

**Municipal Council
SPECIAL MEETING**

**January 11, 2022
Tuesday, 7:00 P.M.**

President DiLisio stated who was on zoom and who was in the chamber with all Councilors present.

The Council then voted 11 yeas – 0 nays to suspend the rules. The rules were suspended to allow Committees to meet during a recess and then return to vote items with the full Council.

First order of business was a Charter Objection from December 21, 2021.
Councilors Bennett, Angelo and DiLisio abstained from the discussion and vote.

Councilor DeSimone questioned whether a vote should be taken on revoking a license that expired at the end of December. Vice President Kobus explained taking up the Charter objection and voting on the license was the cleanest way to deal with it.

Voted on Roll Call 2 yeas – 6 nays (abstaining were Angelo, Bennett and DiLisio)
(Nays – Waterman, Dolan, Holmes, Reynolds, DeSimone and Blais) to approve the revocation of the Class II license for R & D Motors of 116 Dickens Street.
(CHARTER OBJECTION AT DECEMBER 21, 2022 MEETING)

The Council then votes 8 yeas – 0 nays to recess for Committee meetings.

Recess at 7:12 p.m.

Council back in session at 8:07 p.m.

The Council voted 11 yeas – 0 nays to accept the following records:

The minutes of November 9, 2021 and November 16, 2021.

City Clerk Kate Jackson read the Mayor's Communication:

January 11, 2022

Dear Municipal Councilors:

1. I respectfully submit for confirmation by Your Honorable Body the appointment of Bill Gill, 197 Dexter Street, to fill an expired term on the Traffic Study Commission. Term to expire February 2024. (Copies in your packets)
2. I respectfully submit a communication from Director of Budget & Administration Jeremy Stull regarding the need for funds for the installation of a new traffic signal, crosswalks and sidewalks on Thacher Street and Rathbun Willard Drive. With the AHS building project continuing on-time (and on-budget), the time has come to appropriate the

funds to construct the traffic light, crosswalks, and sidewalks that tie into the existing network. This funding request includes a larger than typical contingency as global supply chain issues have made future pricing more difficult than in projects past. Therefore, I respectfully request Your Honorable Body appropriate \$1,750,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Fund 3541 (Rt 123/Thacher/Rathbun) for the purpose of engineering and installing a new traffic signal and associated site work. (Copies in your packets)

3. I respectfully submit a communication from Director of Budget & Administration Jeremy Stull regarding the need to fund the added Grade 3 Community Engagement Manager for the remainder of FY22. Therefore, I hereby request Your Honorable Body transfer \$17,976.18 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11211000-511000 (Mayor – Salary and Wages). Upon approval, the available balance in Reserve Fund for Transfer, to include any pending requests, will be \$117,595.00. (Copies in your packets)

4. I respectfully submit a communication from Director of Budget & Administration Jeremy Stull regarding the need to fund the Fire Department’s Salary, Night Differential and Holidays Accounts. The fiscal 2022 budget was passed without a signed labor agreement for the fire union. No cost-of-living adjustment (COLA) was factored into the salary line items, but rather a lump sum was appropriated into the City Wide Reserve for Labor Negotiations. Your Honorable Body was sent a June 21, 2021 memorandum (attached) explaining the Memorandum of Agreement with Local 848 but regrettably omitted the impact to Night Differential and Holiday pay.

Therefore, I respectfully request Your H transfer \$196,297.07 from Account 1124100-578350 (City Wide Reserve for Labor Negotiations) to Account 12201000-511000 (Fire Department - Salary and Wages Full Time).

Additionally, transfer \$17,109.09 from Account 11241000-578300 (City Wide - Reserve for Transfer) to Account 12201000-514020 (Fire Department - Night Differential).

Lastly, transfer \$52,671.23 from Account 11241000-578300 (City Wide - Reserve for Transfer) to Account 12201000-515010 (Fire Department - Holidays).

Upon approval, the available balance in Reserve Fund for Transfer, to include any pending requests, will be \$47,814.68. (Copies in your packets)

5. I respectfully submit a communication from Superintendent of Park & Forestry Derek Corsi regarding the need for funds to repair the support arm and hose protection chain on the forestry grapple/crane truck. Damage occurred to the machine when it was in operation during one of the recent windstorms. Therefore, I hereby request Your Honorable Body transfer \$7,091.42 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16501000-524230 (Park – Vehicle Maintenance). Upon approval, the available balance in Reserve Fund for Transfer, to include any pending requests, will be \$40,723.26. (Copies in your packets).

