ordinances of the City of Attleboro.

Mr. DiLisio also called for a Committee meeting at the next appropriate time.

On recommendation of the **Zoning & Land Use Committee**, and on the motion of Ms. Hall, the following votes were taken:

- 2. Voted on Roll Call (9 Yeas, 0 Nays. Vice-President Denlea and Ms. Reynolds absent) to approve the Mayor’s request to accept the donation of two parcels of real estate to the City for open space from John J. Cloud of A. Caponigro & Company. The two parcels are located off Springdale Road, more specifically, Assessor’s Plat #112, Lot #46, and Assessor’s Plat #199, Lot #6.
- 3. Voted on Roll Call (9 Yeas, 0 Nays. Vice-President Denlea and Ms. Reynolds absent) to adopt the following:

BE IT ORDAINED by the Municipal Council of the City of Attleboro as follows:

That §17-2.1.3 ESTABLISHMENT OF INDUSTRIAL ZONING DISTRICTS be amended by deleting the section in its entirety and inserting in place thereof the following:

The “I” zoning district is established to accommodate: (a) accommodate enterprises engaged in the manufacturing, processing, repairing, packaging, assembling, storing, merchandising of goods and commodities, and other similar uses that are deemed within the prescribed range of activities contained herein, and (b) compatible non-residential enterprises engaged in the medical/healthcare sector of the economy.

- 4. Voted on Roll Call (9 Yeas, 0 Nays. Vice-President Denlea and Ms. Reynolds absent) to adopt the following:

BE IT ORDAINED by the Municipal Council of the City of Attleboro as follows:

That §17-3.4 TABLE OF USE REGULATIONS-COMMUNITY FACILITIES be amended by deleting “N” associated with the following land uses under the Industrial zoning district and inserting in place thereof a “P”, as follows:

PRINCIPAL USES – COMMUNITY FACILITIES	<u>INDUSTRIAL</u>
	I
11b. Professional Medical/Dental Office Building.....	P
12a. Hospital, Nursing Home.....	P
12b. Health Care Facility.....	P
12c. Hospital Related Services.....	P
13. Veterinary Hospital.....	P

Ms. Hall also called for a Committee meeting at the next appropriate time.

Mr. Conti reported that the **Capital Improvements & City Development Committee** had no business, and he called for a Committee meeting at the next appropriate time.

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

5. Voted on Roll Call (2 Yeas, 7 Nays. Mr. DiLisio, Ms. Hall, Mr. Conti, Mrs. Porreca, Mr. Cooper, Ms. Jackson and President Cook voting Nay. Vice-President Denlea and Ms. Reynolds absent) to amend Section 10-4.11 of the Revised Ordinances of the City of Attleboro, "Isolated Stop Signs" (Amended 7/23/2015), by adding the following:

Northbound drivers on Cathedral Drive at Parsonage Way  
**-THIS ITEM FAILED**

Mrs. Porreca also called for a Committee meeting at the next appropriate time.

On recommendation of the **License Committee**, and on the motion of Mrs. Porreca, the following votes were taken:

6. Voted unanimously (Vice-President Denlea and Ms. Reynolds absent) to approve the request from Richard Fredette, from the Disabled American Veterans group, Chapter 91, 122 Park Street to hold a Forget-Me-Not Drive on Saturday, September 24<sup>th</sup> and Sunday, September 25, 2016.
7. Voted on Roll Call (9 Yeas, 0 Nays. Vice-President Denlea and Ms. Reynolds absent) to approve the renewal Application from Sangria's Restaurant, 59 Park Street, Attleboro, MA to waive Section 11-15.1 in order to serve alcoholic beverages or wine on city property from August to August, Monday – Sunday during the hours of 12 NOON to 1:00 A.M.

Mrs. Porreca also called for a Committee meeting at the next appropriate time.

On recommendation of the **Budget & Appropriations Committee**, and on the motion of Ms. Heagney, the following vote was taken:

8. Voted on Roll Call (7 Yeas, 2 Nays. Mrs. Porreca and Mr. Conti voting Nay, and Vice-President Denlea and Ms. Reynolds absent) to approve the Mayor's request for a supplemental appropriation in the amount of \$22,000.00 to Account 11241000-534020 (Citywide – Cell/Pager) to restore this account to \$27,000.00 to cover the annual expense for 66 cell phone/devices; which averages out to approximately \$33.09 per month/device.

Mr. Conti raised an objection, stating that his Charter Objection of this issue at the Council's last meeting meant that this item should have been the first order of business taken up during the meeting.

**VOTED: TO ARISE at 8:55 P.M. for a recess to research Mr. Conti's question.**

The meeting was called back to order at 9:00 P.M.

President Cook announced that no such requirement exists relative to Charter Objections. He added that when a Reconsideration has been filed that is the first order of business at the next Council meeting.

Prior to the vote, the Council voted on Roll Call (8 Yeas, 1 Nay. Mr. Conti voting Nay, and Vice-President Denlea and Ms. Reynolds absent) to Move the Question.

Ms. Heagney also called for a Committee meeting at the next appropriate time.

On behalf of Ms. Reynolds, Mr. Conti called for a **City Property & Claims Committee** meeting at the next appropriate time.

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

9. Voted unanimously (Vice-President Denlea and Ms. Reynolds absent) to approve the Mayor's request to confirm the appointment of Brad D. Goldstein, 53 Forest Street, to fill an unexpired term on the Cultural Council. Term to expire February 2018.
10. Voted unanimously (Vice-President Denlea and Ms. Reynolds absent) to approve the Mayor's request to confirm the appointment of Kirsten Mailhot, 23 Perrin Street, to fill an unexpired term on the Cultural Council. Term to expire February 2018.

