

**ATTLEBORO MUNICIPAL COUNCIL
DOCKET
JANUARY 17, 2023**

Records pending approval: December 13 and 20, 2022 and January 3, 2023

Public hearings for 1-17-2023:

JOINT PUBLIC HEARING with the Planning Board for the proposed amendments to Section 17, Table of Use Regulations and Definitions as it pertains to Marijuana. Proposed amendments available at the Council office.

PUBLIC HEARING: regarding the following loan order to replace a Water Department front end loader:

ORDERED: That Three Hundred Fifty-Five Thousand Dollars (\$355,000.00) be appropriated for the cost of purchasing and equipping a Front-End Loader; that to meet this appropriation, the Treasurer with the approval of the Mayor, is authorized to borrow Three Hundred Fifty-Five Thousand Dollars (\$355,000.00) 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.

PUBLIC HEARING: regarding amendments to Ordinance 16-11, Water Rates and 16-18, Sewer Use Rates. The amendments include corrections on item #20 on November 15, 2022, Mayor's Communication.

PUBLIC HEARING: regarding a New Class II license application from Tyson Auto Inc, 885 Washington St. with 10 customer parking spaces, 55 displays spaces and 48 storage spaces.

LICENSE

Ty Waterman, Chairperson

We received an Automatic Amusement Device License Renewal application from Jr.'s Bar & Grill, 147 Pine Street for 1 pool table.

PUBLIC WORKS

Laura Dolan, Chairperson

We received a Certificate of Vote from the planning Board to recommend that the Loan Order, in the amount of Three Hundred Fifty- Five Thousand Dollars (355,00.00), for the purchasing and equipping Water Department departmental vehicles/equipment is consistent with Section VI.(J) Municipal Facilities, Goal 16 of the City's Comprehensive Plan.

We received a letter from Sophie Arenburg, resident of Ward 2, stating she is disturbed with the condition of Lee's Pond walking path and it's unsanitary due to all the dog feces.

FINANCE COMMITTEE

Richard Conti, Chairperson

The Mayor respectfully submits to Your Honorable Body the City’s Capital Improvements Program for FY2024–2028. 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 on February 21, 2023.

The Mayor respectfully submits a communication from Economic Development Director Catherine Feerick regarding a request for funds for a branding study for Downtown Attleboro. The Downtown Attleboro Wayfinding Study is now complete, yet the scope of this study did not include a full brand for the downtown area. Preliminary concepts drafted by the consultants for colors, typefaces, and graphics elicited a widely varied response among residents, with no single scheme rising above the rest as a cohesive downtown brand. The calendar for submitting for state funds for projects of this nature does not benefit a quick implementation of wayfinding signage – the next round of Community OneStop awards will not be announced until autumn of 2023, with any resulting study complete in summer 2024. In an interest of expediency, the Mayor is requesting funds for a branding study for Downtown Attleboro. The Mayor hereby requests Your Honorable Body appropriate \$50,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to Fund 3577 Attleboro Branding Study.

The Mayor respectfully submits a communication from Ex-Officio Board Member Vice Chair Deborah Gould on behalf of the Attleboro Contributory Retirement Board regarding a 5% COLA increase. At the regular meeting of the Attleboro Contributory Retirement Board, herein called “the Board,” held on Wednesday, December 21, 2022, the Board discussed granting a 5% Cost-of-Living Adjustment (COLA) on the base of \$13,000 for the period beginning July 1, 2022 as provided in Chapter 269 of the Acts of 2022. In accordance with the statute, before the Retirement System can grant the proposed 5% COLA, the Mayor must recommend the increase to the Honorable Municipal Council and the Honorable Municipal Council would need to vote in favor of the increase from the 3% COLA granted on July 1, 2022 to the 5% COLA allowed by the Act for one year only. According to the actuary, the fiscal impact of the COLA will be in FY2037. Therefore, the Mayor hereby requests Your Honorable Body approve a one-time increase in the COLA to 5% for the period beginning July 1, 2022 as provided in Chapter 269 of the Acts of 2022.

