

**In Municipal Council  
Regular Meeting**

**October 18, 2016  
7:00 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 M. Jackson, Heather Porreca and Sara Lynn Reynolds.

MEMBERS ABSENT: None.

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.

1. Voted unanimously to approve the Minutes from the Special Municipal Council meeting that was held on June 21, 2016.
2. Voted unanimously to approve the Minutes from the Municipal Council meeting that was held on June 21, 2016.
3. Voted unanimously to approve the Minutes from the Special Municipal Council meeting that was held on June 23, 2016.
4. Voted unanimously to approve the Minutes from the Municipal Council meeting that was held on July 19, 2016.
5. Voted unanimously to approve the Minutes from the Municipal Council meeting that was held on July 21, 2016
6. Voted unanimously to approve the Minutes from the Municipal Council meeting that was held on October 04, 2016

It should be noted that Mr. Conti asked President Cook if the Minutes from the Municipal Council Meeting that was held on October 04, 2016 were those that contained his amended language. President Cook confirmed that his amendments had been added and that it was those Minutes that the Council was voting on.

President Cook informed the Municipal Council that there were no Public Hearings scheduled for tonight's meeting.

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

October 18, 2016

Dear Municipal Councilors:

1. I respectfully submit a communication from City Clerk Stephen Withers regarding the need for funds for Salaries. The reduction of force that was planned for July 1, 2016 was extended to September 30, 2016 and causes the need for funding in the amount of \$10,860.31 to Salaries and \$700.00 to Longevity for this time period. Additionally, an internal transfer in the amount of \$9,240.16 was made to make a payment for unused sick time and annual leave time for this retirement. Therefore, I hereby request Your Honorable Body transfer \$20,800.47 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to the following:

\$20,100.47 to Account 11611000-511000 (Clerk – Salary and Wage)

\$700.00 to Account 11611000-514030 (Clerk – Longevity)

Upon approval, the available balance in Reserve Fund for Transfer will be \$317,511.12. (Copies in your packets)

**1/10/18/16 – REFERRED TO THE PERSONNEL & HUMAN SERVICES COMMITTEE**

2. I respectfully submit a communication from City Auditor Deborah Gould regarding the need to close Fund 3530 EOEEA Grant with the funds remaining returning to the Stabilization Fund. Therefore, I hereby request Your Honorable Body transfer \$1,191.28 from 3530-599000 (EOEEA Land Grant – Other Financing Uses) to Account 8455G4-499000 (Attleboro Stabilization Fund – Other Financing Sources). (Copies in your packets)

**2/10/18/16 – REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE**

3. I respectfully submit a communication from Superintendent of Public Works Lance Hill regarding the need for funds to cover the cost for the National Grid invoices for the new DPW facility for the remainder of the FY2017. Therefore, I hereby request Your Honorable Body transfer \$16,000.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 14201000-521020 (Public Works – Lights & Power). Upon approval, the available balance in Reserve Fund for Transfer will be \$301,511.12. (Copies in your packets)

**3/10/18/16 – REFERRED TO THE PUBLIC WORKS COMMITTEE**

4. I respectfully submit a communication from Superintendent of Public Works Lance Hill regarding the need for funds for previous years and current year longevity payments. Recently it was discovered that the longevity of an employee with DPW was based on an incorrect creditable service date. Therefore, I hereby request Your Honorable Body transfer \$7,575.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to the following accounts:

\$6,625.00 to Account 14201000-514035 (Public Works – Prior Year Longevity)

\$ 950.00 to Account 14201000-514030 (Public Works – Longevity)  
Upon approval, the available balance in Reserve Fund for Transfer will be \$293,936.12. (Copies in your packets)

4/10/18/16 – **REFERRED TO THE PERSONNEL & HUMAN SERVICES COMMITTEE**

5. I respectfully submit for confirmation by Your Honorable Body the appointment of Laurie Drucker, 2 Constitution Avenue, to fill an unexpired term on the Cultural Council. Term to expire February 2017. (Copies in your packets)

5/10/18/16 – **REFERRED TO THE PERSONNEL & HUMAN SERVICES COMMITTEE**

6. I respectfully submit a communication from Legal Secretary Alison Wood regarding bullet resistant vests that the Police Department would like to declare surplus. Therefore, I hereby request Your Honorable Body to declare the following as surplus and available for disposition: (Copies in your packets)

