

**In Municipal Council
Regular Meeting**

**September 20, 2016
7:00 P.M.**

MEMBERS PRESENT: Vice-President Denlea. Councilors: Peter Blais, Richard Conti, Mark Cooper, James DiLisio, Julie Hall, Kate M. Jackson, and Heather Porreca, and Sara Lynn Reynolds.

MEMBERS ABSENT: President Frank B. Cook and Shannon Heagney.

Vice-President Denlea, in his role as Acting President, led the Council and the audience in the Salute to the Flag. Vice-President Denlea also reminded Councilors and the audience to turn off all cell phone devices as it interferes with the cable broadcast.

There was a Moment of Silence in remembrance of Thomas Mello, Sr., father of TJ Mello who works at Park & Forestry. Mr. Mello, Sr. was also the uncle of Terry Mello, who also works at the Park & Forestry Department, and the cousin of John Parasso who works at the Water Department.

Voted unanimously to approve the Minutes from the Municipal Council meeting that was held on November 3, 2015.

Voted unanimously to approve the Minutes from the Municipal Council meeting that was held on November 4, 2015.

Voted unanimously to approve the Minutes from the Municipal Council meeting that was held on November 10, 2015.

Voted unanimously to approve the Minutes from the Municipal Council meeting that was held on November 17, 2015.

Voted unanimously to approve the Minutes from the Municipal Council meeting that was held on December 1, 2015.

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

September 20, 2016

Dear Municipal Councilors:

1. I respectfully submit a communication from Superintendent of Parks & Forestry Aurelio Almeida regarding the need to replace six pin oak trees in the Memorial Walkway in Capron Park. Therefore, I hereby request Your Honorable Body transfer \$2,700.00 from Account 11241000-578300 (Citywide – Reserve Fund for Transfer) to Account 16501000-543025 (Park & Forestry-Purchase of Trees). Upon approval the balance in the Reserve Fund for Transfer will be \$397,300.00 (Copies in your packets)

1/9/20/16 – **REFERRED TO THE PUBLIC WORKS COMMITTEE**

2. On June 7, 2016, Your Honorable Body approved the acquisition of a conservation restriction on a parcel of land located on Wilmarth Street. The Attleboro Land Trust is now offering to donate to the City a conservation restriction on two additional contiguous parcels of land located on Wilmarth Street. Therefore, I respectfully request Your Honorable Body, pursuant to MGL Ch. 184, §32 and MGL Ch. 40, §8C, approve the conservation restriction, more fully described in the document to the City of Attleboro and the Massachusetts Audubon Society, Inc, two parcels of land situated on the southerly side of Wilmarth Street in the City of Attleboro, Massachusetts, shown as lot 6 and lot 7 on that certain plan of land entitled “Land Owned by the Stephen K. Richardson Revocable Trust & the Thomas O. Richardson Trust in Attleboro, Massachusetts”, drawn by E. Otis Dyer, R.P.L.S., scale 1”=50’, dated December 3, 2015, and recorded at the Bristol North District Registry of Deeds in Plan Book 503, Page 17, and comprising approximately 60,323 square feet and 96,381 square feet, respectively. (Copies in your packets)

2/9/2016 – REFERRED TO THE ZONING & LAND USE COMMITTEE

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

3/9/2016 – REFERRED TO THE PUBLIC WORKS COMMITTEE

4. I respectfully submit a communication from Acting Water Superintendent Paul Kennedy regarding the need to transfer funds to pay a bill from FY2016. Therefore, I hereby request Your Honorable Body transfer \$221.00 from Account 6100-521020 (Water Enterprise Fund – Lights and Power) to Account 6100-578020 (Water Enterprise Fund – Previous Years Bill).

(Copies in your packets)

4/9/2016 – REFERRED TO THE PUBLIC WORKS COMMITTEE

Sincerely,
Kevin J. Dumas, Mayor

The following OTHER COMMUNICATION was read by the City Clerk/Clerk of the Council, Stephen K. Withers:

1. Letter from Dick Oliver, Commander of the South Attleboro Post, No. 312, 437 Newport Avenue, South Attleboro, MA, requesting a one day solicitation permit for the Annual Poppy Drive, which will be held on Saturday November 5th from 7:30 am to 3 pm at various facilities in South Attleboro, with a rain date of November 19th.
REFERRED TO THE LICENSE COMMITTEE

VOTED: at 7:07 P.M. TO GO INTO THE COMMITTEE OF THE WHOLE

No one spoke at the Committee of the Whole

VOTED: at 7:07 P.M. TO ARISE

Committee Reports:

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

6. Voted on Roll Call (9 Yeas, 0 Nays. President Cook and Ms. Heagney absent) to approve the Mayor's request to approve a supplemental appropriation in the amount of \$8,879.42 to Account 11621000-511000 (Elections – Salary) to cover the reduction of force in the Elections Office that was planned for July 1, 2016 that was extended to November 28, 2016.
7. Voted on Roll Call (9 Yeas, 0 Nays. President Cook and Ms. Heagney absent) to adopt the following Ordinance:

BE IT ORDAINED by the Municipal Council of the City of Attleboro that Section 9-47.2 under Section 9-47 Motor Vehicle Dealers of the Revised Ordinances of the City of Attleboro be amended by deleting that Section in its entirety and inserting 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.

This ordinance shall become effective immediately upon passage.

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

Ms. Hall reported that the **Zoning & Land Use Committee** had no business, and she 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:

8. Voted unanimously (President Cook and Ms. Heagney absent) to strike the following item from the Docket of August 16, 2016:

To add a crosswalk on Rome Boulevard at Green Drive.

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 vote was taken:

9. Voted unanimously (President Cook and Ms. Heagney absent) to approve the 2016 Renewal Keeping a Stand in a Public Place License Application, dated July 18, 2016, from Carlos M. Silva for Sangria's, 59 Park Street, Attleboro, MA 02703 for 3 (three) tables Monday to Sunday, 12 Noon until 1:00 A.M.

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

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

10. Voted on Roll Call (9 Yeas, 0 Nays. President Cook and Ms. Heagney absent), in accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, to accept the following items as a donation to the Office of the Municipal Council:
 - 2 Mainstays brand Wall Clocks with an estimated value of \$5.00 each in good working condition
 - 4 Energizer AA batteries with an estimated value of \$5.00

11. Voted on Roll Call (9 Yeas, 0 Nays. President Cook and Ms. Heagney absent) to approve the Mayor’s request to declare the following Attleboro Public School items as surplus and available for disposition:

Copiers:

CANON IR 4570	11678187	KFP04194
CANON IR 2870	11487076	SLG11419
CANON IR 2270	11395518	KGJ04891
CANON IR 6570	11678396	SLP12028
CANON IR 3530	11487007	KJG01742
CANON IR 5070	11489250	SXP13733
CANON IR 6050	11397046	NDK18422
CANON IR 3570	11490704	KFV09357
CANON IR 6000	11489231	NSN21203
CANON NP 2015	NONE	CGU01567
MDS ES 1500	MULTI COPY CONTROLLER	COINOP ATTACHMENT

Graphic Arts:

- Itek Graphix 613 Camera
- Graphic Arts light table
- Graphic Arts work bench
- AGFA RPS 2014 Camera
- Four - Master Time O Lite M-59
- Two – CGR LAB Universal Timer Mode 172
- One – Polychrome camera
- Four – OMEGA Enlarger B22
- One – HP 5100 Laserjet Printer
- Two – Dark Room Cylinders
- One - XANTE Laser Printer
- One – One Buckingham Graphics Dryedge 2014 Film Dryer
- One – NUARC 2024 Vacuum Frame
- One – AB DICK 30 Duplicator
- Four – T-Head for Ryobi Printing Press
- One – Baumfolder 714 Friction Fed Folder

Convection Ovens:

- Four: Market Forge #186C-2 Convection Ovens

Exercise Equipment:

- One Lifestyle Stationary Bicycle

One Cross Bow Curling Machine
 One Stationary Abdominal Apparatus
 One Treadmill
 One Weight Bar Resting Apparatus
 One curling bar
 Six straight bars with miss/match weights

Playground Equipment:

One Straight Monkey Bar
 Two Overlapping Monkey Bars
 One Climbing Apparatus with enclosed Slide

12. Voted on Roll Call (9 Yeas, 0 Nays. President Cook and Ms. Heagney absent), in accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, to approve the Mayor’s request to accept the donation of services for the lettering and graphics on the City of Attleboro Veteran’s Van from Greenwood Emergency Vehicles with an estimated value of \$3,000.00.
13. Voted on Roll Call (9 Yeas, 0 Nays. President Cook and Ms. Heagney absent) to approve the Mayor’s request to declare the following Police Department items as surplus for trade-in or resale value and available for disposition:

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>VIN #</u>	<u>MILES</u>	<u>CONDITION</u>
2007	Ford / C.V.	2FAFP71W17X104242	135,954	Poor
2008	Ford / C.V.	2FAFP71V98X123811	117,401	Poor
2007	Ford / Taurus	1FAFP53U07A181807	91,209	Poor
2006	Ford / Taurus	1FAFP53UX6A124058	91,927	Poor
2003	Utility Trailer	1B9BR10103H659058	N/A	Poor