TRAFFIC AND TRANSPORTATION

Kelly Bennett, Chairperson

IT & INFRASTRUCTURE COMMITTEE

Todd Kobus, Chairperson

ZONING AND LAND USE

Diana Holmes, Chairperson

CITY PROPERTY AND CLAIMS

Sara – Lynn Reynolds, Chairperson

The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding a paint crushing machine that the Health Department would like to declare as surplus. Therefore, the Mayor hereby requests Your Honorable Body to declare the following as surplus and available for disposition:

<u>Description</u>	<u>Condition</u>
Tee mark Super 6PM paint crushing machine	Fair

PERSONNEL, VETERANS AND HUMAN SERVICES COMMITTEE

Michael Angelo, Chairperson

The Mayor respectfully submits for confirmation by Your Honorable Body the appointment of Kevin Smith, 85 Steeplechase Circle Unit 1, Attleboro to fill an expired term on the Cable Advisory Commission. Term to expire February 2024.

The Mayor respectfully submits a communication from Personnel Director Owen Bebeau regarding changes to the current approved Personnel Rules and Regulations for the City's Exempt group. The majority of the changes in the various articles are updates to reflect the current practice of Exempt employees within the Fire and Police Departments who normally receive items that are reflected in their respective department's collective bargaining agreement. Also included are updates in Sick Time (use and incentive), as well as a position eligible under the Uniform and Clothing Allowance. Therefore, the Mayor hereby requests Your Honorable Body to approve the requested changes to the Rules and Regulations for the City's Exempt group.

The Mayor respectfully submits a communication from Personnel Director Owen Bebeau regarding an update to the Exempt Salary Table due to the upcoming change in the Minimum Wage. Grade .5 on the table should reflect \$15.00 per hour, as of January 1, 2023 starting at Step 1. The preceding Steps would then follow the normal advanced progression of 3% between steps up to Step 11. Therefore, the Mayor hereby requests Your Honorable Body to approve the requested changes to Grade .5 on the Exempt Salary Table.

The Mayor is pleased to report that union members have ratified collective bargaining agreements between the City and the Attleboro Public Library Employees Association, Local 4928, MLSA, AFTMA, AFL-CIO for the period of July 1, 2023 through June 30, 2026 to include a 3% COLA on July 1, 2023. Therefore, the Mayor hereby requests Your Honorable Body approve the MOA for fiscal years 2024-2026.

ORDINANCES, ELECTIONS AND LEGISLATIVE MATTERS

Cathleen DeSimone, Chairperson

Over the last five years, the Mayor's administration has sought to make the city a cleaner greener place for its citizens. As time progresses, it is becoming increasingly important that the city take steps that ensure that all of our decisions are consequent and sustainable actions. Sustainable by definition means that what we do not harm our city, state, country and planet. A city this size needs to consider countless variables in order to ensure that we are acting in a sustainable manner. However, it is becoming increasingly evident that there are too many variables for any one person to consider. Therefore, the Mayor is seeking to create a Sustainability Commission consisting of members who would be appointed by the mayor and confirmed by the council. The Mayor hereby requests your Honorable Body amend Chapter 2 of the Revised Ordinances of the City of Attleboro by adding the following section.

Section 2-21 - Sustainability Commission

2-21.1 Organization

There is hereby established within the Municipal Government an unpaid Sustainability Commission consisting of nine members. The Commission membership includes seven voting Attleboro resident volunteer members and two non-voting volunteer municipal representatives. The resident volunteers are appointed by the mayor and confirmed by the Municipal Council for three-year overlapping terms. The municipal representatives are appointed one each by the Mayor and the President of the Municipal Council. The Commission shall consider whether to form sub-committees to be chaired by the Commission's resident volunteer members, including without limitation to advise the Commission with respect to one or more of the pillars identified in the Environmental Master Plan (EMP), namely: Sustainable Growth; Water Security; Conservation; Waste Reduction; Renewable Energy; Education & Participation. Annually in March the Commission members shall elect a chair and secretary from among their resident volunteer members. The two municipal members shall assist administrative duties and communicate progress to their respective entities.