<b>Model #</b>	<b>Serial #</b>	<b>Condition</b>
Armor Express	1110244571	Expired
Armor Express	1110244574	Expired
Armor Express	1110103713	Expired
Armor Express	1110103714	Expired
Armor Express	1110244573	Expired
Armor Express	1110103715	Expired
Armor Express	1010255140	Expired
Armor Express	1010202867	Expired
Armor Express	1010202866	Expired
Armor Express	1010255142	Expired
Armor Express	1010202862	Expired
Armor Express	1010202850	Expired
Armor Express	1010202844	Expired
Armor Express	1010202846	Expired
Armor Express	1010202860	Expired
Armor Express	1010202847	Expired
Armor Express	1010255143	Expired
Armor Express	1010202857	Expired
Armor Express	1010202861	Expired
Armor Express	1010202869	Expired
Armor Express	1010202852	Expired
Armor Express	1010255144	Expired
Armor Express	1010255123	Expired

Armor Express	1010255137	Expired
Armor Express	1010202868	Expired
Armor Express	1010255142	Expired
Armor Express	1010202855	Expired
Armor Express	1010202864	Expired
Armor Express	1010202865	Expired
Armor Express	1010202843	Expired
Armor Express	1010255141	Expired
Armor Express	1010202848	Expired
Armor Express	1010202856	Expired
Armor Express	1010255138	Expired
Armor Express	1010202849	Expired
Armor Express	1010202853	Expired
Armor Express	1010202854	Expired
Armor Express	1010202845	Expired
Armor Express	1010050262	Expired
Second Chance	110105586	Expired
Second Chance	110103715	Expired

**6/10/18/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE**

7. I respectfully submit a communication from Legal Secretary Alison Wood regarding surplus items that the Water Department would like to declare surplus. Therefore, I hereby request Your Honorable Body to declare the following as surplus for trade-in or resale value and available for disposition:  
(Copies in your packets)

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>VIN #</u>	<u>MILES</u>	<u>CONDITION</u>
2002	Ford Ranger	1FTYR10U82TA62944	115,000	Poor

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>SERIAL NO.</u>	<u>CONDITION</u>
2004	John Deere Lawn Tractor/L100	GXL100A134223	Poor

**7/10/18/16 – REFERRED TO THE CITY PROPERTY & CLAIMS COMMITTEE**

8. I respectfully request Your Honorable Body to hold a public hearing on November 15, 2016 for the purpose of setting the tax classification so that the necessary votes can be taken to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2017.

**8/10/18/16 – REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE**

A motion was made, and duly seconded, to hold a **PUBLIC HEARING** on November 15, 2016 for the purpose of setting the tax classification so that the necessary votes can be taken to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2017.

9. As you may recall from my May 31, 2016 Budget Message, the FY2017 School Department appropriation included my original commitment of \$1M above the minimum spending requirement, plus an additional \$800,000, representing 50% of the increase in the Proposition 2 ½ Tax Levy limit. The levy limit in any given year is computed by taking the total maximum allowable levy of the previous year increased by 2.5%, plus allowances for other factors such as new growth.

During the preparation of the annual budget, assessors across the Commonwealth provide budget officials with an estimate of the new growth increase in the community’s Proposition 2 ½ levy limit so that a preliminary limit can be calculated and a revenue estimate established. However, Boards of Assessors are required to report final new growth each year as a part of setting the tax rate. I have been informed that the Board of Assessors will be submitting to the Department of Revenue a final new growth number of approximately \$1,200,000.00, which is approximately \$500,000.00 greater than the estimate carried in the FY2017 Budget.

Therefore, and as promised in my Budget Message, I will be dedicating 50% of this additional Tax Levy limit to the School Department. Accordingly, I am hereby requesting that Your Honorable Body approve a supplemental appropriation in the amount of \$250,000.00 to Account A2325010-511200 (School Department – Teacher/Sub/Professional Salary). Furthermore, it is my intention to utilize the balance of any potential additional new growth not needed to absorb reductions in revenue estimates to retire as much of the remaining FY2015 Snow Deficit as possible.

