

**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.)

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