2-21.2 Powers and Duties

The Sustainability Commission shall be responsible for:

- i. Maintaining and updating the Environmental Master Plan.
- ii. Identifying funding opportunities for sustainability and resiliency projects, coordinating with other City offices to prepare/identify projects potentially eligible for such funding.
- iii. Promoting sustainability and resiliency within and outside the community.
- iv. Managing interdepartmental recommended initiatives as outlined in the EMP Action Plan.
- v. Serving on temporary working committees to address specific program needs.
- vi. Engaging other communities in coordinating sustainability and resiliency initiatives.
- vii. Evaluating cost saving practices for renewable energy and waste reduction for municipal, business, and residential sectors.
- viii. Managing the mayor's Sustainability Recognition Program.
- ix. Communicating progress of initiatives.
- x. In general: Demonstrating respect in all communications; Attending meetings; Submitting agenda items; Reviewing applicable materials prior to a meeting, and being prepared to discuss and/or vote; Pursuing and reporting progress on assigned action items; Reviewing and approving meeting minutes.

2-21.3 Staff

The Sustainability Commission, subject to appropriation, may employ such technical, clerical or other assistance as it deems necessary to carry out its functions.

2-21.4 Definitions

As used in this Section 2-21, the below enumerated terms shall have the following meanings:

“Environmental Master Plan (or ‘EMP’)” shall mean the plan that was developed by the Mayor's Task Force on Sustainability and approved by the Mayor on September 20, 2022, as such plan

may from time to time be amended. A copy of the EMP shall be maintained in the City Clerk's Office and on the City's website.

"Sustainability Recognition Program" shall refer to the Sustainability Recognition Program referenced in the Environmental Master Plan.

Having served in this capacity for 5 years, and being elected to this office three times, it is the Mayor's belief that the city council and the mayor change the city charter through a special act allowing the mayor to serve no more than three four-year terms. Term limits ensure that there is a check on the concentration of power that develops over the course of time in the office of mayor. A four-year term allows a mayor to perform duties in a way that is less obstructed by running for reelection.

Please note that the Mayor opposes changing the city charter from two year terms to four year terms, unless there is a cap on the time served to two or three terms; the Mayor thinks unlimited four year terms for the office of mayor is a bad idea. The Mayor also opposes implementing a recall provision; a recall provision usually leads to the whims of a minority disrupting the work that needs to be done. A recall provision can easily be abused, as we have seen across the country.

Additionally, the mayor's salary would need to be adjusted in the city ordinances to reflect a .5 step increase each year. Considering that a mayor receives a step increase every two years upon reelection, a .5 annual step increase allows a mayor under a four-year term to receive the same compensation that they should would receive if there were no change in the length of a term.

Term limits are important for executive capacity positions because of the concentration of power in that one office. A term limit for a legislative branch like a city council or school committee are a bad idea because term limits destroy the institutional knowledge that comes with members who have served for a long time, and considering that the power is spread among all of the members of the body not concentrated in any one person.

The Mayor's recommendation is that the city place a non-binding ballot question on a future ballot. Get the input from the voters. And then if the public supports this idea, through a special act, have the city council vote on this issue, the mayor sign and then send the measure to the state legislative body for approval. This will allow for the change to have input from the voters of the city without doing a charter commission allows for the change to be completed in a much speedier manner without opening up pandora's box that a charter commission does.

Therefore, the Mayor hereby recommends a non-binding ballot question on a future ballot on the following change to City Charter Article 3 Mayor:

Section 3-1

There shall be a mayor, elected by and from the voters, who shall be the chief executive officer of the city. The mayor shall hold office for the term of two four years from the first Tuesday following the first Monday in January following the mayor's election, and until the mayor's successor is qualified. No person shall hold the office of mayor for more than three terms in the aggregate, whether such terms run consecutively or otherwise. The mayor shall receive for the mayor's services such salary as the municipal council shall by ordinance determine, but no change in such salary shall be effective unless it is adopted within the first eighteen months of the term of office and is to be effective at the start of the next term of office.