9/10/18/16 – **REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE**

10. For Your Information: The City was notified by the Department of Revenue on October 18, 2016 of our General Fund Free Cash Approval and the Water & Wastewater Enterprise Fund Retained Earnings for FY2016 as follows:

General Fund	\$3,633,051.00
Water Enterprise Fund	\$1,486,118.00
Wastewater Enterprise Fund	\$1,065,841.00

10/10/18/16

Sincerely,  
Kevin J. Dumas, Mayor

**The following OTHER COMMUNICATIONS were read by the City Clerk/Clerk of the Council, Stephen K. Withers:**

1. Email from Laurie Brasil, of 131 Richardson Avenue, dated October 04, 2016, stating that she is against the funding for the Constituent Services Administrator being reinstated.  
**REFERRED TO THE BUDGET & APPROPRIATIONS COMMITTEE**
2. 2017 Renewal Class II License application from Automazed, Inc., 885 & 923 Washington Street, Attleboro, MA for 7 customer parking spaces and 34 display spaces at 885 Washington Street and for 7 customer and 33 display spaces at 923 Washington Street.  
**REFERRED TO THE LICENSE COMMITTEE**
3. 2017 Renewal Class II License application from Seekonk Gas & Repair, Inc. d/b/a 123 Mobil, 300 County Street, Attleboro, MA for 4 customer parking spaces and 9 display spaces.  
**REFERRED TO THE LICENSE COMMITTEE**
4. 2017 Renewal Class II License application from Liberty Coach Inc., 78 Eddy Street, Attleboro, MA for 15 customer parking spaces and 1 display space.  
**REFERRED TO THE LICENSE COMMITTEE**
5. 2017 Renewal Class II License application from North Main Street Auto div. of K & L Tire and Automotive, Co., Inc., 44 North Main Street, Attleboro, MA 02703 for 17 customer parking spaces and 1 display space.  
**REFERRED TO THE LICENSE COMMITTEE**
6. 2017 Renewal Class II License application from 100 Percent Auto Wholesalers LP, 21 Washington Street, Attleboro, MA for 10 customer parking spaces and 48 display spaces.  
**REFERRED TO THE LICENSE COMMITTEE**
7. 2017 Renewal Class II License application from Joe and Mary Inc. d/b/a Gas Plus, 80 Pleasant Street, Attleboro, MA for 10 customer parking spaces and 24 display spaces.  
**REFERRED TO THE LICENSE COMMITTEE**
8. 2017 Renewal Class I License application from Priority Automotive, LLC d/b/a Cerrone Chevrolet, Buick, GMC Truck, 103 Washington Street, Attleboro, MA for 84 customer parking spaces and 288 display spaces.  
**REFERRED TO THE LICENSE COMMITTEE**
9. 2017 Renewal Class I License application from Just Trailers, Inc., 1863 County Street, Attleboro, MA for 12 customer parking spaces and 7 display spaces.  
**REFERRED TO THE LICENSE COMMITTEE**
10. 2017 Renewal Class II License application from Robert J. Pedro d/b/a B & C Auto Service, 21 South Avenue, Attleboro, MA for 5 customer parking spaces and 5 display spaces.  
**REFERRED TO THE LICENSE COMMITTEE**

11. 2017 Renewal Class II License application from Jeff Millette Auto Center, Inc. d/b/a JMAC, 30 Mann Street, Attleboro, MA for 4 customer parking spaces and 23 display spaces.  
**REFERRED TO THE LICENSE COMMITTEE**
12. Letter from Attorney David C. Manoogian, dated October 13, 2016, regarding the insurance certificate for his client Priority Automotive, LLC d/b/a Cerronne Chevrolet, Buick, GMC Truck's Class I License Renewal Application. Attorney Manoogian states in his letter that the prior insurance certificate indicated that Priority's Workers' Compensation policy expired on November 8, 2016 and that the certificate enclosed with his letter confirms the renewal of that policy through November 8, 2017.  
**REFERRED TO THE LICENSE COMMITTEE**
13. 2017 Renewal Class II License application from South Attleboro Auto Sales, Inc., 411 Washington Street, Attleboro, MA for 10 customer parking spaces and 30 display spaces.  
**REFERRED TO THE LICENSE COMMITTEE**
14. 2017 Renewal Class III License application from Tri Town Auto Sales, 1850 County Street, Attleboro, MA for 4 customer parking spaces and 6 display spaces.  
**REFERRED TO THE LICENSE COMMITTEE**
15. 2017 Renewal Class II License application from Preowned Factory, Inc., 957 Washington Street, Attleboro, MA for 12 customer parking spaces and 58 display spaces.  
**REFERRED TO THE LICENSE COMMITTEE**
16. 2017 Renewal Class II License application from Tri Town Auto Sales, 1850 County Street, Attleboro, MA for 4 customer parking spaces and 6 display spaces.  
**REFERRED TO THE LICENSE COMMITTEE**

**VOTED: at 7:15 P.M. TO GO INTO THE COMMITTEE OF THE WHOLE**

Roxanne Houghton of 13 Eisenhower Drive, Attleboro, MA spoke at the Committee of the Whole.

