

**ATTLEBORO MUNICIPAL COUNCIL
DOCKET
JANAURY 18, 2022**

APPROVAL OF THE RECORDS: December 7, December 14, December 21, 2021 and January 4 and 11, 2022. Executive Sessions June 6, 2017, June 27, 2017, April 10, 2018 and March 12, 2019.

PUBLIC HEARING: Joint hearing with the Planning Board regarding to discuss proposed amendment to Ordinance 17-3.3 Prohibited Uses to include a definition for commercial vehicle.

PUBLIC HEARING: to discuss a proposed amendment to City Ordinance 10-5.13, Limited for Commercial Vehicles and Trailers.

PUBLIC HEARING: regarding waiving of building permit fees for the roof replacement for Fire Department Headquarters and Briggs Corner Fire Station.

PUBLIC HEARING: regarding a requested amendment of Section 10-5.2 (A) of the Revised Ordinances of Attleboro to prohibit parking on westerly side of Stobbs Drive

LICENSES

Ty Waterman, Chairperson

PUBLIC WORKS

Laura Dolan, Chairperson

The Mayor respectfully submits 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, the Mayor hereby requests Your Honorable Body transfer \$7,091.42 from Account 11241000-578300 (City Wide - Reserve Fund for Transfer) to Account 16501000-524230 (Park - Vehicle Maintenance).

The Mayor respectfully submits 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.

CAPITAL IMPROVEMENTS

Richard Conti, Chairperson

The Mayor respectfully submits 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, the Mayor hereby requests Your Honorable Body to hold a Public Hearing at the appropriate time.

TRAFFIC AND TRANSPORTATION

Kelly Bennett, Chairperson

The Mayor respectfully submits 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, the Mayor respectfully requests Your Honorable Body appropriate \$1,750,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Fund 3541 (Rte. 123/Thacher/Rathbun) for the purpose of engineering and installing a new traffic signal and associated site work.

BUDGET AND APPROPRIATIONS

Todd Kobus, Chairperson

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, the hereby request the enclosed documents be included as part of the Proposed FY21 Budgets for Water and Wastewater Enterprises.

ZONING AND LAND USE

Diana Holmes, Chairperson

ORDINANCES, ELECTIONS AND LEGISLATIVE MATTERS

Cathleen DeSimone, Chairperson

The Mayor respectfully proposes 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 does not 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 stated, currently no authority exists for anyone to run the city government under these circumstances.

Therefore, the Mayor hereby requests 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.

PERSONNEL, VETERANS AND HUMAN SERVICES

Michael Angelo, Chairperson

The Mayor respectfully submits 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.

The Mayor respectfully submits 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, the Mayor hereby requests 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).

The Mayor respectfully submits 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, the Mayor respectfully requests Your Honorable Body 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).

The Mayor respectfully submits 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, the Mayor hereby requests Your Honorable Body to accept these generous donations.

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, the Mayor respectfully submits 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.

The Mayor respectfully submits 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 2023	Constable	1 Year	February
John Lepper 2026	Council on Aging	4 Year	February
George Spatcher, Jr. February 2026	Board of Election Commissioners	4 Year	
Sheri Miller-Bedau 2025	Council on Substance Abuse Prevention	3 Year	February
Jackie Romaniecki 2027	Redevelopment Authority	5 Year	February
Charles Oliver February 2025	Board of Trust Fund Commissioners		3 Year
Dee Larkin February 2025	Board of Recreation Commissioners	3 Year	
Paul Astphan 2025	Traffic Study Commission	3 Year	February
Bruce Zeigler February 2025	Board of Recreation Commissioners	3 Year	
Gale Clark 2025	Municipal Building Commission	3 Year	February
Catherine Merkle 2025	Personnel Board	3 Year	February

CITY PROPERTY AND CLAIMS

Sara-Lynn Reynolds, Chairperson

The Mayor respectfully submits 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, the Mayor hereby requests Your Honorable Body to accept these generous donations.

The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding equipment that the Department of Public Works would like to declare as surplus. Therefore, the Mayor hereby requests 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	

PUBLIC SAFETY

Peter Blais, Chairperson

The Mayor respectfully submits 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 explaining the Memorandum of Agreement with Local 848 but regrettably omitted the impact to Night Differential and Holiday pay.

The Mayor respectfully submits 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, the Mayor hereby requests Your Honorable Body approve expending of such funds and any future grant amendments.

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, the Mayor respectfully requests 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 on 2-1-2022)

The Mayor respectfully submits a communication from City Treasurer Laura Gignac regarding q 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, the Mayor hereby requests Your Honorable Body approve expending this bequest.

The Mayor respectfully submits 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, the Mayor hereby requests 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).

The Mayor respectfully submits 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, the Mayor hereby requests 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.

SPECIAL COMMITTEE ON SENIOR TAX

Chairperson

Richard

Conti,