The following new business was assigned to the Ordinance Committee for study and recommendation:

That the marijuana zoning ordinances be amended to create an overlay district for marijuana retailers seeking a special permit to operate in General Business zoning districts. (DeSimone and Reynolds)

(We are introducing this as new business so it can be included in the discussion/consideration of the current pending amendments at the joint PH on Jan. 17.)

The Mayor is recommending that our city have a consistent structure with all other cities in Bristol County, and over 60% of cities in Massachusetts where by the mayor is the chair of the school committee. A mayor serving as the chair of the school committee unifies city government under one person as it is the case in the majority of Massachusetts.

The school committee chair is effectively the day-to-day supervisor of the school superintendent, who runs the largest and most expensive department in the city. As mayor, over the last five years, the Mayor has been contacted several times every week by parents who take issue with some aspect of the school department. Parents are often surprised to find out that the city charter does not allow the mayor any operational control over the school department operations.

It makes sense for the school committee chair to be the mayor. At present, the school committee chair is elected by 1/6 of the city and all school committee members are a part time employee of the city. The mayor is elected by the entire city and is a full-time supervisor to all other city departments. It is not enough for the mayor to be just on the school committee. The largest city department needs to be supervised by a full-time person elected by the entire city. Furthermore, the buck needs to stop with one person in the city. A mayor as the chair of the school committee would ultimately need to get the votes of the other eight school committee members, but the day-to-day supervisor would be the mayor, just like all other city departments, and the majority of cities in Massachusetts.

We have also seen in the past how a mayor with no say in school spending can use the power of the purse to try to curtail school spending or decisions. This is unhealthy. We have also in recent history in 2018 and 2022 seen the school committee give out a \$20,000 raise to the school superintendent after the school told this mayor and the previous budget director were told that an additional \$20,000 was needed to avoid layoffs, which was not true. We also saw in 2022, the school committee approve a “market correction” in the salary of the school superintendent; no other department head or city employee got a market correction. These two actions by the school committee have resulted in an average raise of \$10,000 each year for the last five years. No other department head was given a raise amounting to 33% over the last five years. The Mayor is not saying that this raise was not deserved; the Mayor thinks Dave Sawyer is an excellent school superintendent who the mayor has worked well with. However, there is a structural flaw in our current system where the largest city department is supervised by a part time person elected by 1/6 of the city, and the manner in which it was done in 2018 and 2022, was an insult to all other department heads, city employees, and residents in the city.

The Mayor expects that the current school committee will resist this change. One argument made to me by a school committee member against the idea of this merger of the city side and school side of the budget is that the schools need to remain independent from the city. The Mayor’s response to that is simple - find your own funding source if that is the case. Furthermore, that is

an argument the is eviscerated by the majority of cities in Massachusetts and all other cities in Bristol County. At present, the school committee spends as it sees fit with no consultation from the city. The city under my administration has given record amounts of money to the school department, both in terms of a percent over the minimum Net School Spending and in terms of real dollars, with no consideration from the school department on the impacts of its spending to the rest of the city. The mayor as the chair of the school committee places the one person elected by the entire city expected to lead the city responsible for spending in each department under one person who treats all departments equally.

The mayor as the chair of the school committee would place the largest and most expensive city department under one full-time supervisor elected by the entire city. As chair, the mayor would have one vote of nine but have the added benefit of being able to select who is a chair of each committee on the larger school committee. It would make it so that the buck stops with one person and stop the finger pointing that has existed in the past where the city side and school side have said that the other is responsible or not responsible for an undesirable outcome or state of affairs.

The school department needs to be treated the same as other departments under one full time supervisor elected by the entire city, with oversight and authority over all city budgets.