Ms. Houghton handed out information related to the City's hunting regulations (Ordinance 11-14) and then went on to explain to the Council that she wanted to discuss the hunting issue in the City and that she hoped that the Municipal Council would be able to do something about it. She went on to state that this issue has been going on for years and she stated that you cannot shoot a gun unless you're on private property although people have been shooting in the vicinity of her neighborhood for a number of years. She asked the Municipal Council to define the laws more clearly, explaining that hunting on private property should require the hunter being registered with the Attleboro Police Department and notifying the residents of the neighborhood if hunters will be allowed on an owner's property. She suggested that the City Clerk be the granter of said licenses.

Ms. Houghton explained that she lives in a very wooded neighborhood that is surrounded by Conservation land, and explained that residents hear shooting in the area all of the time. She stated that eventually someone is going to get shot and hurt. She recalled an incident of an Attleboro resident who has deer on her private property and she has witnessed hunters taking down the No Hunting signage on

this resident's property and to hunt on it without permission. She stressed that there is no incentive to comply with the law and that more teeth was needed in the existing law. Ms. Houghton stated to the Council that this issue is one that is legislative and she asked the Council what it will do.

President Cook informed Ms. Houghton that he was going to ask the Public Safety Committee to look into this issue.

Councilor Blais stated to Ms. Houghton that he would share the information that she had provided earlier with the Police Chief to see what his opinion is.

Ms. Houghton responded that it is not up to the Police Chief to decide what to do about this issue and that it is up to the Municipal Council to do it.

Councilor Blais responded that the opinion of the Police Chief would be helpful before the Council took any action, since his opinion would be instrumental in deciding what could and could not be done in regards to enforceable ordinance changes. Mr. Blais stated that if any Ordinance changes are made that they be enforceable ones.

Ms. Houghton responded that she is trying this issue in a different way, and that the Police have been called before and they haven't been of much assistance.

Ms. Jackson stated that since this issue is in her Ward that she would like to work with the Public Safety Committee members on this issue. President agreed with this request.

Mrs. Porreca asked Ms. Houghton for clarification about what her recommendations are in regards to resolving this issue, and if the responsibility should be on the homeowner or the hunter who is hunting on that homeowner's property.

Ms. Houghton responded that it is everyone's responsibility and that if a homeowner is going to invite someone onto his/her property that written permission be obtained and the neighbors notified.

Mrs. Porreca asked Ms. Houghton if she had any information about the policies and procedures regarding hunting in the State of Massachusetts in other cities and towns.

Ms. Houghton stated that she does not have the schedule, but she does know that other cities and towns are also grappling with this issue.

Ms. Jackson stated that there are laws in place and that residents are not allowed to discharge a firearm within a certain distance of a home, which she thought was 25 or 50 feet.

Ms. Houghton stated that these hunters do not have a tape measure and that they do not care, and that she has seen some going into the woods with beer and a rifle.

Ms. Hall stated that Ms. Houghton had previously mentioned that these hunters have gone onto someone's property and taken down the signs, and she asked if there is evidence, for example pictures, of that having happened or if that resident has called the police.

Ms. Houghton responded that she wasn't sure if there were any pictures. She stated that the resident had called the police department several times. She went on to explain that Tara Martin, the City's Conservation Director, put up some signs on the Conservation restriction land and that those signs had been taken down by some of these hunters.

Mr. Cooper stated that he had met with Ms. Houghton years ago when he was Chairman of the Conservation Commission and that he remembers this same issue happening back then. He recalled that the resident that was referenced earlier had come to a Conservation Commission meeting bringing a roll of signs that she had purchased that had been taken down.