14. Voted on Roll Call (9 Yeas, 0 Nays. President Cook and Ms. Heagney absent), in accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, to approve the Mayor’s request to accept the donation of (2) five drawer steel flat files with an approximate value of \$500.00 from Bob Rautenstrauch.
15. Voted on Roll Call (9 Yeas, 0 Nays. President Cook and Ms. Heagney absent), in accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, to approve the Mayor’s request to accept the donation of (5) desk chairs with an approximate value of \$500.00 and (3) desks with an approximate value of \$1,200.00 from Bristol County Savings Bank.

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

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

16. Voted unanimously (President Cook and Ms. Heagney absent) to approve the Mayor's request to confirm the appointment of Scott G. Jones, 65 Oak Hill Avenue, to fill an unexpired term on the Planning Board. Term to expire February 2017.

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:

17. Voted on Roll Call (9 Yeas, 0 Nays. President Cook and Ms. Heagney absent) to approve the Mayor's request to transfer \$35,000.00 from Account 6000-578300 (Wastewater Enterprise Fund – Reserve Fund for Transfer) to Account 6000-530101 (Wastewater Enterprise Fund – Professional Services) for soil removal and disposal at the old wastewater treatment plant.
18. Voted on Roll Call (9 Yeas, 0 Nays. President Cook and Ms. Heagney absent) to approve the Mayor's request to transfer \$214.00 from Account 6100-515050 (Water Enterprise Fund – Special Licenses) to Account 6100-578020 (Water Enterprise Fund – Bills from Previous Years) to pay for an employee's Grade 4 exam and Grade 4 license reimbursement from FY2016.
19. Voted on Roll Call (9 Yeas, 0 Nays. President Cook and Ms. Heagney absent) to approve the Mayor's request to transfer \$38,936.00 from Account 14201000-553010 (Public Works – Street Maintenance Supplies) to Account 14201000-524001 (Public Works – Maintenance of Streets) for contractual services for permanent street repairs.

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

Mr. Blais reported that the **Public Safety & Emergency Management Committee** had no business, and he called for a Committee meeting at the next appropriate time.

There was no **OLD BUSINESS**.

On recommendation of Ms. Reynolds, the following vote on a **NEW BUSINESS** item was taken:

20. Voted unanimously (President Cook and Ms. Heagney absent) to refer the following item to the appropriate Committee for further study and recommendation:

That this Municipal Council create a City policy stating that Water and Wastewater Departments (Water and Wastewater Enterprise Accounts) will not charge the City of Attleboro school system for services provided and/or That this Municipal Council make a temporary policy change to not charge the Attleboro School Department for Water and Wastewater Usage Costs in 2017; with the possibility of doing so again in 2018 if the Water and Wastewater Enterprise Accounts show retained earnings.

REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE

Ms. Reynolds explained that this came up for discussion in June of 2016, that she had some discussions with the City Auditor and Solicitor and that she never felt that she received a correct answer, so she requested the amount that was in the accounts Retained Earnings to make sure that there would be enough money in the account to do what her New Business item sets out to do. Ms. Reynolds went on to explain that the amount of money that is needed is there.

She went on to explain that she also went to the Massachusetts Department of Revenue on July 18, 2016 to see if what she was requesting is permissible. Ms. Reynolds explained that she received a written response from Daniel S. Bertrand from the DOR's Division of Local Services Legal Department, and that Jim Hand from The Sun Chronicle also received the response, that stated that Retained earnings require appropriation by the community's legislative body and can only be used for enterprise fund purposes. She continued that the response also explained that the decision to charge or not charge a school or municipal department for use is a matter of local policy, and that the Division of Local Services recommends that municipalities establish and follow clear policies regarding enterprise fund retained earnings, subsidies, and direct and indirect costs and does not consider the use of one-time revenues for recurring expenses to be a municipal finance best practice.

Ms. Reynolds went on to state that while a one-time use may not be a best practice it is legal. She explained that if it cannot be done forever, that the Municipal Council consider allowing this to happen for FY2017 and possibly FY2018. She stated that because there is a possibility that this can be done and that it should be a topic of discussion, and that her New Business as submitted provides two suggested way to do it. She went on to state that there are several things that the School Department can use the \$250,000.00 for.

Vice-President Denlea stated that this New Business item was also co-sponsored by Mr. Conti, Mrs. Porreca, Mr. Cooper and himself.

VOTED: at 7:29 P.M. TO ADJOURN

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)

City Clerk/Clerk of the Council