Mr. Cooper also called for a Committee meeting at the next appropriate time.

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

11. Voted on Roll Call (9 Yeas, 0 Nays. Vice-President Denlea and Ms. Reynolds absent) to approve the Mayor's request to transfer \$2,000.00 from Account 6000-524240 (Wastewater Enterprise Fund – Equipment Maintenance) to Account 6000-578020 (Wastewater Enterprise Fund – Previous Years Bill) to be used by the Wastewater Department to pay a bill from FY2016.
12. Voted on Roll Call (8 Yeas, 1 Nay. Mrs. Porreca voting Nay and Vice-President Denlea and Ms. Reynolds absent) to approve the Mayor's request for a supplemental appropriation of \$47,865.00 to the following accounts to pay for permanent street repairs to 3 temporary patches due to water breaks throughout the City resulting in just under 10,000 square feet of roadway and the associated costs for Police Details:

\$40,345.00 to Account 14201000-553010 (Public Works – Street Maintenance Supplies)  
\$7,520.00 to Account 14201000-530101 (Public Works – Professional Services)

13. Voted on Roll Call (9 Yeas, 0 Nays. Vice-President Denlea and Ms. Reynolds absent), in accordance with Massachusetts General Law Chapter 44, Section 31D, to approve the Mayor's request to approve deficit spending in the following accounts for snow removal expenditures during FY2017:

14231000-513010 (Snow/Ice Control – Overtime Snow Removal)  
14231000-519120 (Snow/Ice Control – Allowance Meals)  
14231000-524240 (Snow/Ice Control – Maintenance of Equipment)  
14231000-529080 (Snow/Ice Control – Snow Plowing Services)  
14231000-533030 (Snow/Ice Control – Street Sweeping)  
14231000-548010 (Snow/Ice Control – Gasoline)  
14231000-548011 (Snow/Ice Control – Diesel Fuel)  
14231000-548040 (Snow/Ice Control – Supplies/Equipment)  
14231000-553030 (Snow/Ice Control – Supplies Salt)  
14231000-553040 (Snow/Ice Control – Supplies Sand)  
14231000-587066 (Snow/Ice Control – Capital Snow Equipment)

Ms. Jackson also called for a Committee meeting at the next appropriate time.

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

14. Voted on Roll Call (9 Yeas, 0 Nays. Vice-President Denlea and Ms. Reynolds absent), in accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, to approve the Mayor's request to accept and approve the expenditure of approximately \$11,500.00 in FFY15 Edward Byrne Memorial Justice Assistance Grant Funds from the New Bedford Police Department and the US Department of Justice, to be used by the Attleboro Police Department to pay for overtime incurred from a variety of prevention and enforcement efforts throughout the community. No match is required by the City of Attleboro and funds must be expended no later than September 30, 2018.
15. Voted on Roll Call (9 Yeas, 0 Nays. Vice-President Denlea and Ms. Reynolds absent) to approve the Mayor's request for a supplemental appropriation of \$25,000.00 to Account 12101000-524230 (Police – Maintenance of Vehicles) to cover the costs associated with vehicle repairs performed by an outside mechanic while the Police Department mechanic is out of work for an extended period of time.
16. Voted on Roll Call (9 Yeas, 0 Nays. Vice-President Denlea and Ms. Reynolds absent) to approve the Mayor's request to approve Fire Chief Scott Lachance's issuance of a refund for a previous fiscal year reimbursement. No monetary transfer is required.
17. Voted on Roll Call (9 Yeas, 0 Nays. Vice-President Denlea and Ms. Reynolds absent) to approve the Mayor's request to approve Fire Chief Scott Lachance's request to pay a prior year's bill for Paramedic Recertification Fees. No monetary transfer is required.

18. Voted on Roll Call (9 Yeas, 0 Nays. Vice-President Denlea and Ms. Reynolds absent) to approve the Mayor's request for a supplemental appropriation of \$21,730.00 to Account 12101000-524011 (Police – Maintenance of Buildings) for the Police Department to have the prisoner cell door glass and locks inspected and make any necessary repairs to maintain security and functionality.

Mr. Blais also called for a Committee meeting at the next appropriate time.

There was no **OLD BUSINESS**.

**NEW BUSINESS:**

On recommendation of Mr. Conti, the following vote was taken:

Voted on Voice Vote (7 Yeas, 2 Nays. Ms. Hall and Mr. Blais voting Nay and Vice-President Denlea and Ms. Reynolds absent) to refer the following matter to the appropriate Committee for further review and recommendation:

All Building Permits for construction and alterations in the Transit Oriented Development (TOD) include an impact fee of one hundredth of one percent (0.01%) of the building permit stated improvement value to be placed in a Fund for the maintenance and repair of TOD common ground capital improvements. Said Fee and Fund shall meet all Federal and State law requirements and shall benefit the residents of the TOD.

**REFERRED TO THE ZONING & LAND USE COMMITTEE**

Mr. Conti raised an objection to the Committee assignment given Ms. Hall's comments about the New Business and he asked that President Cook assign it to another Committee. Mr. Conti raised Section 2-8.3 of the Council Rules and Procedures, challenging the ruling of the Presiding Officer. There was no second for a vote pursuant to Section 2-8.3 and the decision of President Cook as the presiding officer was sustained.

**VOTED: TO ADJOURN at 9:40 P.M.**

**A TRUE COPY**

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

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

\_\_\_\_\_  
City Clerk/Clerk of the Council