Ms. Reynolds stated that she also recalled the same issue that Mr. Cooper referenced, that she knows that the resident has called the police several times but when they arrive the hunters are gone, and that no one knows what to do. She also stated that regardless of the distance restrictions in terms of feet that someone can discharge a firearm, that these bullets can travel for up to two miles if they miss their mark.

Mrs. Porreca stated that the distance that a firearm cannot be discharged from a home is 500 feet.

President Cook stated that he has also received some complaints about this issue.

**VOTED: at 7:34 P.M. TO ARISE.**

#### **Committee Reports:**

Mr. DiLisio reported that the **Ordinances, Elections & Legislative Matters Committee** had no business, and he 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 vote was taken:

7. Voted on Roll Call (11 Yeas, 0 Nays) to approve the Mayor's request to transfer custody and control of the land shown as Lot 1 on Assessors Map 219 from the Conservation Commission to the Mayor for the purpose of making the land available for sale.
8. Voted on Roll Call (11 Yeas, 0 Nays) to approve the Settlement Agreement dated September 21, 2016 described herein; and to authorize the Mayor, in accordance with the Settlement Agreement, to execute on behalf of the City a release deed without covenants conveying a certain parcel of landlocked land shown as Lot 1 on Assessors Map 219 (the "Subject Parcel") to W.B. Construction & Development Corp. (W. B. Construction). The Settlement Agreement would resolve the civil action pending in Bristol Superior Court Docket # 1673 CV 00262 (the "Court Case") between the City, acting through its Conservation Commission, and W.B. Construction. In the Court Case, the City alleged that W.B. Construction trespassed on the Subject Parcel, cut trees and altered the surface of the land without authority. The Commission also alleged that W.B. Construction violated the Stormwater Management Ordinance. W.B. Construction denied the allegations in the Court Case and asserted that the City did not have clear title to Subject Parcel. W.B. Construction also claimed that the suit was barred by the statute of limitations. Without conceding to the position of the other, both parties agreed to

resolve their differences without further litigation. The main points of the Settlement Agreement are as follows:

- a. The City shall convey the Subject Parcel to W.B. Construction by way of a release deed without covenants in consideration of \$30,900.00 which is the assessed value of the Subject Parcel.
- b. At the closing for the land conveyance, W.B. Construction shall also pay to the Attleboro Conservation Commission the sum of \$14,597.88 as reimbursement for legal fees and consultant's fees incurred in connection with the Court Case, which funds shall be paid to the Commission's Notice of Intent Special Revenue Account # 2502.
- c. At said closing, W.B. Construction shall also make a gift to the City in the amount of \$134,502.12 pursuant to M.G.L. c. 44, § 53A to be used only for general conservation purposes in the City. The gift funds shall be expended only at the express written directions of the Conservation Commission with the approval of the Municipal Council and the Mayor.
- d. After the City conveys the Subject Parcel and W.B. Construction makes the payments provided in the Settlement Agreement, the parties shall file a Joint Stipulation of Dismissal of the Court Case with prejudice.

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.

Mrs. Porreca reported that the **Transportation & Traffic Committee** had no business, and she called for a Committee meeting at the next appropriate time.

Vice-President Denlea reported that the **License Committee** had no business, and he 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 votes were taken:

9. Voted on Roll Call (11 Yeas, 0 Nays) to approve the Mayor's request to authorize the School Department to pay these previous year school bills totaling \$50,335.27.
10. Voted on Roll Call (11 Yeas, 0 Nays) to approve the Mayor's request to approve a supplemental appropriation of \$1,545.40 to Account A2325010-511200 (School Department – Teacher/Sub/Professional Salary).
11. Voted on Roll Call (8 Yeas, 3 Nays. Conti, Porreca and Cooper voting Nay) to approve the Mayor's request to approve a supplemental appropriation in the amount of \$60,866.17 to Account 13001000-511110 (Education – Salaries) for Crossing Guards.