6. I respectfully submit a communication from Superintendent of Park & Forestry Derek Corsi regarding the need to pay an FY21 invoice to *123 Service* in the amount of \$35.00. A vote authorizing payment is needed to satisfy this debt. There is no transfer of funds needed to pay these bills, as there is sufficient funding in Fund 2607. (Copies in your packets)

7. I respectfully submit a communication from Chief of Police Kyle P. Heagney regarding a grant that has been awarded via the 2022 Senator Charles E. Shannon Jr. Community Safety Initiative (Shannon CSI) of \$10,705.30. The Attleboro Police Department collaborated with the Taunton Police Department in seeking these funds. The Shannon CSI implements a multi-disciplinary approach to combat gang and youth violence through coordinated programs for prevention and intervention. No matching funds are required by the City. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body approve expending of such funds and any future grant amendments. (Copies in your packets)

8. As you are aware, the City is in need of replacing an Ambulance, as identified in the City of Attleboro Capital Improvements Program for FY2022-2026. The Fire Chief needs to replace a front-line rescue. The estimate for this vehicle is \$450,000.00. Therefore, I respectfully request Your Honorable Body to approve the following loan order:

ORDERED: That Four Hundred Fifty Thousand Dollars (\$450,000.00) be appropriated for the cost of purchasing and equipping an Ambulance; that to meet this appropriation, the Treasurer with the approval of the Mayor, is authorized to borrow Four Hundred Fifty Thousand Dollars (\$450,000.00) under Section 7(1) of Chapter 44 of the General Laws, or any other enabling authority, and that the Mayor is authorized to take any other action necessary to carry out this project. (PH 2-1-2022)

Council voted 11 yeas – 0 nays to hold a public hearing on February 1, 2022 for the Loan Order of \$450,000 to purchase and equip a front-line rescue ambulance.

9. I respectfully submit a communication from Director of Council on Aging Melissa Tucker regarding the donation of \$885.00 in food gift cards from Home Instead and \$60.00 in food gift cards from Hope Health VA. 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 donations. (Copies in your packets)

10. I respectfully submit a communication from Veterans Agent Ben Quelle regarding the donation of \$200.00 in Stop & Shop gift cards from an 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 donations. (Copies in your packets)

11. I respectfully submit a communication from City Treasurer Laura Gignac regarding a bequest of \$43,873.91 from the Estate of Margaret A. Santurri to the City of Attleboro Fire Department to be used specifically for and restricted to the purchase of Emergency Medical Services (EMS) medical equipment or for the purchase of an ambulance or as a contribution toward the purchase of an ambulance. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, I hereby request Your Honorable Body approve expending this bequest. (Copies in your packets)

12. I respectfully submit a communication from Fire Chief Scott T. Lachance regarding the need to replenish funds used in order to make an earned time payment to an employee who has retired. Therefore, I hereby request Your Honorable Body to appropriate \$110,413.15 from Account 1000-359000 (Undesignated Fund Balance/Free Cash – General Government) to Account 12201000-511000 (Fire – Salaries and Wages). (Copies in your packets)

13. I respectfully submit a communication from Fire Chief Scott T. Lachance regarding the need for funds to replace the Fire Department Self-Contained Breath Apparatus (SCBA). NFPA standards require the SCBA harness assemblies be removed from service after 3 revisions to the NFPA standards. All Fire Department SA harnesses must be removed from services when the next NFPA revision is promulgated. The funding will be used to procure 50 SCBA harness assemblies, 120 SCBA facemasks, 140 30-minute composite air cylinders, 6 60-minute composite air cylinders, 4 regulators (for RIT packs) and 196 labels for the equipment. This funding request includes a 5% contingency. Additionally, funds have been internally earmarked for the past four years as this was an expected expense. Therefore, I hereby request Your Honorable Body appropriate \$456,744.75 from Account 1000-359000 (Undesignated Fund Balance/Free Cash – General Government) to Fund 3565 Self Contained Breathing Apparatus. (Copies in your packets)

14. For Your Information: Kelly Bennett had been elected to the Municipal Council; therefore, we have received her resignation from the Municipal Building Commission and the School Building Commission. Please join me in thanking Ms. Bennett for her service to the City.