This change would be best made in conjunction with the term limit change described in this communication. It would limit the school committee chair from being chair to the duration of time the mayor is mayor. At present, the school committee chair can be chair for life. This is unhealthy for this body, the school district, and the city.

The Mayor's recommendation is that the city place a non-binding ballot question on a future ballot. Get the input from the voters. And then if the public supports this idea, through a special act, have the city council vote on this issue, the mayor sign and then send the measure to the state legislative body for approval. This will allow for the change to have input from the voters of the city without doing a charter commission allows for the change to be completed in a much speedier manner without opening up pandora's box that a charter commission does.

Therefore, the Mayor hereby recommends a non-binding ballot question on a future ballot on the following change to City Charter Article 4 School Committee:

Section 4-1(a):

There shall be a school committee of nine members which shall exercise control and management of the public schools of the city. Six of these members, who shall be known as ward school committee members, shall be elected by and from the voters of each ward, one ward school committee member to be elected from each of the six wards of the city. Two of these members, who shall be known as school committee members at large, shall be nominated and elected by and from the voters of the entire city. The mayor shall serve as a member and the chairperson of the school committee.

Section 4-2:

After a majority of the school committee members-elect have been sworn, the school committee shall be called together by the member present senior in years of service who shall preside. The school committee shall then elect as officers from among its members, by separate roll call votes, a vice-chair and secretary. The mayor shall serve as chairperson of the school committee. The chair shall preside at meetings of the school committee and perform such other functions as may be assigned by vote of the school committee. The vice-chair shall act as chair during the absence

or disability of the chair. The school committee may from time to time elect from among its membership one or more members to represent the school committee before the municipal council. Such representatives shall have the right to be heard, during any regular or special meeting of the municipal council or any appropriate committee or subcommittee thereof, on all matters concerning school legislation and the appropriation of money therefor, but shall have no vote.

Section 4-4:

Except for the mayor, no school committee member shall, while a member of the school committee, hold any compensated office or position in or under the city government.

Section 4-5:

If there be a vacancy by death, resignation, removal from office, failure to elect or otherwise in the office of school committee member other than the mayor, it shall be filled in the same manner as provided in section 2-6 for filling of vacancies in the membership of the municipal council following the school committee's giving notice of any vacancy to the municipal council forthwith. No vacancy which occurs during the last nine calendar months of the term shall be filled unless failure to act would result in less than six members serving in the office of school committee member. In that event all vacancies then existing shall be filled in the manner provided above until the school committee is returned to its full complement. Any vacancy in the mayor's seat on the school committee shall be filled by the person who fills the vacancy in the office of the mayor pursuant to Article 3 of the Charter, or by the Acting Mayor during temporary absences governed by Section 3-7 of the Charter.

Whenever a vacancy exists on the school committee at the time of the regular city election the person elected at said election to the seat for which the vacancy exists shall forthwith be sworn and shall serve for the balance of the unexpired term in addition to the term for which the person was elected. If the vacancy is in the office of school committee member at large the seat shall be filled by the person receiving at said regular election the highest number of votes for the office of school committee member at large and who is not then serving as a member of the school committee.

PUBLIC SAFETY

Peter Blais, Chairperson

The Mayor respectfully submits a communication from Fire Chief Scott T. Lachance regarding a request for funds in order to provide funding to maintain the fire department apparatus for the remainder of the fiscal year. Therefore, the Mayor hereby requests Your Honorable Body appropriate \$90,000.00 from Account 1000-359000 (Undesignated Fund Balance/Free Cash-General Government) to the following:

\$30,000.00 to Account 12201000-524230 (Fire Department – Vehicle Maintenance)

\$60,000.00 to Account 12201000-524260 (Fire Department – Major Vehicle Repairs)

SPECIAL COMMITTEE ON SENIOR TAX

Richard Conti, Chairperson

SPECIAL COMMITTEE ON CLASSIFICATION AND COMPENSATION

Michael Angelo, Chairperson