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

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

12. Voted on Roll Call (11 Yeas, 0 Nays) to approve the Mayor’s request to declare the following Attleboro Public School items as surplus for trade-in or resale value and available for disposition:

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>VIN #</u>	<u>CONDITION</u>
2003	Kia Sedona	KNDUP131136469252	Unserviceable
2000	Ford Ecoline	1FTNE24L4YHA04492	Unsafe/non-drivable

13. Voted on Roll Call (11 Yeas, 0 Nays) to approve the Mayor’s request to declare the following Attleboro Public Library items as surplus and available for disposition:

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>CONDITION</u>
3 sets	Two sided shelving units	Good

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

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

14. Voted unanimously to approve the Mayor’s request to confirm the appointment of Mary Ellen Murphy, 7 Aster Lane, to fill an unexpired term on the Council on Aging Board of Directors. Term to expire February 2019.
15. Voted on Roll Call (11 Yeas, 0 Nays) to approve the Mayor’s request to transfer \$31,341.56 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16501000-515075 (Park & Forestry – Earned Time Payment) to make a payment for unused sick time and annual leave time upon the retirement of Superintendent of Park & Forestry Aurelio Almeida effective December 31, 2016.

It should be noted that Mr. Cooper made a “friendly amendment,” changing the amount from \$31,314.56 to \$31,341.56.

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

Ms. Jackson reported that the **Public Works Committee** had no business, and she called for a Committee meeting at the next appropriate time.

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

16. Voted on Roll Call (11 Yeas, 0 Nays) to approve the Mayor’s request to transfer \$10,000.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to the following:

\$5,000.00 to Account 12201000-521020 (Fire – Lights & Power)  
\$5,000.00 to Account 12201000-548020 (Fire – Tires & Batteries)

17. Voted on Roll Call (11 Yeas, 0 Nays) to approve the Mayor's request to transfer \$14,619.86 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 12201000-584053 (Fire – Communication System) for the installation of a new UHF transmitter and one (1) vehicle repeater.

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

There was no **OLD BUSINESS**.

On the motion of Vice-President Denlea, the following vote on a **NEW BUSINESS** item was taken:

18. Voted unanimously that the following item be referred to the appropriate Committee for further study and recommendation:

To create a new City policy regarding the prorated billing of water rates (and other city rates if applicable). Currently, water rates are determined by the time of billing, which leaves some City households paying a higher rate for a greater amount of time than others. Rather, the most equitable method of billing would be to prorate the water bills for FY18.

When setting next year's water rate, suggested language would include: "The new water rates established hereunder, to be effective July 1, 2017, shall be prorated with respect to any billing period which includes months prior to July 1, 2017."

Please see the Memo from City Auditor Deb Gould dated October 11, 2016 and entitled Water Enterprise Billing Rates.

**REFERRED TO THE ADMINISTRATION**

Mr. Cooper raised a Point of Order and made the following motion:

I move to discharge the following item from Committee:

FROM THE DOCKET OF JULY 19, 2016:

I move to approve the Mayor's request to approve a supplemental appropriation for FY17 of \$50,465.88 to Account 11211000-511000 (Office of the Mayor – Salary) to fund the position of Constituent Services Administrator.

**-This item failed on a Roll Call Vote of 7 Yeas, 4 Nays (Conti, Heagney, Reynolds and Blais voting Nay).**

There was discussion on the floor about this motion, and whether or not there could be any discussion about the issue related to restoring the funding for the Constituent Services Administrator. President Cook stated that he could not recall a Motion to Discharge from Committee ever occurring during a

regular meeting and therefore wasn't sure if discussion was allowed. He declared that the discussion would be limited only to whether or not the item should be discharged.

Ms. Reynolds stated that she had several NEW BUSINESS items that she had planned on submitting that revolves around a lack of funding for the supplemental appropriations that were being approved as supplemental appropriations by the Municipal Council. She explained that her New Business has to come in a different way and that she would work on that and submit her New Business in a couple of weeks, that it was clear that those who voted to make the cuts in the budget wanted that money to be given to the schools.

Ms. Reynolds suggested her items could be submitted and just referred to the Administration rather than to a Committee.

President Cook responded that items that are voted as supplemental appropriations have to be completed by the time that the Council votes on the Tax Recap and that he would work with Ms. Reynolds on rewording her New Business items.

President Cook also mentioned to the Municipal Council that the Municipal Council's Chambers will be the location of where the early voting will be held during regular business hours starting October 24<sup>th</sup> until noon on November 4<sup>th</sup>. He explained that the Municipal Council will still hold its Regular Meeting in the Council Chambers on November 1<sup>st</sup> but that the Municipal Council's Committee Meetings will be held on Tuesday, October 25<sup>th</sup>, in the Annex Room at City Hall.

**VOTED: at 8:28 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**