15. Pursuant to Section 1-14 of the Revised Ordinances of the City of Attleboro, the appointment of Albert Richmond was not administered the oath of office within the thirty-day timeframe. Therefore, I respectfully submit for confirmation by Your Honorable Body the appointment of Albert Richmond, 107 Dean Street, to fill an unexpired term on the Disability Commission. Term to expire February 2023.

16. I respectfully submit to Your Honorable Body the City's Capital Improvement Program for FY2023–2027. We look forward to working with the Municipal Council in the coming weeks to review the data as submitted. Furthermore, I hereby request Your Honorable Body to hold a Public Hearing at the appropriate time. (Copies in your packets)

17. I respectfully propose an amendment to the City Charter through a Special Act with the State Legislature which is necessary due to a gap in coverage for the office of the mayor, if the mayor vacates the office more than nine months from an election.

By way of background, it was believed that if the mayor dies, resigns or is removed from office some other way, the city council president would become the acting mayor. However, that is not the case. Section 3-7 talks about the city council president becoming acting mayor during an ‘absence’, but that doesn’t apply because that concerns an ‘absence’, which is temporary whereas a ‘vacancy’ is permanent. Hence the difference between Section 3-7 and 3-8 (a) in our city charter.

Section 3-8 (a) describes how when a vacancy occurs more than nine months from an election, the council calls a special election. There is no provision in the city charter that would give the city council president, or anyone else for that matter, authority to run the city if a vacancy occurs more than nine months from the end of a term between the time the vacancy occurs and the winner from a special election assumes office.

As such, we need to have a new provision in Section (a) in the city charter to give someone the authority to be mayor, if a mayor somehow vacates the office with more than nine months until the next election. As I stated, currently no authority exists for anyone to run the city government under these circumstances.

Therefore, I hereby request Your Honorable Body approve the following on Special Legislation Language: Vacancy in Office of Mayor -Special Election:

Motion to petition the General Court to enact the following legislation to amend the Attleboro City Charter by amending Section 3-8 (a) of the Attleboro City Charter, Vacancy of Office of Mayor Special Election, provided, that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition.

AN ACT TO AMEND SECTION 3-8 (a) Vacancy in Office of Mayor – Special election

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Section 3-8 (a) Vacancy in Office of Mayor – Special Election

(a) Special Election -- If a vacancy occurs in the office of mayor, by death, resignation, removal from office, failure to elect or otherwise, at any time preceding the last nine calendar months of the term for which the mayor was elected, the municipal council shall forthwith call a special election to fill such vacancy for the remainder of the unexpired term. Additionally, if a vacancy occurs in the office of mayor before the last nine calendar months of the term for which the mayor was elected, the clerk of the council shall forthwith call a special meeting of the municipal council, and the municipal council

shall by majority vote of the full council, taken by a roll call, elect one of its members as mayor until a new mayor is elected by the people and sworn into office.

SECTION 2. This act shall take effect upon its passage.

18. As you are aware, a communication was sent to Your Honorable Body on May 26, 2020 regarding the proposed FY2021 Budget for Water and Wastewater Enterprise Funds. On June 3, 2020 an email was sent from my office recommending an amendment to the May 26, 2020 communication with enclosures regarding the Revised Water Rate Calculation and the Revised Wastewater Rate Calculation. Although the recommended amendments were voted by Your Honorable Body, the information sent by email was inadvertently not part of the public record. Therefore, I hereby request the enclosed documents be included as part of the Proposed FY21 Budgets for Water and Wastewater Enterprises. (Copies in your packets)

19. I respectfully submit for confirmation by Your Honorable Body the following reappointments for the positions and for the terms as indicated:

<u>Name</u>	<u>Appointment</u>	<u>Term</u>	<u>Expires</u>
Stephen LeMay	Constable	1 Year	February 2023
John Lepper	Council on Aging	4 Year	February 2026
George Spatcher, Jr.	Board of Election Comm.	4 Year	February 2026
Sheri Miller-Bedau	Substance Abuse Prevention	3 Year	February 2025
Jackie Romaniecki	Redevelopment Authority	5 Year	February 2027
Charles Oliver	Board of Trust Fund Comm.	3 Year	February 2025
Dee Larkin	Board of Recreation Comm.	3 Year	February 2025
Paul Astphan	Traffic Study Commission	3 Year	February 2025
Bruce Zeigler	Board of Recreation Comm.	3 Year	February 2025
Gale Clark	Municipal Building Comm.	3 Year	February 2025
Catherine Merkle	Personnel Board	3 Year	February 2025

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

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>VIN #</u>	<u>CONDITION</u>
1988	International (H-18)	1HTLAZRM4JH568780	Poor
1989	International (H-21)	1HTLAZPPXKH670003	Poor
2007	GMC Sierra (H-28)	1GTHK23K87F541388	Poor
2007	GMC Sierra (H-1)	1GTHK24K27E581681	Poor
1997	Bombardier (Bomb-2)	011970312	Poor

Sincerely,

Paul Heroux, Mayor

Clerk Jackson then read the Clerk's Communication:

ATTLEBORO CITY CLERK COMMUNICATIONS FOR JANUARY 11, 2022:

A communication from Director of Planning Gary Ayrassian regarding submission to the Council of the proposed Capital Improvements Program FY 2023-2027.

Committee reports were next.

Chair Waterman of the **License Committee** read the following vote:

Voted on Roll Call 8 yeas – 3 nays (Conti, DiLisio and Kobus) to approve the Class II license renewal for R&D Auto Sales at 116 Dickens Street with 5 customer and 8 display spaces.

Chair Waterman asked for a committee meeting at the next appropriate time.

Chair Dolan of **Public Works Committee** brought forward the following votes:

Voted on Roll Call 11 yeas – 0 nays to appropriate \$65,000.00 from Account 6000-359000 (Wastewater Enterprise Fund – Retained Earnings) to Account 6000-587044 (Wastewater Enterprise Fund – Replacement Truck) to purchase a 2022 F-350 pickup truck with utility body, 5000-watt inverter, lighting, lettering and a 2-way radio for the Wastewater Department.

Voted on Roll Call 11 yeas – 0 nays to appropriate \$27,500.00 from Account 6000-359000 (Wastewater Enterprise Fund – Retained Earnings) to Account 6000-558090 (Wastewater Enterprise Fund – Supplies Other) to purchase 5 E-One grinder pump's for a number of homes that cannot tie into sewer due to elevation issues.

Voted on Roll Call 11 yeas – 0 nays to transfer \$6,400.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 16501000-521010 (Park – Heating) to replenish funds used to repair the PTO clutch on the Park Department Kubota tractor.

Voted on Roll Call 11 yeas – 0 nays to transfer \$4,950.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to the following:

\$3,950.00 to Account 12921000-521020 (Animal Control – Lights & Power)

\$1,000.00 to Account 12921000-524011 (Animal Control – Building Maintenance)

The funds are needed to replenish funds used for a water heater replacement at the Animal Shelter.

Voted on Roll Call 11 yeas – 0 to transfer \$213.70 from Account 11241000-578350 (City Wide – Reserve for Labor Negotiations to Account 14201000-513001 (DPW – Lump Sum Retro) to pay a DPW employee a contractual lump sum retro payment.

Chair Dolan asked for a committee meeting at the next appropriate time.

Chair Conti of **Capital Improvements** brought forward the following votes:

Voted on Roll Call 11 yeas – 0 nays to appropriate \$600,000 from Account 1000-359000 (General Fund – Undesignated Fund Balance/General Government) to Fund 3432 (APS Flooring) for costs associated with carpet and tile removal and replacement in the following buildings:

Hill Roberts Elementary School, Hyman Fine Elementary School, Willett Elementary School, Coelho Middle School, Brennan Middle School and Wamsutta Middle School.

Voted on Roll Call 11 yeas – 0 nays to transfer \$60,000 from Account 11241000-578380 (City Wide – Reserve Fund for Capital) to Account 11241000-599300 (City Wide – Transfer to Capital Fund) and to further transfer that \$60,000 from 11241000-599300 (City Wide – Transfer to Capital Fund) to Account 3433-499000 (Willet Façade – Other Financing Sources) for costs associated with Willett Elementary School façade repair.

Chair Conti asked for committee meeting at the next appropriate time.

Chair Bennett of the **Transportation and Traffic Committee** brought forward the following vote:

Voted on Roll Call 11 yeas – 0 nays to approve the amendment regarding Section 10-5.2(A) of the Revised Ordinances of the City of Attleboro to extend the “no parking to corner” area from 25 to 100 feet on southbound side of Frank Mossberg Drive at Extension Street.

Chair Bennett asked for a committee meeting at the next appropriate time.

Chair Kobus of **Budget and Appropriations** brought forward the following votes:

Voted on Roll Call 11 yeas – 0 nays to transfer \$1,200.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11611000-532015 (Clerk – Staff Development) to fund employees’ fee to attend Clerk Association’s Winter and Summer conferences.

Voted on Roll Call 11 yeas – 0 nays to rescind vote #36 on December 7, 2021 and vote to appropriate \$27,494.96 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to the following:

\$5,395.42 to Account 11411000-558330 (Assessor – Copiers)
\$7,109.30 to Account 11461000-558330 (Collector – Copiers)
\$14,990.24 to Account 12101000-558330 (Police – Copiers)
The December 7, 2021 vote had the appropriation amount of \$27,949.96.

Chair Kobus requested a meeting at the next appropriate time.

Chair Holmes of Zoning and Land Use called for a meeting at the next appropriate time.

Chair DeSimone brought forward the following votes:

Voted on Roll Call 11 yeas – 0 nays to strike the following:

FROM THE DOCKET OF MAY 18, 2021:

Pursuant to 940 CMR 29.10(a)(2), Adoption of Remote Participation, remote participation in meetings of public bodies is not permitted unless the Mayor, as Chief Executive Officer, as defined in M.G.L. c. 4, § 7, authorizes, remote participation in accordance with the requirements of 940 CMR 29.10. This authorization applies to all subsequent meetings of all local public bodies in that municipality. No independent action is required by any other municipal entity.

Voted on Roll Call 11 yeas – 0 nays to strike the following:

Four letters of support and two letters against the Wetland Protection Ordinance Amendments on the Clerk’s communication of May 4, 2021.

Chair DeSimone called for a meeting at the next appropriate time.

Chair Angelo of **Personnel, Veterans & Human Services** brought forward the following votes:

Voted on Roll Call 11 yeas – 0 nays to accept the donation to the Veterans’ Office of \$200 in Stop & Shop gift cards from an anonymous source.

Voted on Roll Call 11 yeas – 0 nays to accept the generous donations from the National Society of Daughters of the American Revolution, to the Veterans’ Services office. The donations include \$80 in Shaw’s gift cards, \$100 in Walmart gift cards, 10 handmade scarves, 5 hats and 25 signed holiday cards.

Voted on Roll Call 11 yeas – 0 nays to approve the following reappointment:

Name	Appointment	Term	Expires
Jason Gittle	Planning Board	5 Year	February 2026

Chair Angelo requested a meeting at the next appropriate time.

Chair Reynolds **City Property and Claims** brought forward the following votes:

Voted on Roll Call 11 yeas – 0 nays to transfer \$299.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 11751000-542020 (Planning and Land Use – Supplies Office Equipment) to purchase a desk chair for a staff member in Planning.

Voted on Roll Call 11 yeas – 0 nays to accept the generous donation of \$600 in food gift cards from the Holiday Spirit Committee to the Council on Aging.

Chair Reynolds requested a meeting at the next appropriate time.

Chair Blais of **Public Safety Committee** brought the following vote forward:

Voted on Roll Call 11 yeas – 0 nays to transfer \$691.00 from Account 11241000-578300 (City Wide – Reserve Fund for Transfer) to Account 12201000-587385 (Fire – Retrofit Lights) to replenish funds used for ongoing kitchen renovation.

The council voted 11 yeas – 0 nays to adjourn at 8:41 pm.

A TRUE COPY

ATTEST: _____
City Clerk/Clerk of the Council

MINUTES APPROVED BY COUNCIL: _____
(DATE)

City Clerk/Clerk of the Council